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**Sexuality and the law  
The disproportionate impact of the Ghanaian anti-  
LGBTQIA+ bill.**

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## List of Acronyms

ICCPR	International Covenant on Civil and Political Rights
UDHR	Universal Declaration of Human Rights
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer, Asexual and Ally
CEDAW	Convention on The Elimination of All Forms of Discrimination Against Women
WSW	Women Who Have Sex with Women
MSM	Men Who Have Sex with Men
ICESCR	International Covenant on Economic, Social and Cultural Rights
CHRAJ	Commission on Human Rights and Administrative Justice
GALAG	Gay and Lesbian Association of Ghana
T N T	Transportation and Time (money)
HIV/AIDS	Human immunodeficiency virus/ acquired immunodeficiency syndrome.

## GLOSSARY

Homoconference	An HIV conference in Ghana in 2006 organized by GALAG but was tagged as a homosexual conference.
Kjobesia	An effeminate
Obaabarima	Masuline woman or tomboy
Supi	lesbian
Sasso	Means co-equal and a familiar term used between Gay lovers in the coastal towns.
Trumu trumu	Gay man
The proposed bill values bill 2021	the Promotion of proper human sexual rights and Ghanaian family values bill 2021

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## **Abstract**

The complex interactions between historical, cultural, and sociopolitical elements that have influenced Ghana's sexual landscape are examined in this thesis. It explores the long-lasting effects of colonialism on sexual norms and behaviors, the power of the media and religion, the HIV/AIDS epidemic, and the development discourse on African sexuality. Additionally, it looks at how Ghana's legal system disproportionately impacts homosexual men as opposed to women, highlighting gender differences in the nation's attitudes toward sexual orientation. It expands on the newly proposed bill on LGBTQIA+ and delves into the impacts the law would have on an already marginalized group.

Ghana's colonial past permanently altered people's views on sexuality and Conservative ideals were established by British colonial control, which helped to further reinforce traditional gender roles and stigmatize non-heteronormative sexualities. The current sexual culture in Ghana is still influenced by these traditions. Ghanaian sexual narratives are significantly shaped by the media, while some media channels support prejudice and discrimination, others provide a forum that has been politicized to sway the citizenry by engaging non-cultural agendas about homosexuality in Ghana.

Religion, especially Islam and Christianity, has a big influence on how Ghanaians think and act in reference to sexuality. Moral conservatism and hostility to conversations about sexual diversity are frequently the results of religion teachings being entwined with traditional values.

The HIV/AIDS pandemic marked a turning point in Ghana's history of sexual orientation. To address the illness, the government and international development organizations started campaigns, but by endorsing stereotypes about homosexuality and providing funds that supported a distorted narrative, they unintentionally influenced sexual discourse.

Notably, Ghana's judicial system shows a marked difference in harshness toward gay males underscoring significant gender differences in the nation's treatment of sexual orientation. The criminalization of homosexuality has a disproportionately negative impact on men and increases the LGBTQ+ community's susceptibility to abuse, violence, and prejudice.

This thesis concludes by providing a thorough analysis of the ways that media, religion, development discourse, and historical legacies have influenced Ghanaian sexuality. To guarantee the protection and acknowledgment of the rights of all Ghanaians, irrespective of their sexual orientation or gender identity, it emphasizes the necessity for a more inclusive and equal legal framework.

## **Relevance to Development Studies**

This study on LGBTQIA+ would play a crucial role in creating awareness on sexuality in Ghana especially on the lived experiences of Gay men in Human right and national discourses. This would aid in the incorporation of LGBTQIA+ perspectives in Ghana, which is a crucial aspect often overlooked in social, political, economic, and educational discourses. This study would aid development efforts in designing evidence-based policies and frameworks that would advocate for legal reforms that protect individuals and the marginalized to foster inclusivity, create equal opportunities for LGBTQIA+ individuals and promote social cohesion that is vital for achieving sustainable development.

This study recognizes the importance of sexual orientation and Gender identity and envisages that this research projecting the lived experiences of the LGBTQIA+ community would contribute to policy changes that would promote development in Ghana.

## **Keywords**

Gender, sexuality, human rights, socio-economic status, marginalization, body, same-sex, LGBTQIA+, Colonialism, lesbianism, penal-anal penetration, unnatural carnal knowledge, body policing, Gay, history, and legality.



# Chapter 1: Introduction

## Setting the Case

*“For just trying to live, exist and thrive, these four gay men were beaten and fined by the people and Chief of Chogu, before turning them over to the Tamale police, and now the police have already sent them to court,”*  
(RightifyGhana October 20, 2021.)

The provided excerpt highlights a distressing incident involving four gay men in Ghana who were subjected to physical violence and fines by their community and local chief. This incident underscores the challenging realities faced by LGBTQIA+ individuals, particularly gay men, in strict communities where social attitudes towards homosexuality remain deeply negative. While Ghana is often regarded as a peaceful country with relatively lax legal enforcement of anti-LGBTQIA+ laws, the social discrimination and harm inflicted upon individuals deemed "guilty" of LGBTQIA+ activities persist as a harsh reality. LGBTQIA+ members in Ghana are discreet because of this, and it's difficult to quantify its members. However, I.D Norman on his paper on Homosexuality in Ghana(2016), used a survey(sample size of 108) to come to a conclusion that, the percentage of young people who were bi-sexual and exploring their sexuality were between the ages of 16-20, those who identified as Gay were above 46 years , more than 27% of both genders interviewed had engaged in anal sex and divorcee were highly likely to be LGBTQIA+.

Boral et al 2018 identified in Article about social media platforms identified that out of 55 000men who used Facebook in Ghana, 2400(0.8) showed interest in MSM and 130 000(4.1) in LGBTQIA+ content. The Ghana Aids commission in 2017, research on HIV in men (above 18) identified 54,759 MSM in Ghana making 0.72% of the population. It would be safe to assume that the number has increased over the span of 5 years, inclusive of other sexual orientations.

Human right violations of LGBTQIA+ persons have been prevalent since the famous “Gay conference”, but authorities seldom act, and victims don’t always make a case because “he who wants equity must do equity” and they would implicate themselves mostly. In 2021 RightfyGhana reported that human right violations of LGBTQIA+ members had increased from 3-4 cases per week to 2-3 per day since the introduction of the **Promotion of proper human sexual rights and Ghanaian family values bill 2021**(referred to as *the proposed bill*).

## **Background of the Problem**

### **1.1 Contextualizing the research of LGBTQIA+ in Ghana.**

The context of the problem would be looked at from the **pre-colonial, colonial, and post-colonial** background of gender and sexuality in Ghana.

Gender roles were assigned at birth in pre-colonial Ghana based on the community into which an individual was born and the traditions of the community (Sarfo, Salifu Yendork, and Naidoo, 2020). Gender was assigned by the Dagaaba people based on one's energy rather than biology (Gyamfi, 2018). These trajectories were changed when Colonization was instituted across the continent, leading to the correlation of Gender identity and anatomy. This is evident in the gender roles that were instituted during this era and its remnants. Gender roles were divided between males and females in three ways: politically, socially, and economically. Politically, authority between Queen Mothers and chiefs was weakened because progression to leadership was won by being a British ally rather than being Royalty (Ako, 2021). Colonialism undermined the economic conventional ways for women to earn money own land, reduced women's authority by breaking down women's organizations and voices, and placed farm work and job opportunities on men. The colonial mentality perpetuated Victorian thinking, making it harder for women to obtain an education. Sexuality was strongly rooted in Christian customs, making anything contrary to the scriptures an abomination, notably homosexuality and Sodomy (Ako, 2021), because of this, gender roles were codified in the constitutions of (1916-1946) (Bennion, 1962).

As a British colony and Protectorate, the Colony was subjected to the strict adherence of the abhorrence of Homosexuality/ Sodomy in the Anti-Sodomy law of 1533. This changed the trajectories of most African Countries under Colonization towards Gender fluidity and Binary.

Dankwa 2021 in her book *Knowing women* delved into the lives of women in the country, educational institutions like senior secondary, and established the prevalence of homosexual acts tracing from years and years of practice. She highlights how some Ga community's co-cohabited with women or were often regarded as "supi" = "lesbian" and it being an open secret in most of their communities. she recounts how openly these acts were accepted, though it was plainly a shrouded topic in the Ghanaian community (Dankwa, 2021). Atuguba 2019 in his Article Homosexuality in Ghana highlights the position of the Law, the position of the countries in the commonwealth as well as what is spelled out for the citizens in the country. The criminal code 104 (1) (B) defines Homosexual acts as unnatural carnal knowledge, which is quite vague in the sense that, the definition of what could be classified

as “sexual relations in an unnatural form” is subject to a lot of subjected views (Atuguba, 2019). The Criminal code attempts to expiate by stating in section 99 that, the evidence of natural and unnatural carnal knowledge would suffice with the least degree of penetration. The case of *Banosin v The Republic No J 3/2/ 2014* serves as a landmark case in this regard. Unnatural carnal knowledge with or without consent is charged as a criminal offense and hence, it's immaterial if it's consensual between two adults or minors. This also means, sexual activity is prescribed in the “Adamaic ” or vaginal -penile penetration (Atuguba, 2019). These details that people have identified as LGBTQIA+ but don't engage in any penetrative acts are not liable, these acts are solely interpretive of sodomy. There is a presentation of Gender neutrality regarding homosexuality is very confusing.

People who have gender affirming surgeries will not be found liable for committing an offense even if it's with a man or vice versa. The candid insistence on the “least amount of penetration” as benchmark makes the other sexual orientation in the LGBTQIA+ or Queer practice inconsequential to the stakeholders fight against LGBTQIA+ but rather a “Gay Hunt” or homophobic witch hunt but just for man to man penal-anal action. The laws embolden the practice of Lesbianism, some other sexual practice which does not involve penetration and sex toy usage if it is non-penetrative (A spirited argument by Prof Kwasi Prempeh in defense of the memorandum against the Anti-LGBTQIA+ bill, 2021).

The Law only recognizes two biological Genders and this spell out a lot of problems for intersex. (Atuguba, 2019). The Ghanaian State has remained firm in its resolve to criminalize the activities of LGBTQIA+ since there has been an outburst of the youth being openly candid about their sexual orientations and as a result, they have tried to create a niche to propagate their activities through unity and solidarity. Homophobia, according to David A. B. Murray, is "a socially produced form of sexual discrimination" (2009, p. 3). Murray also mentions "anti-gay prejudice" and "gay hatred.". Similar terminology used to acknowledge that this sort of discrimination is not a fear that can only be comprehended psychologically (2009, p. 4). The illegality of Homosexuality in Ghana has seen the Prime Minister of Britain David Cameron in 2011 threaten to cut aid to Ghana and other countries in the commonwealth who shared the same stance but that only affirmed the resolve of the state. In recent happenings there has been a proposal of a private member's bill targeted at “safeguarding the moral and cultural values “the proposed bill that's yet to be passed and under deliberation. This has contributed to some levels of bullying and violence towards people who fall outside of the heteronormative and conservative society. Gay men are however facing the

harsher end of this happenings as there has been an increase in discrimination and violence towards them.

## 1.2 Research Problem

Colonialism, with its introduction of British law and ordinances, brought significant changes to the social and legal landscape of Ghana. Among these changes was the criminalization of same-sex relationships, particularly targeting gay men. This transformation has had profound implications for the lives and rights of LGBTQIA+ individuals in the country. Historically, pre-colonial Ghana had various forms of sexual pluralities, and same-sex relations were acknowledged without severe consequences. However, the imposition of British laws, such as the Offences Against the Person Act 1861, led to the criminalization of homosexual activities and customs perceived as "barbaric." These laws persisted after Ghana gained independence and were integrated into the criminal code.

While Ghana's legal framework exhibits a clear distaste for homosexuality, it primarily targets gay men, both legally and socially, making their existence more challenging compared to other LGBTQIA+ individuals. This inconsistency within societies that find homosexuality intolerable warrants investigation. Moreover, previous research has largely overlooked the long-term effects of these legislations on gay men in Ghana. Recent developments, including the proposed bill, highlight the need for a comprehensive understanding of the experiences of gay men in Ghana throughout the changing legal frameworks that have governed their lives and sexuality. This research aims to critique and analyze the lived experiences of gay men, shedding light on the impact of legal and societal restrictions on their well-being and rights, particularly in the context of the evolving legislative landscape. Ultimately, this study seeks to highlight the injustice being and (about) to be perpetuated toward Gay men in Ghana.

### 1.3 Research Questions

The main objective of this study is to critically examine the lived experiences of gay men in Ghana within the evolving legal frameworks and socio-cultural contexts, focusing on the impact of recent legislative developments.

The main question guiding this Research is.

***How do laws and practices concerning LGBTQIA+ affect MSM (men who have sex with men) in Ghana and how can this be explained?***

The main research question is expressed in the following sub-questions:

1. What was the historical position of the Ghanaian community on same sex in Africa, taking into consideration Gender and sexuality.
  
2. Factors that account for the shaping of the current discourse on same sex relationships in Ghana
  - Linkages
  
3. What are the current laws affecting the LGBTQIA+ sexuality in Ghana and what are the differences and commonalities experienced by and WSW (women who have sex with women).
  - Colonial
  - criminal
  - new LGBTQIA+

Argument:

4. How has the law been used to perpetuate body policing amongst gay men or MSM.

## **1.4 Methodological make-up (literature and desk-based research)**

This chapter describes the unique approaches used in this study and covers the entire research methodology. It also clarifies a few real-world problems with fieldwork.

### **Qualitative and Quantitative Approach**

Qualitative research approaches try to position individuals' knowledge rather than generalize a social phenomenon (Kvale and Brinkmann 2009a).

Qualitative method was used to gather and access available especially accounts of LGBTQIA+ in Ghana. As Hennink 2020 asserts, qualitative researcher is a combination of approaches and techniques by observing, analyzing, interviews, visualizing and using focused-group discussions. In using this approach, it requires an individual to adopt an interpretive approach in order to give meaning to data or view the context of research issues of the LGBTQIA+ people telling the story in Ghana. Concerning sensitive topics such as sexuality, qualitative interviews are proven to acquire more data and less bias from individual's responses (Lee 1993). Therefore, while accessing interviews from secondary data, I was less worried about inaccuracy, and it required that I used the interpretive approach to give, meaning and bring out the desired effect for the research. This method was adopted to gain an in-depth understanding of the reality on conditions under which gay men face in Ghana. Even though a secondary data, these sources were authenticated by other websites and national bodies in Ghana, which corroborated its credibility.

After the application of interpretive approach to gain insight and understanding, there was the need to apply the reflexive approach to the data gathered and other sources in the analytical stage to make conclusion. This was also applied to data gathered from quantitative sources which included surveys, social media, and other news articles.

The quantitative approach was applied to statistical figures from surveys conducted on LGBTQIA+ organizations to arrive at the conclusions in this research.

## **Sources of Data**

Just as most Research starts out with interest and the need to investigate a social issue, my research journey does start out with interest and experience. As a young girl growing up in Ghana, I knew there was a difference in behavior amongst other grownups and some of my peers which was different from the situation at home. Because I was young, I couldn't make meaning into the happenings, but this situation changed with age, and I noticed how some men were "effeminate" and some women masculine. However, there were derogatory names for these people which I realized made them feel uncomfortable. Since sex was not an open subject that was discussed, I had no insight as to its relation to their sexuality until I attained puberty. Moving to a different school, exposed me to the disparities that exist for LGBTQIA+ in Ghana which piqued my interest in the subject more.

As years trickled by, I observed more, experienced more, and gathered first-and-first knowledge, which I would be applying to this research.

Secondary data was accessed through online libraries, books, websites, from scholarly authors and publications on sexuality and LGBTQIA+ related issues. Other data was gathered from news publications from various credible news outlets, social media tools like Facebook, twitter and insights from colleagues who have had experience growing up in LGBTQIA+ centered communities.

## **1.5 Justification**

The work will put into perspective the human right, Gender and law dynamics that exist in the Ghanaian legal system, the Sexual perspectives of the Society in relation to the issue of Gay and Lesbians specifically MSM and the harsher treatment they receive. It will take a keen interest in highlighting the human right violations of the Law in contrast to the human rights laws and conventions that exist internationally, and the conventions in the country. It will expand on the transitional disposition of the social-cultural and belief systems of society in relation to sexuality in our laws on LGBTQIA+ rights (Sarfo, Salifu Yendork and Naidoo, 2020). The research would outline the history of sexuality, the transitions of the society and law, and its effect on the LGBTQIA+ community in Ghana. It broadens the body of scholarly research on sexuality in Ghanaian culture and the country's political and cultural background. This study can close knowledge gaps in the field and offer a more comprehensive understanding of how homosexual men are treated in Ghana. The study's justification is multifaceted, rooted in addressing fundamental human rights concerns, bridging a research

gap, influencing evidence-based policymaking, highlighting health and well-being implications, advocating for social inclusion, and offering an international perspective. By delving into the experiences of gay men, the research aims to contribute to the broader discourse on LGBTQIA+ rights, discrimination, and social inclusion. It sheds light on how Ghana's legal and societal pressures impact the lives of gay men, filling a knowledge gap in academic research. Furthermore, it has significant policy implications, potentially informing discussions and decisions related to LGBTQIA+ rights in Ghana, by exposing the realities faced by Gay men, this would draw attention to the need to review and reform the laws on sexuality.

Researching sexuality has helped me grow personally and have a better understanding of both me and other people. It prompted me to consider my own sexuality-related views, values, and beliefs, which led to a fruitful process of self-discovery.

My study on the subject and my personal enthusiasm for it have sparked activism in Ghana regarding LGBTQIA+ issues. The study can be used as a springboard to further issues related to gender equality, sexual health, and LGBTQIA+ rights.

## **1.6 Relevance**

The research would contribute to understanding the raging gap that exists on the dynamics of why Ghanaian society is harsher on MSM, identify how colonialism, tradition and the sexuality discourse has influenced the legal system and the social lives of LGBTQIA+ people in Ghana. It will open the discussion on what sexuality and the human right violations of other law, and the proposed bill imposes on the country, invoke the thoughts of various stakeholders in the discourse, which might have influence in the decision makings on MSM laws of the country. Aside from this, this study will act as an action creation tool to bring to bear the human rights violations that have, is and will happen to the LGBTQIA+ community pending the legal frameworks already in use, and the proposed bill.

This study is highly relevant due to its potential to illuminate the challenges faced by gay men in Ghana, shedding light on the socio-legal dynamics that affect their lives. It addresses a significant gap in research, contributing to a better understanding of LGBTQIA+ issues in a Ghanaian context. The findings may inform policies and interventions aimed at safeguarding the rights and well-being of gay men, promoting social inclusion, and advancing human



rights. Additionally, the study's international perspective adds to the global discourse on LGBTQIA+ rights, making it relevant beyond Ghana's borders.

## **1.7 Structure**

Chapter one would entail the background of the study and outlines of the paper. This would include the research problem, questions, limitations, methodology and positionality. The second chapter would provide the theoretical framework and literature review that would be used in the work and assessment of the need to have a Gender, human right, and law perspective to this thesis.

Chapter three would be an exposition into gender, sexuality, and the historical position on same-sex relations in Ghana. Precedingly, chapter four would entail the constituents of what has shaped the current discourse on sexuality presently. Chapter 5 of the thesis focuses on the current laws affecting the LGBTQIA+ members in Ghana.

Methodology of the paper is on chapter 6, containing secondary, and qualitative data from interviews and groups from human rights groups and LGBTQIA+ organizations in Ghana that are active in the fight against the proposed bill. The final chapter would evaluate, conclude, and give recommendations on the findings of the research.

## **1.8 Limitations**

My Positionality and conditioning present me with conflicting ideologies in matters relating to the LGBTQIA+ community, but it also presents me with a curious mind that's ready to learn. There was limited access to the LGBTQIA+ community's members and organization, even though existent, they were declined access to get to them. The social stigma that accompanies the community makes it hard to have contact and interviews with them in Ghana because of insecurity. The research journey was not a smooth journey, causing re-focus and re-strategizing along the way. Initially the research included interviews but there was a lack of access to organizations in Ghana on LGBTQIA+ activism and members. As a result, there was limited access to build trust and hence, the decision to opt for documentary sources and secondary data.

## Chapter 2

### 2.0 Bringing sexuality and the law together.

This chapter discusses the complete research methodology and defines the peculiar methods employed in this study. The first parts of the thesis would explore gender, gender roles, same sex marriages in Africa and Ghana. The factors that have shaped sexuality and legislation on sexuality will be explored.

### 2.1 why a Human right, Law, and Gender approach to sexuality

At the core of this research is explanatory enquiry into the history, the development and the inequality experienced by MSM as result of their sexuality. Thus, a human right, legal and gender framework would provide the requisite knowledge to situate this phenomenon.

*“Sexuality has hidden and sometimes un- examined connections to hierarchies or structures of power that are inimical to equality, diversity, and freedom”* (Miller, A. M., & Vance, C. S. (2004). As a result, the language of human rights opens a discourse that can be used to challenge norms that stifle both genders through the formulation of law or the interpretation of law, in the sexual lives of individuals.

Law as a discipline is a complex and pluralistic nature especially in the African setting, the use of such this approach would highlight the reforms, point out the biases that pertains to sexuality, and ensure that discrimination based on gender is addressed.

The study would engage authors like Tamale, Mazrui, Mbiti, Signorini and Rattray would be engaged on their works on African sexuality, homosexuality, and gender. Gender as an approach would examine how gender interacts with other facets of identity, including race, class, disability, and nationality. It acknowledges the variety of marginalization and discrimination that people may experience. To guarantee that everyone's sexual needs and rights are honored and safeguarded, it is crucial to comprehend and address these intersections.

"Sexual and reproductive health and rights (SRHR) are integral to human rights." - United Nations Population Fund (UNFPA). A human rights framework ensures access to comprehensive sexuality ensures that all marginalized groups would have equal access that would curb discrimination. These marginal groups would then be able to have representation and the opportunity to fight for their rights.

The thesis explored literature like Africa after gender, knowing women, the politics of gender and the culture of sexuality, to situate the gender underpinnings in the work and the use of

articles like the lies we have been told about homosexuality, is there a history of sexuality and homosexuality in Ghana to ground the thesis.

I opted for this framework for the Research because, in the bid to expand on the legal tenants of the country in relation to MSM and WSM, the examination of the legal framework would be essential to deduced. Law doesn't occur in nature like science, and it's a complex constituent of culture, politics, religion, and norms. Therefore, to analyze sexuality in Ghana, there is a requirement to learning the laws that have embodied it.

As Sylvia Tamale describes sexuality without delving into gender, that is the same way human rights apply to law and sexuality. The increasing case of human right bodies having to make new norms and laws to service the growing pattern of sexual diversity is enough proof to buttress them for looking at sexuality from a three-dimension approach.

IPPF gives a concise definition of sexuality as 'the experience and expression of eroticism, sexual pleasure, and intimacy, sexual orientation and gender identity' of young people who are also sexual beings; it is not just about having sex. In this same vein, this research is going to delve into the development of the other aspects of the lives of these sexual minorities, by tackling how the laws regarding them came about, the human right violation and dispositions it places them in.

## **2.2 Dissecting sexuality in Ghana**

### **Sexuality**

Sex in its fact according to Halperin 1989 has no history but a natural fact of a functioning body. He argues that sex has no history but the study of sex, sexuality, and other thematic areas, have a grounding in history and culture. Because many cultures have unique views and customs regarding gender and sexuality, Mazrui addresses the necessity to comprehend sexuality in Africa within the framework of cultural relativism. In examining African views on sexuality, Mazrui talks on the intricate relationships influenced by globalization, colonial legacies, and indigenous cultures. He points out that before colonialism, many African societies had a variety of sexual practices, but that was later changed when European Christian beliefs enforced rigid moral standards. Tensions emerged between modernity and traditional African sexuality ideas because of these influences. He points out that conservative readings

frequently place a strong emphasis on heteronormativity, modesty, and the subjugation of women.

The focus on this chapter is to situate the discourse of gender in sexuality and how it's interwoven.

## **Situating Gender in the sexuality discourse and how it interplays**

The interplay of sexuality and gender is pivotal to an individual's identity and state of being. Tamale 2011 described sexuality and gender as the creatures of both society and culture. From the above discussion, it is evident how broad the subject of sexuality is.

Sexuality as *“the sexual knowledge, beliefs, attitudes, values, and behaviors of individuals,”* involving *“the anatomy, physiology, and biochemistry of the sexual response system; identity, orientation, roles, and personality; and thoughts, feelings, and relationships”* (SIECUS, 2012a, Human Sexuality section, para. 1).

Gender is defined as *“the attitudes, feelings, and behaviors that a given culture associates with a person's biological sex”* (American Psychological Association [APA], 2012, p. 11). This is made -up of things like race, class, religion ethnicity and culture. Which are issues that are rooted also in sexuality, and hence pinning sexuality and gender together would provide better understanding to address both subjects.

Gender and sexuality can be theorized in many ways but the leading theories that are functioning and widely used are positivist and social constructionism. The positivist approach extols objectivity and value-free knowledge which was theorized by August Comte in the 1800's (Breen & Darlaston-Jones, 2010). While social constructionism is a knowledge theory that holds that characteristics thought to be immutable and solely biological, such as gender, race, class, ability, and sexuality, are products of human definition and interpretation shaped by cultural and historical contexts (Subramaniam 2010). Foucault 1978 corroborates that sexuality is not only biologically, but a composition of discourses given meaning through language and social institutions. Since the above explanations have established the similarities that exist between both subjects, it's important to mention how they intersect.

Even though intersectionality has been identified in sexuality and gender with a lot of emphasis on human behavior and culture, that shouldn't only be the focus.

Cole 2009 posits that sexual rights and gender cannot be understood in isolation, without the inclusion of other structured dimensions of social context or the individual's lives. With this method the research needs to consider how multiple social categories would shape the

makeup of individual, identity, experience, and outcome. Sexuality and gender share other intersecting categories like race, social class, ethnicity, and social orientation.

### **2.3 Researching Sexual theories in Africa.**

Tamale 2011 explicitly explains how sexuality is embedded in gender systems, its interpretations and how to question the enunciation about research done on colonized people especially, have been taken for granted. Even though Tamale is not a Decolonial feminist, she quote's the work of Linda Tuhiwai about the methodology and interpretation of research.

Research in its sense of the word or being according to Smith is a development of European imperialism and colonialism. It's regarded as a derogatory term among the indigenous world's context, including vocabulary and it stirs up bad memories (smith 1991:1). Research conducted on African sexuality was done under power relations of the researcher having an upper hand over the researched, and the researcher is held in higher authority than the researched, also they were regarded as the epitome of knowledge without being contested or their knowledge challenged. Tamale, Arnfred (2004), Undie and Benaya 2006, have asserted that sexuality study in Africa was done with ulterior motives and programming. They go on to say that there were political and ideological undertones which informed the research methods, questions and techniques employed. They used a narrow approach of positivism to reduce representation and objectify women as was the bane in Europe. Also, essentialism was used in driving home the racial ideologies of African sexuality as deviant, immoral and barbaric (Treichler,1999).

The theorization was mostly done through colonialism and imperialism, some African scholars are recorded to have aided, in enforcing stereotypes and ideologies influenced by race.

### **Colonial Theorization of Sexuality**

The history of African sexuality is tied to non-written sources which could be found in stories, folklore, dance, songs etc., because African scholarship was not documented to that effect, European scholarship overtook the representation and documentation of this. The theorization of sexuality by Europeans had a political agenda, they degraded the sources of knowledge on African sexuality in their theories, and reclassified certain histories like oral tradition (smith 1999:33). The white savior complex ideology was carried out through

expeditions to the dark continent to civilize the barbarian (McClintock 1995; young 1995) by imperialist countries like Germany, Britain, and France.

Since most of the countries were Victorian, they imposed this in the continent sexualized the bodies of women especially through critically denigrating sexual behavior, dressing, labelling most sexual practices as immoral and primitive (Osha,2004). Practices that were contrary to the European way was primitive, and women who fell in this primitive sexual labelling were tagged as prostitutes (Rees, 1997). The introduction of religion like Islam and Christianity become a major catalyst to the already compounded issues of sexuality, by imposing rules on dressing, sexual activity, and liberty.

The medical field was not exempted because of imperialism, scientific prejudices that were carried out in Europe on women's reproductive role and bodies, were translated into African sexuality. African Sexuality was viewed as a pregnancy prevention and population control scheme, a case of sexual perversion, disease and immoral practices, and everything concerning the subject was tantamount to reproduction. The outbreak of HIV and the population explosion made things quite worse for sexuality during this time since research was geared towards fertility and ideologies of immoral "promiscuousness" which was pegged as a reason for the spread.

Reproductive health was approached from the heterosexual perspectives while the women's role was confined to traditional roles of motherhood. Populated countries had donor organizations coming in to set up reproductive facilities and centers (Tamale, 2011). This gave access for development of pharmaceutical franchise's that exploited indigenous traditional herbs for sexual problems, patented them and started an extraction relationship in the field of ethnopharmacology from the knowledge of indigenous Africans. Culture practices like FGM, levirate, polygamy and other sexual practices became "poster child" for donor organizations to perpetuate racial clichés through campaigns about African sexuality.

The proceeding chapter would center how these imperialistic agenda impacted African sexuality, the transformations in law, political and social developments, and how this negatively affected Gay men.

## **Gender culture, sexuality and the "gay man or MSM" in Ghana**

The text delves into the concept of gender, drawing from the perspectives of scholars like Mazrui, Judith Butler, Bolin, and Whelehan. The performance of rules, roles and differentiating men and women in society would describe gender culture and identity by (Mazrui;

Judith Butler) while Bolin and Whelehan define gender characterizes as the Social, Cultural and Psychological embodiment of being male or female, which transcends biological differences (Bolin and Whelehan (2009, p.33). Gender construction in Ghana is socially instituted through role separation for men and women that are rooted in Cultural practices and values (Sarfo et al, 2020). “According to Brown “(1995), gender roles in Ghana lay emphasis on male leadership in the household, while the female are relegated to economic duties.

It emphasizes that gender construction in Ghana is deeply rooted in cultural practices and values, where traditional roles for men and women are clearly defined, with heteronormativity being reinforced through them, even though it was not absolute. Language also plays a crucial role in reinforcing these gender norms, with examples from the Akan culture highlighting the elevated importance assigned to males within society. Non-conforming individuals, such as effeminate men labeled as "Kojobesia", and “Sasso” used amongst community of male-lovers (Akan word meaning co-equal” (Dankwa, 2021b).

MSM in Ghana according to Signorini were allowed to openly marry, court, and partake in their assigned gender roles without their masculinity being questioned because sexual preference was not definitive of a man, and the society as not antagonistic to this practice. with the introduction of colonialism, religion, and changing discourses, led to the enactment of harsh laws that disproportionately targeted gay men and enforcement of sexual binaries. This persecution has led to years of persecution for persecution and discrimination for Gay men even in the postcolonial era.

The context of the problem would be looked at from the pre-colonial, colonial, and post-colonial background of gender and sexuality in Ghana.

## Chapter 3

### 3.0 What was the historical position of the Ghanaian community on same-sex Africa.

In reference to the text, it has been established that the approach and interpretation popularized on African sexuality was from a reproductive and heterosexual discourse. This chapter will talk about the situation before the theorization of sexuality negatively in Africa and Ghana.

#### Same-sex relations in pre-colonial Africa

Homosexuality has been described as a “foreign concept”, an activity that is fostered by the West. Robert Mugabe is cited to have described it as “a scourge planted by white men on a pure continent”. This school of thought is what Nel (2009) has described as making the subject a ‘Highly value laden terrain’ and sensitive to approach.

Same-sex relations were swept under the rug in various ways culturally, but it didn’t make sexual attraction and expression towards the same-sex were non-existent (Epprecht,2004).

The school of thought that same-sex was non-existent is attributed to the handiwork of European Ethnographers as propaganda mechanism to aid in the abolition of the slave trade and the Homosexuality aggression that was happening in the West , which can be accounted as parts of the reasons why major Historians made conscious efforts to distort and exclude the truth about same-sex relationships and its existence in Africa(Achnat, 1993 and Epprecht, 1998).

Most African groups were gerontocratic, largely patriarchal and hierarchical. Mbiti (2011) asserted that identity in the African setting was tied to reproduction, but that possibility doesn’t also negate the practice of same-sex relationships. Pictorial evidence of this can be traced to the Bushmen in paintings, traces of same-sex relationships in the South of Africa, with evidence of knowledge of same-sex relationships in punishments, customary practices and third sex(gender) known as skesanas<sup>3</sup>.

Jabu and Donham notes that certain families across Africa would go to conniving lengths to conceal a “gay” son by organizing a sham marriage as a cover up.

There is overwhelming evidence that buttress the existence of same-sex practices across the African continent. As a result, same-sex desire (homosexuality) was never a "Western disease," but rather something muted by heteronormativity.



Mbiti 2011 outlines the present debates the current difficulty in trying to assimilate the fact that same-sex relationships were existent is as the result of how Colonialism and Religion has permeated the fabric of the Continent. same-sex relationships have not gone through public struggle and over the course of time has lost visibility because of rising hostility and security threats.

### **3.1 same-sex relations in pre-colonial Ghana**

Tamale opines that Sexuality cannot be scrutinized and analyzed without the use of a gender Lense. she deems it as *“Researching human sexuality without looking at gender is like cooking pepper soup without pepper- it might look like pepper soups, but one sip will make it clear that an essential ingredient in this Nigerian specialty is missing!”*(Tamale,2011). Padgug (1979) then puts into context that, Sexuality is by explanation, an experience or process that is mostly of a cultural construct and context specific. Because there is a correlation in the social constructions of sexuality based on the varied gender roles in Ghana, it is important to investigate gendered roles or identities in the Ghanaian context.

In pre-colonial Ghana, gender roles were given at birth depending on the community an individual was born into, the biological makeup of the child, and practices of the community (Sarfo, Salifu Yendork and Naidoo, 2020). Gender construction in Ghana is socially instituted through role separation for men and women that are rooted in Cultural practices and values (Sarfo et al,2020).

According to Anarfi and Gyasi-Gyamrah (2014: 3), *“sexual socialization in any society is intricately linked to gender socialization”* in that society. Gender socialization is institutionalized in Ghana, having traces in the home, church, school, politics, and the corporate sector (Quist-Adade et al. 2014). In Ghana, research on sexuality is limited, and until recently, it was difficult to discuss sexuality in public (Allotey 2015) due to the perception of sexuality as delicate and private.

Amongst the people of Wenchi and Techiman in Ghana, cross-dressing was practiced and amongst the female Ahanti warriors, the chiefs of Asante in the period between 18<sup>th</sup> and 19<sup>th</sup> century they had male slaves that served as concubines who paraded in female regalia (Activities (2012). The Dagaaba people in Upper West way of assigning gender was not a requisite based on anatomy. The Fante people believed sexuality of a person base on the individual having a “heavy soul” or “light soul”, while “Agyale” marriages of the Nzema’s involved same-sex (male) marriage which were contracted in the heterosexual manner (Activities (2012).

Signorini and Rattray made great strides in documenting same-sex relationships in Asante and Nzema. Signorini established that consensual same-sex marriages were concealed and may or may not have involved sexual activity. Two accounts are given of Noba (30 years) from Bonyere and 40-year-old Eno of Mpataba who married Ambrose of 20 years and Moke of Nzulezo at 20 years old respectively in a public ceremony, who spent nights in their partners' homes.

The Ghanaian community was not antagonistic to same-sex practices and Rattray (1929) in his notes on Ashanti, accounts that same-sex relationships didn't qualify as sexual offences. There is clear evidence that not only was same-sex relationship not an offence, but it was also not punishable under customary law (Ako, 2021).

Therefore, the fact that colonist consciously instituted laws like sodomy laws and the enforcement of hetero-normative marriages is evidence enough that Pre-colonial Ghana had a vast array of sexual diversity be it; same -sex or polygamy, hence the school of thought gearing that same-sex relation is a foreign concept, makes the analogy very flawed.

### **3.2 linguistic representation of same sex relations in Akan language**

In the Ghanaian society, sex or the issue sexual relations were kept in hush tones and as very private conversations between the elderly and was only divulged or talked about during the puberty rites to initiate young girls and boys into manhood and womanhood and after marriage rites were performed to prepare mostly the women to be equipped to please the men sexually and keep a home. In the case of same-sex relationships, they were swept under the rug even though it is evident that it existed, and other tribes having ceremonies to that effect e.g., the Nzema. Even though same-sex relations and sexuality did prevail, it was not an identity for the individuals, and it didn't extend to other sexual appetites or desires aside attraction for members of the same-sex. The practice of same -sex relationship was so discreet that individuals had to perform cover-up heteronormative marriages to this effect to conceal their sexuality and put up a family facade to this effect as opined by Mbiti (2011).

The words used in the Akan language to represent sex, same sex relationships and the lack of representation thereof of other words attest to the differentiation between LGBTQIA+ in the west and in Africa, specifically Ghana.

**Sex** is termed as *)baa ne )barima hyiamu na w)awo ba, edie, ahyiadie, mpa mu agor*. these phrases transliterated mean *an activity between a woman and man that results in childbirth, sexual activity, sexual meeting, and bedroom play*, respectively. These phrases in its original Akan language carry subtleties and nuances of heterosexual sexual relations when spoken and conveyed in meaning.

**Sexual intercourse/ intimacy** is described as *Hunu wo yere, )baa ne )barima a w)hyiam , )baa ne )barima nna*. These in literal terms mean *knowing your wife, a sexual activity between a female and male, a female and male sleeping together* (Anane, 2000).

**Gay** in the Akan language is *Barima a ope Barima, barima )ne ne y)nko barima di ahyia* which is translated as a man who likes men or a man who engages in sexual activity with a man (LEARNAKAN, 2023; Anane, 2000).

**Lesbian** was translated as *)baa a )pe ope )baa, )baa )ne ne y)nko )baa di ahyia* which translates as a woman who likes women and a woman who engages in sexual activity with a woman (LEARNAKAN, 2023).

The Akan language is the most widely spoken language across the country and can be used as an indication of the sexual permissiveness in the society. Fiaveh 2018 asserts the conditioning around sexual pleasure in the society as “Across Africa, sexual matters are considerably embedded in proverbs and folktales. These phrases represent the maximum inclusivity of the sexual diversity that was/is present in the society, using the Akan language. Based on the principle of logocentrism, language can be viewed as a written and a verbal code in its simplistic nature (Milani and Johnson, 2010; Milani, 2013). The focus on sexuality in language according to Cameron and Kulick “includes not only questions about how people portray their sexuality in speech, but also questions about how sexuality and sexual identity are represented linguistically in a variety of discourse genres,” (Cameron and Kulick, 2003: 12) (Milani, 2017).

Pre-colonial Ghana was accepting of same-sex relationships and sexual fluidity. However, with the arrival of colonization and religion, there was a shift toward body-policing.

## **CHAPTER 4**

### **4.0 What has shaped the current discourse on sexuality.**

#### **Introduction**

From the previous chapter, it's been established same sex relationships were present in pre-colonial Ghana, marriage ceremonies were performed to this effect and the people were not antagonistic to it.

This chapter would investigate what has shaped the current trend of homophobia by looking at colonialism, influx of religion and culture, the second aspect would expand on the development discourse on sexuality that was existent in the period and how it permeated sexuality in Africa and Ghana. The third part talks about the factors shaping LGBTQIA+ in Ghana.

#### **Colonial laws in Ghana**

The first group of Europeans arrived in the Gold Coast in the 15<sup>th</sup> century and as the times went on, other groups infiltrated the land, carving for themselves Colonies and Territories. There was trading amongst the Europeans which saw the establishment of forts and castles and the gradual establishment of control over the people in various sectors. The British's agenda of upsurging the traditional institutions can be said to have been formalized by the Bond of 1844, and finally annexed the whole territory of Gold Coast by the defeat of the Asante in 1901.

Colonialism came with its own definitions of sexuality and genderization (to categorize based on gender). Rubin (1999) opines that Sexuality has its own internal politics, injustices, and forms of oppression, as with other elements of human behavior, the concrete institutional forms of sexuality at any time and location are the result of human action. The British rule in the country subjected the country to the Victorian system of gender, sexuality, and class. This materialized in the redefinition of gender roles, systems of marriage (prohibition of polygamy, cultural practices, and non-heteronormative relationships) (Hepple, 2012). The Colony saw the enforcement of "Sodomy laws" which traces its roots canonical laws which were foreign to the people and set a precedence that would change the legal trajectories of how sexuality was regulated in the country to this present day (Ako, 2021).

In 1899, the colonial administration adopted a formally repealed and rejected criminal code from Jamaica, India, and Australia without the involvement of the Local authorities. This code instituted penalization of same-sex relations amongst other transgressions. Although

laws criminalizing sexual conduct between people of the same gender throughout Commonwealth Africa have legal origins in England, the Ghanaian experience is an exception to this trend, according to Ambani. The law was enacted in England, but it was refined and incubated in Ghana.

This code was later amended in 1960 but a large portion of the laws were imported into the criminal code most importantly the same-sex laws.

## **4.1 Religion**

The Colonial legacies passed down through the introduction of Religion and the adoption of Victorian traditions from the 15<sup>th</sup> century are major contributors to the conscious push-back of Homosexuality. In Africa religion plays a very paramount role in the social make-up of a person and it is subjected to their persona, and how they view and experience sexuality. Mbiti asserts that “Africa is notoriously religious”, Sylvia Tamale asserts that a very significant portion of sexuality is socially constructed through legal, cultural, and religious forces driven by a politico-economic agenda.

Religion in the Ghanaian society is no different, as the country is represented as a religious society with Christianity taking 70% of the national demographic, leaving Islam and other religions.

The church using biblical principles and religious dogma sensitize the members of the abhorrence of homosexuality and how it's against the divine order. Sodom and Gomorrah are the prime example of a tool of fear used in this indoctrination. Members are warned of the wrath of God and primarily taught to have an antagonistic attitude to the subject and practice. The Quran and traditional religions find it abominable and not a conversation they want to entertain.

The church has remained an instrumental figure in the politico-religious life of society from its inception. This can be traced from the colonial era where colonial missionaries styled in the Gold Coast, converted the people into Christianity, set up infrastructure from schools and hospitals which began a change in the political life of the country. The church outlawed most practices in the society starting from names which carried people's identity, interfered in the sexual lives of the people by outlawing polygamy and same-sex marriages particularly sodomy.

Ecclesiastical statements about human sexuality over time, according to Krook (1959), exhibit anti-sensual ambivalence. This is so because the Church is against all forms of sexual expression other than those involved in marriage.

The church has continued to play a pivotal role in society by cementing their place using philanthropy, possessive institutional pillars in the country, and accounting for most of the educated Elites in essential roles in the country. Therefore, influencing public decision making and critical State decisions is not an impossible feat, and this applies to other stakeholders in other religious factions as well.

Even though Islam was introduced to Ghana first, colonization and Christianity made it the second in rank to Christianity. However, its influence in shaping the discourse on same-sex relations can be felt. The Quran is quoted in this regard for the views on same sex relationships "Do ye commit lewdness such as no people in creation (ever) committed before you? "For ye practice your lusts on men in preference to women: ye are indeed a people transgressing beyond bounds." - Holy Quran 7:80-81 "Of all the creatures in the world will ye approach males". "And leave those whom Allah has created for you to be your mates? Nay ye are a people transgressing (all limits)!" – (Holy Quran, 26:165-166) (IslamAwareness, 2023). Hence, there is no discourse about homosexuality and its abominable to Muslims.

Prior to the coming into effect of the 1992 constitution, since the state and the church was synonymous, thus, coming from the same colonial master, sodomy was outlawed, and it would not be presumptions to conclude that same-sex relationships between male was abominable to the State as much as it was to the church.

## **4.2 Culture**

In African societies to be considered as a “complete human being” and to be accorded the needed respect as levelheaded person, marriage, fathering children and the continuation of one’s lineage is extolled. Murray and Roscoe discovered an overwhelming support for heterosexuality and the requirement to procreate which is based on an intuitively persuasive norm that counts procreation as a desired societal benefit for which heterosexual intercourse is an instrument (Murray and Roscoe ,1998). unlike the Christian an Islamic religions who believe in the discretion of the divine order of things (Babcock 1998), the Africa tradition and culture raises concerns about homosexuality because it’s a barrier to the fulfillment of the continuation of blood lineages and heritage.

African traditional is concerned with procreation, fostering of lineages and their prolongation. A classic example of this is the popularity of the extended family system in Africa. The Ghanaian situation is no different, and this contributes the reason why young girls were forced into early marriages. Also, the practice of polygamy aided the continuation of the large family system, including leviratic wives (Goody and Goody, 1967). Among the Lowili of the Northern region of Ghana, the rights of a husband (and his family) acquired through the payment of bride price, persists after his death. The widow can be married to the brother of her deceased husband. The need to have a large quantity of children and kinsmen was what family and community encouraged.

In the African tradition procreation was a duty and it served two active purposes, thus a personal purpose and a communal one. Having a lineage and heritage is a prime requirement to attain Ancestorship after death, and a revered status in African societies. Living without producing offspring's is to relinquish the status of Ancestorship upon death, and the chance to be ascribed as living an incomplete life or an unworthy one. According to Amengo-Etego (2012, pp 19, 28) and Oduyoye (2002), there is such a strong emotion in favor of lineage replenishment that satisfying the ability for biological reproduction is seen as the highest moral duty for those who can do so.

Lineage continuity is a social good that is more highly ranked than the personal good it brings to an individual's life. It is believed to sustain the community, therefore making it an extolled moral value and a problematic issue when it's unable to be fulfilled. African arguments of such shared goals and moral obligation to uphold them typically rest on theories of personhood that hold that people come to understand their humanity via acknowledging the humanity of others (Ajei, 2022).

African communities, according to Murray and Roscoe, "do not so much reject homosexuality as they favor procreation" (Greenberg 1988: 87).

### **4.3 Development that has shaped African Sexuality and in Ghana**

For a longtime, scholarship on African sexuality was pivoted on sexual diseases, reproduction and theories that were skewed in their analogy. Leah Commons (1993) espoused on how African sexuality was used as a colonial project and the West's fixation on the bodies of African women.

Most funding received from development partners went to the most populated countries in Africa with an agenda to curb population (Tamale,2011).

However, in the late 1900's researchers started to move away from this narrative, by focusing on the positives about sexuality instead of demeaning African bodies and practices. There was a need to rewrite and reright stories to fit the African narrative and provide an account of our own version of events (Smith, 1993). Feminist African scholars bought not the goal and activism, research institutions lised with African intellectuals to embrace new research theories to approach gender and African sexuality. Pan -African conferences were held in major institutions in Ghana and Capetown universities to reconstruct the imperialist ideology to map out a new charter for African sexualities.

The new wave of reconstructing and decolonizing research, saw new publications and focused on social sciences and humanities, they also focused on pleasure, the empowering nature of sexuality and other facets of African sexuality research that had not been explored (mama, 2017). The African feminist scholars took on the role of critiquing the imperialist and Eurocentric approaches to discourse popularized over the years (Anfred, 2004). Research and re-interpretation of discourses around religious laws such as theorizing Muslim discriminatory Sharia laws by BAOBAB Nigerian women's right organization (BAOBAB, 2003)

## **4.4 Ghana's Development in LGBTQIA+ issues**

### **Spiritual sensationalism, HIV, and the media**

Ghanaian scholars were not alienated from this scholarship and the decolonizing discourse. In Ghana, even though "silence" has been indicative of sexuality in Africa, Anfred (2004) argued that instead of focusing on the reductionist theory of silence, it would be more productive to t identify the different types of silence, which would help breach the propagandist view of sexuality in Africa. As a result, there was a shift in scholarship about sexuality, with Ghana. partaking in conferences in the late 1990's to charter new research theories to gender and African sexuality (Tamale, 2011).

Dankwa 2021 talks about how religion, decolonization, Pan-Africanism, and industrialization were intertwined with economic and political in the 1960's. The churches took center stage in unison with the media, creating a "sexualized public sphere" in a negative way (Bochow, 2008). The charismatic church made it imperative for the youth to contain their erotic desires and fantasies. Dankwa likened it to Foucault's "repressive hypothesis" and confessional boxes of Victorian Europe. Also, the charismatic church was said to be



championing the nuclear and heteronormative family and found same sex practices as the stumbling block.

The prophetic Pentecostal church started demonizing same sex relationships, blamed demons as causative agents that spread it through sexual contact, most often a marine spirit “Mami Wata”, and healing, deliverance and exorcism services were held (Drewal, 2008). On the other hand, these healing and deliverance were said to have brought a sense of solidarity which fostered a discourse around same sex desire. Dankwa gives account of instances where pastors coerced members into sleeping with them and various occasions where women that were sent for deliverances created a solidarity and were using that as avenues to engage in intercourse.

Amoah and Gyasi 2016, draw the conclusion that Christianity is one of the primary institutions shaping homosexuality and a stumbling block as well. In a survey in Kumasi, they established those members had been indoctrinated to an extent such that, they believe homosexuality is a learned lifestyle and can be contagious so, they have hatred for it. Homosexuals are accused of being in business or on a hunt to convert and initiate people to join them, since it’s been established as demonic. They believed that the church held the key to curing this “canker” and so the pastors have imbibed in members that it’s an abnormality not to be heterosexual.

The condemnation and tussle between religious organizations about homosexuality gives more social currency and prowess in the “religious market” as to who is stricter and discipline towards the laws of the bible, and this in turn equates to more members. This can account for the various statements by church leaders and groups such as the presbyterian church and catholic.

In 2013 the President of the Roman catholic church in a conference stated the position of the church in a communique. He reiterated the bible’s position on homosexuality, stating that the church still upheld this doctrine and the need to rehash them. The church he stated regarded homosexual inclination as an inherent moral evil and opined that the explanation that certain individuals claim that “they were born that way”, claiming that they had an intrinsic inclination to practice homosexuality doesn’t exempt them from their sinful actions or blame. Nonetheless, he posits that the church supports the upholding of the fundamental rights of people but individuals with homosexuality tendencies or support it, will not be ordained as priests.

Also, the Presbyterian of Ghana cut ties with the ecumenical partnership ties with the United Reformed Church in the United Kingdom and the Presbyterian Church, USA (PC-USA)

when they began ordination of gay priests (Bansah, 2017). With this ideology, 70-70% of the population are heavily influenced.

**HIV** – the massive and weariness of HIV in Ghana led to the antigay discrimination in the country, Tsikata 2009, talks about how this led to negative assertions about “gay people”. The international funding from the international organizations promoted “NGOisation” and other ramifications. Altman 2001 supports this by pointing out how HIV/Aids majorly contributed to connecting MSM practices to internationally Gay capital and institutions, which shaped sexual rights initiatives in the country. In 2006, Prince Kwaku Macdonald president of the gay and lesbian Association of Ghana (GALAG) on the super morning show on Joy FM announced that they received funding to finance an HIV research survey, where he was gathering data on MSM, while giving out information on safe sex and distributing free condoms (O’mara 2007,35). These imperialist activities led to a lot of public outcry and political capitalization of the situation. The then government had to release statements in the public domain to establish its position on gay practice and identity, and internationally by brandishing statements at the national airport with a signage stating that “pedophiles and sexual deviants “were not welcome in Ghana (Dankwa, 2021).

Hence, anytime a discussion is brought up about LGBTQIA+ the suspicion is that it’s internationally influenced and imperialist motivated. These activities have aided in the assertion that LGBTQIA+ is not African and not inclusive of Ghanaian culture.

**The Media (Politics)-** the media has been one space that has been used politically and socially to control public opinion, especially homosexual agenda. After colonialism the media became a state machinery, while Nkrumah outlawed private press in an attempt at national integration and development. As coming into being of the 1992 constitution, private media was permitted, and they formed an oppositional agency of the state-owned media. These private stations carried out sex education and awareness but in 2006, in an HIV program, the radio station Joy FM hosted a gay man whose words were misconstrued while talking about an HIV conference. The conference was tagged in the public sphere and tabloids as a “Homoconference”. The station was banned, and the media’s freedom and existence predicated on them having to take an anti-homosexual stance whenever the issue of sexuality came up and the portrayal of it as an un-Ghanaian practice. Essien and Aderinto 2009 summarised this media position as very difficult because it was challenging to prevent

those who oppose homosexual from interpreting the media as having a pro-homosexual attitude.

Over the years the media (radio, social media, tv etc.) have become the medium through which other institutions like government officials, religious leaders and activists address the homosexuality debate. For a country that has 40% of its citizens illiterate, the media plays a huge role in shaping the opinions of the citizenry. Mediatization is the term that can best describe the interwoven relationship of power that the media wields over public perception, opinion and discussions over the citizenry and their representation of reality (Hjarvard,2008). This concept has two theories which is the medium theory and the media effects theory, which is the former is explained as the media being the medium through which most social processes can take place, and the latter as the effects of the media on society. Mediatization over the years has taken center stage with issues on homosexuality. The debates surrounding homosexuality have been mediatized politically and religiously. Thus, the mediatized political sphere has become a power play between the ruling government and the opposition to wield influence and score political points in the public sphere.

The previous presidents John Kufour, Prof Atta Mills and John Mahama, won public influence and favor when they condemned the act as illegal and declared it as un-cultural, this led to public alignment with their government retainment in power, but on the fueling Homophobia and leaving a distasteful perception of homosexuality in the public sphere. However, Nana Akuffo Addo the current president and a human rights lawyer hinted in an Aljazeera interview, the need to decriminalize homosexuality and the opposition capitalized on this statement to accuse him of supporting homosexuality (Ghana web, 2017). He had to denounce this claim and pledge to not do anything to undermine Ghanaian culture on three separate occasions.

Therefore, the homosexuality debate has moved from a human right and cultural issue to political parties influencing public opinion and discussion such that, the political party that condemns homosexuality the most is the best and most qualifies in governing and upholding the values of the nation. These circumstances have skewed and shaped the public perception of what homosexuality is and made unpopular the truth concerning these sexual minorities. Basically, controlling the media is the first step into indoctrination of the masses.

## Chapter 5

### **5.0 What are the current Laws affecting LGBTQIA+ sexuality in Ghana and what are the differences /commonalities experienced by MSM and WSW.**

The discussions above have chronologically outlined the legal position of Ghana on LGBTQIA+, then proceeds to explain the various elements that have informed and shaped their perspectives of homosexuality.

This chapter would talk about current, incoming laws and their human right violations regarding homosexuality, the difference in experiences, especially how it has translated into the body policing of the lives of gay men.

### **5.1 The Merging of The Anti-Sodomy Act (The offences against the Person Act 181) into The Criminal Act Of 1960**

Rubin (1999) opines that Sexuality has its own internal politics, injustices, and forms of oppression, as with other elements of human behavior, the concrete institutional forms of sexuality at any time and location are the result of human action. The British rule in the country subjected the country to the Victorian system of gender, sexuality, and class. This materialized in the redefinition of gender roles, systems of marriage (prohibition of polygamy, cultural practices, and non-heteronormative relationships) (Hepple, 2012). The Colony saw the enforcement of “Sodomy laws” which traces its roots canonical laws which were foreign to the people and set a precedence that would change the legal trajectories of how sexuality was regulated in the country to this present day (Ako, 2021).

In 1899, the colonial administration adopted a formally repealed and rejected criminal code from Jamaica, India, and Australia without the involvement of the Local authorities. This code instituted penalization of same-sex relations amongst other transgressions. Although laws criminalizing sexual conduct between people of the same gender throughout Commonwealth Africa have legal origins in England, the Ghanaian experience is an exception to this trend, according to Ambani. The law was enacted in England, but it was refined and incubated in Ghana.

This code was later amended in 1960 but a large portion of the laws were imported into the criminal code most importantly the same-sex laws. The criminal code of 1960 (ACT 29)

chapter 6 expands on same-sex activities with the classification as “unnatural carnal knowledge”.

“(1) Whoever has unnatural carnal knowledge— (a) of any person of the age of sixteen years or over without his consent shall be guilty of a first degree felony and shall be liable on conviction to imprisonment for a term of not less than five years and not more than twenty-five years; or (b) of any person of sixteen years or over with his consent is guilty of a misdemeanor; or (c) of any animal is guilty of a misdemeanor. (2) Unnatural carnal knowledge is sexual intercourse with a person in an unnatural manner or with an animal”.

In his article *Homosexuality in Ghana*, Atuguba 2019 discusses the situation of the law on homosexual acts in the country, the country's place in the commonwealth, and what it means for the residents of the country. The criminal code defines homosexual activities as unnatural carnal knowledge in section **104**, which is rather imprecise in the sense that the description of what could be classed as "sexual relations in an unnatural form" is subject to many different interpretations (Atuguba, 2019). Section 99 of the Criminal Code seeks to explain this by claiming that proof of natural and unnatural carnal knowledge would suffice with the least degree of penetration. In this regard, the case of *Banosin v The Republic No J 3/2/ 2014* is a watershed moment. Unnatural carnal knowledge with or without agreement is a crime, thus whether it's consensual between two adults or minors is irrelevant. This also implies that sexual activity is prescribed in the "Adamaic " or vaginal -penile penetration (Atuguba, 2019). These reveals indicate people who identify as homosexuals but do not engage in any penetrative activities are not responsible; these acts are just interpretative of sodomy. There is a highly misleading depiction of Gender Neutrality in relation to homosexuality. This British anti-sodomy laws that were imported into the Colony were in five folds. According to Kirby, these laws were very vague in the definition of “unnatural carnal” and “against the order of nature” were without clear explanation. People who have a sex change, whether with a man or vice versa, will not be considered accountable for committing an offense (Fiakumah, 2023). The honest stress on the "least amount of penetration" as a yardstick renders other sexual orientations in the LGBTQIA+ or Queer practice insignificant to the stakeholders' fight against Homosexuality, but rather a "Gay Hunt" or homophobic witch hunt but only for man to man penal-anal action. The laws are vague on the practice of lesbianism and other non-penetrative sexual practices.). Because the law only recognizes two biological genders, Hermaphrodites, other intersex, and other sexual minorities face numerous challenges. There is no provision in the constitution for them to choose whatever sexual orientation they identify with, simply to accept the dominant Gender that their physical

bodies present them with (Atuguba, 2019). According to David A. B. Murray, homophobia is "a socially produced form of sexual discrimination" (2009, p. 3). Murray also discusses "anti-gay prejudice" and "gay hatred. "Similar terminology is used to indicate that this type of discrimination is not a fear that can only be understood psychologically (2009, p. 4). This problem is related to the situation in Ghana and the anti-LGBTQIA+ bill. The assumption that heterosexuality is the norm and expected sexual orientation, while alternative sexual orientations are stigmatized or excluded, is perpetuated by this ideology. This inflexible framework perpetuates inequality and prejudice by excluding and marginalizing people whose identities and orientations do not conform to these standards. Over the years, this notion has been imbibed in the various institutions in the country, norms and most policies formulated are directly reinforcing this resolve of what gender and sexuality ought to be. "The dominant group needs a way to justify its dominance—that difference is inferior" (Cheng, 2008) and this is the peculiar situation that the society is forcing down everyone citizen in the country and is posing challenges for the LGBTQIA+ community. This has resulted in some degrees of bullying and violence towards persons who do not fit into the heteronormative and conservative culture that has been built with its laws and conventions, making it an uncomfortable place for the LGBTQIA+ population. The LGBTQIA+ population as result have less visibility, limited access to support systems, and the threat of walking in harmful stereotypes and prejudices (Fiakumah, 2023). Even though the 1992 constitution of Ghana in chapter 5 protects the fundamental human rights of the people including discrimination and dignity, this has not prevented arrests, discrimination, and homophobia. A survey by Afrobarometer in 2019 showed that 93% of Ghanaians would not have a LGBTQIA+ as a neighbor.

## **5.2 The Anti-LGBTQIA+ bill**

Clause 1 and 2 of the proposed bills applies to anyone who is LGBTQIA+, non-heterosexual, intersex or of any socio-cultural notion that is not a relationship between a man or female. Clause 3 and 4 places a duty on every citizen, social institutions, religious and traditional organizations, government, and the media including the creative Art industry to promote and protect the proposed bill. It prohibits the engaging of activities whether directly or indirectly that undermines the proposed bill, failure can result in a fine (not more than thousand penalty units or a prison term, not less than two but not more than four.

Clause 5 a person who witnesses any violation of the proposed bill is obligated to report to the police, opinion leader, customary leader in the community and it should be within 7 days of the commitment of the offence.

Clause 6 of the proposed bill states that an offence is committed when a person engages in sexual intercourse with persons of the same sex with an object, animal, or marriage. Also, a sex change is a criminal offence unless it is to correct a biological anomaly with a three-year minimum sentence.

According to clause 7, an offence is committed when a person engages in sexual intercourse or activity prohibited under the bill using threat or intimidation.

The proposed bill goes on to define in clause 10, “gross indecency” as activities pertaining to public display of affection, amorous display of affection between persons, cross dressers, and transgenders. If found liable for gross indecency, an individual faces a minimum of one year and maximum of three years. While clause 11 makes void any marriage contracted by same sex couples or people who have gone through sex or gender changes. Also. The witnesses, minister, whoever aids in such a marriage or aids in sex or gender reassignment faces a minimum of one year and a maximum of three years.

Clause 12 and 13 stipulate that whoever promotes LGBTQIA+ activities through their medium shape or form, commits a crime with a minimum sentence of five and maximum of 12. Participation, advocacy, support, or evocation of a child’s interest in LGBTQIA+ activities face a minimum of 5 and maximum of 10 jail terms.

Clause 14 and 16 of the proposed bill, acts in retrospect by dissolving any association, groups, organizations, and clubs that existed before the bill, that supports, promotes, or facilitates any acts prohibited it. Whiles a person is prohibited from being involved in any organization or group that prohibits anything under the proposed bill.

Also in clause 17, LGBTQIA+ persons are barred from adoption, anyone, or anything contrary to the male or female assigned status at birth would be ineligible to adopt children.

## **Human right violations under the bill**

Ghana’s Constitution prohibits discrimination of all kinds. And therefore, the resolution of the African Commission of Human and Peoples’ Rights is in conformity with our Constitution. The laws of Ghana will not permit any individual to be persecuted or assaulted because of their sexual orientation. —Ghana State Representative, 32<sup>nd</sup> session of the Human Rights Council, June 2016

Chapter 5 of the 1992 constitution provides elaborate positions on what the rights of the citizens are. These fundamental rights and freedoms include equality and freedom from discrimination, human dignity, freedom of association, freedom of assembly and the right to personal liberty, privacy, life, academic freedom, and freedom of the media. These rights enshrined in the constitution serve as the sovereign will of the people. The proposed bill advances the argument that LGBTQIA+ rights are not human rights, which implies as the constitution does not protect the rights of sexual minorities.

Article 17 of 1992 provides for equality and non-discrimination based on gender, race, color, ethnic origin, religion, creed and social or economic stations if it was reasonably legitimately achieved. Even though the law doesn't explicitly mention LGBTQIA+ persons, it cannot be constricted to rule out sexual minorities. Because the country is a signatory to order conventions in other democracies where the rights of human dignity is upheld, this places a duty on the supreme court to ratify and consider international human rights law and foreign laws.

Ghana is state party to the international covenant on civil and political rights (ICCPR) that states that discrimination on grounds of sexual orientation violates the rights to dignity, privacy, and non-discrimination, while the 1992 constitution also gives citizens the right to liberty and non-discrimination which includes people. However, the proposed bill stipulates in clause 1 and 2.

That LGBTQIA+ activities are liable and can be convicted which contravenes Article 15 which stipulates that the dignity of all persons shall be inviolable.

Under the rights and freedoms declared under the UDHR, discrimination, threats and harassment in any form or shape are violations against individuals. Therefore, for the drafters of the Anti- LGBTQIA+ bill to claim that rights are not absolute and hence, the justifiable reason to exclude the sexual right of LGBTQIA+ individuals. This means the failure to acknowledge that a person's sexual orientation is an intrinsic part of the individuals which embodies their identity. Thus, Race, socio-economic status, religion etc. According to Judge Elburu of the high court of Botswana, sexual preference is not an accessory, it is a crucial aspect of one's personality. The existence of a bill such as the anti-LGBTQIA+ law, is not only a shrewd attempt to rob the citizenry of their fundamental human right, but an error in its totality.

**Weaponization of the law-** The Clause (5)(1)(2)(A)(B) of the proposed bill allows for the weaponization of the law to perpetuate personal ulterior motives. It makes it a duty for citizens to report suspected LGBTQIA+ individuals, and if not prosecuted, a fine is imposed. The proposed bill grants political leaders and other stakeholders the power to enforce the



law, potentially leading to witch hunts and persecution. This could result in increased corruption, blackmail, and extortion, as officials and citizens would clamp on suspected and unsuspected individuals illegally. There would be increased Body policing which can lead to stigmatization, discrimination, and harm to relationships, self-esteem, and overall well-being.

**Freedom of Association-** The International Covenant on Economic, Social, and Cultural Rights (ICESCR) and its Optional Protocol were signed and ratified by Ghana in 2000. The Committee on Economic, Social, and Cultural Rights, which oversees monitoring the ICESCR's implementation, confirmed that the ICESCR's anti-discrimination guarantee in article 2(2) covers sexual orientation. The non-discrimination provision includes gender identity, the Committee has further emphasized. However, LGBTQIA+ persons are being discriminated against by clauses 12 and 13 that bar people from participating or associating with people who identify as such. Article 21 of the 1992 constitution allows for the freedom of association, but this bill contravenes with this right that is citing a lot of human right violations. In addition to this, clause 14 and 16 prohibits the formation of any organization that contradicts the bill and has the right to dissolve all groups in existence before the proposed bill was passed that was LGBTQIA+ related.

The proposed bill and discriminatory legislation in Ghana, however, make it illegal for same-sex couples to adopt a child. Once more, only heterosexuals are appropriate for our marriage laws. According to one argument, the different ways that LGBTQIA+ people are treated in Ghana—including the denial of their right to adopt children and get legally married—amount to discrimination based on sexual orientation.

Sexual behavior between or among people of the same sex, bestiality, or pan-sexual conduct are prohibited under clause (6) (1) (A) (I) (II) (III). This would encourage body-policing and social-policing and give individuals more access to people's private affairs (Tamale, 2008). This section allows for the unreasonable invasion of personal liberty, which is against the right to privacy at home. It is well known that people rarely engage in sexual activity outside of their homes. Therefore, it is unacceptable to promote a scenario where people's homes could be raided solely in search of those suspected of engaging in same-sex activities. which deprives them of their basic human rights and provides members of the community with a legal tender to use as a defense to perpetuate all kinds of atrocities under this proposed bill (CHRAJ, 2021).

The proposed bill's clause (6) (3) (A) (B) (C) imposes limitations on enjoyment, or, more accurately, things that are censored for use when it comes to sexual delight. (3)(A) prohibits the use of any punishment, oral communication, or contraception during sexual actions. All

members of society, whether they identify as binary or non-binary, are affected by this, which means that the State is telling everyone how to get sexually satisfied. This is a violation of one's constitutional right to reproductive rights and an attempt to control the citizens' bodies. People's ability to make decisions about their own bodies and sexual experiences are restricted when the state becomes engaged in their sexual preferences. The concepts of individual freedom and sovereignty could be challenged.

In summation, the proposed bill violates the 1992 constitution of Ghana, the UDHR, ICESCR, African charter, ICCPR, on the bases of discrimination by sexual orientation and the fundamental rights of a human being.

### **5.3The “Silent code”**

The criminal code can be said to criminalize the same sex act not the individual and because of this, unless caught in the act, it's illegal to be arrested. However, that does not bare the society from making up forming their own rules and conduct of their own, which is what the silent code stands means. In the Ghanaian society as long as an individual who is a homosexual stay hidden, there is no cause for attention but once an individual becomes open about their identity, as suspicion is raised because of the individual's activities or the individual declares their identity, that is when things begin to go South. Basically, a homosexual life would need to follow the “remain invisible” and not be harmed Code for their entire existence (Ako,2021)

However, the silent code has been eroded over the years, making it see a growing number of violations against sexual minorities. Discrimination and violence meted out on LGBTQIA+ members can be traced as far back as 2004, with frequent harassment from the police, community and these sexual minorities tagged as outcasts (Refugees, 2006).

Over the cause a few years, these cases have escalated with CHRAJ (Commission on Human Rights and Administrative Justice) in 2013 recorded 36 cases out of 78 all being LGBTQIA+ abuse and violation with Amnesty International corroborating the prevalence of this violence.

As time threads over the years, homophobia in the Ghanaian community has increased, citing courses such as (religion, politics, weaponization and media). Gyasi and Amoah in their study of 50 residents in Kumasi, he found most residents abhorred same sex relationships, and fueling this were social institutions like the church. Even though he believed these same institutions can be used to subjugate this since, the educated residents were more tolerant

than the uneducated (Riggs et al, 2011). Allotey 2015 in her study on students and non-students in Ghana, made conclusions that both students and non-students had negative attitudes towards homosexuality, with education playing a very minute role in changing the opinions of people on homosexuality, and this has been reiterated by Essien and Aderinto (2009).

The pew research center in 2013, made a survey on, morality in Ghana, and homosexuality scored highest on unacceptability in Ghana with a score of 98.

**Table 1. Ghanaian moral attitudes toward topics often described as moral issues (in %)**

ISSUE	U	A	N
Extramarital affairs	86	10	2
Abortion	92	2	2
Gambling	91	3	3
Alcohol use	80	8	8
Homosexuality	98	1	1
Premarital sex	86	6	4
Divorce	80	10	2
Contraception use	52	35	7

*Note.* U = Unacceptable; A = Acceptable; N = Not a moral issue.

<https://www.pewresearch.org/global/interactives/global-morality/>

This situation over the years has increased throughout the years with heated debates so much so that the present Speaker of Ghana's Parliament has also stated unequivocally that homosexuality has no place in Ghanaian society and has stated that he would sooner retire than preside over any debate on the floor of Parliament addressing same-sex issues (Ghana-Web, 2018). In response to recent rumors that Ghana's President had approved same-sex marriage, the Director of Communications in the Office of the President sternly declared in a public statement: "Same-sex marriage will NOT be legalized in Ghana under his Presidency" (Arhin, E., 2018). Homophobia is on the rise with a lot of recorded cases recently. Nine out of ten Ghanaians (89%) said they would "somewhat dislike" or "strongly dislike" living next to persons who are in same-sex relationships, according to Afrobarometer (2020). This number climbed to 93% in 2017 and 2019, respectively.

## **5.4 What are the differences /commonalities experienced by MSM and WSW in Ghana.**

Dankwa in her book knowing him, she recounts encounters with lesbian and gay activists and their activities. In the work, she asserted that lesbians were quiet while the gay men were loud. This meant that the women were more reluctant to take up identity and recognition for their sexuality. This was attributed to the fact that they found the labelling undesirable and like to think of it as a “friendship thing” with the same sex. The men on the other hand were responsive to new words like “sasso” which was not derogatory.

The women faced a “double stigma” for being a female and a homosexual. This was because of the oppression of being a woman and the invisibility of lesbians in the LGBTQIA+ community in Ghana, women then had to face twice the challenge a gay man would encounter. She recounted the challenges an activist faced trying to mobilize lesbians in an organization, they had to be lured with snacks and TnT (time and transport money), and even with that, it only lasted for a couple of months making the initiative unfruitful.

In relation to the undesirability of names, this translated into their identity and foreign homosexuals who visited the GALAG organization remarked that the females lacked a lesbian awareness seeing that some of them were married(hetero) and were not actively championing the need to desensitize the misconceptions about them or showed any proactiveness in the course, unlike the men who were granting interviews and media campaigns.

Dankwa asserted in her book that gay men were “coming out more” compared to the lesbians who were still in the closet and shadows, which aided for streams of funding from international organizations to be centered on the Gay movement. This compounded to worsening the woes of an already economically marginalized female population, making the sustenance and visibility of lesbians very dear. Additionally, international funding found it easier to direct attention to a particular subject at a time to be able to streamline funding in a way that would have impact. Hence, investment was made in Activist organizations that were budding and proactive in that area. GALAG (gay and lesbian association of Ghana) even though a joint activist movement, saw the gay sector getting more funding for their HIV awareness sex education program, that led to the “homoconference” scandal in 2006 (GhanaWeb, 2006). This shifted a lot of focus to the gay community (MSM) and WSM became invisible but not non-existent, because though their organization was still existent, Dankwa remarked that it became an avenue for women to meet partners as well. The public outrage, violence and grievances have since been directed at gay men in most dealings of

homosexuality in the country. They have become the poster child to attack in debates about homosexuality.

In contrast to the spotlight being on gay men, women on the other hand have enjoyed legal covering from most of the laws passed over the years. The sexuality of men over the years have been sidelined and curtailed from the colonial era. Through the Person's Act of 1861, men in the colonial era were banned from polygamy, levirate marriages and ordinance marriage were instituted. Sodomy laws were put in place to criminalize same sex relations that was present at the time, with penalization.

After independence in 1957, these sodomy law provisions were integrated into the criminal code in 1960 based on "unnatural carnal knowledge" which gives women a free pass since it's been interpreted to mean penal-anal penetration, leaving men to face the full force of the law.

The country ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979 which also included sexual orientation of women. Hence the respect for the sexuality of women was put into law drafted into old constitutions and therefore integrated into the fiber of society. Though this has fostered women's rights, men's rights have not gathered the same level of success in the laws.

Additionally, in the society women who are open about their sexuality in recent times have had less violence meted against them than men in the society compare. Even though LGBTQIA+ individuals face widespread violence and discrimination, WSM reported cases of threatened violence and discrimination (Human Rights Watch, 2018). However, MSM faced physical violence and abuse which potentially cause grave bodily harm unlike women. A survey conducted by Human right watch with 114 LGBTQIA+ members showed the differences that existed between the experiences of WSM and MSM. The UK country policy reported that mostly primarily gay men were the target in arrests and detention. Also, in the year 2022 alone two deaths were reported of gay men being lynched by homophobes, more because section 104 prohibits carnal knowledge, crimes against gay men are often not reported because "he who wants equity must come with clean hands". (Saalim et al., 2023) details the struggle MSM go through in a survey conducted as MSM enduring many forms of sexual stigma across all socioecological levels of Ghanaian society. MSM specifically mentioned eight types of stigmas enacted by others: gossiping and outing, verbal abuse and intrusive questioning, nonverbal judgmental gestures, societal, cultural, and religious blaming and shaming, physical abuse, poor-quality services, living in constant fear and stigma avoidance, and internal ambivalence and guilt about sexual behavior.

Furthermore, in the public domain, empathy and grace is given to women who have come out as non-heterosexual than men. Three personalities in the public sphere will be scrutinized in these examples. Thus, Ursula Owusu (minister of finance), Ama Governor (budding Lawyer) and Ignatius Annor(journalist). Ursula Owusu declared on national radio that she had “experimented with lesbianism”, and had no regrets, this revelation didn’t cause a lot of uproar (GhanaWeb, 2023). Ama governor declared that she s pansexual and sleeps with other women, a morality clause was brought up against her from being called to the bar, consequently the case was lost by the plaintiffs because legally WSW sexuality is not crime in Ghana. Also, the code of ethics for becoming a lawyer in Ghana doesn’t expand on the term “morality” in rules of ethic and hence, no definitive explanations made the rules and contendable.

In contrast, Ignatius Annor, who was a seasoned journalist feared losing his life, credibility in the media space and job so much so that he had to remain in the closet his whole life and deny his identity. After coming out of the closet on national television, he had to secure another job abroad and relocate out of the shores of Ghana. To prevent more discrimination, prejudice, unemployment, and stigma. These two examples put a vast distinction between the experiences of MSM and WSW.



*Lawyer, Member of parliament and Minister of communications Ghana.... Ursula Owusu*  
Available at: <https://ursulaowusu.com.gh/>



*Youtuber, swimming instructor and budding lawyer.... Ama Governor. Governor, A. (2020). [Instagram] Available at: <https://www.instagram.com/p/B9M0hN5BW9q/> [Accessed 17 Oct. 2023].*



*Journalist who works for the VOA News English to Africa Service...Ignatius Annor. Annor, I. (2023). [twitter] Available at: <https://pbs.twimg.com/media/Fpm4M7ZWcAAaqrU?format=jpg&name=900x900> [Accessed 17 Oct. 2023].*

## Chapter 6

### **6.0 How the anti- gay law in Ghana can be and/ or has been used to police the bodies and rights of gay men in Ghana and its impacts?**

The data below shows the various occurrences where individuals and the police have capitalized on the law to harass, discriminate, instill fear and sometimes death in the pursuance of the criminality of “unnatural carnal knowledge” to body police Gay men, and the rapid increase in violence after the introduction of the proposed bill.

#### **Analysis**

The proposed bill presented on the floor of Ghana's Parliament on July 2023 has had a profound impact on the LGBTQIA+ community, particularly gay men, leading to a disturbing rise in abuse cases and the policing of their bodies and rights. The law has emboldened and empowered anti-LGBTQIA+ groups, who have resorted to increasingly violent tactics to target and harm gay individuals. According to Rainbow refugee status was granted to 9 people in 2021 and 7 asylum appeals were granted on sexual orientation. In April alone, RightifyGhana has recorded 30 cases of violence and a rise in kidnappings of LGBTQIA+ people. They have seen an increase in human right violations from 3 to 4 cases per week, to 2 to 3 cases per day, discrimination, and rejection of LGBTQIA+ members have increased, seeing all-inclusive places closing to LGBTQIA+ people out of fear from the public. Anti-LGBTQIA+ groups have not only targeted individuals but have also extended their threats to organizations and activists working to protect the rights of the LGBTQIA+ community. During negotiations for the release of a victim, the Executive Director of Rightify Ghana, was threatened, leaders of the group accused the director of being gay and warned that they would go after him in the future <sup>1</sup>. The rise in attacks can be partly attributed to the homophobic comments of traditional authorities. For instance, the Chief of Dormaa in the Bono region, who is also a Justice of the High Court, publicly supported the proposed bill and even threatened to mobilize 10,000 people to ensure its passage.

The proposed bill is being used to police the bodies of LGBTQIA+ individuals. On June 26, 2022, a group of homophobic men attacked and robbed the attendees of a party in Gbawe, Accra. The police arrested 29 individuals, all of whom were men. The detainees were held in an unoccupied female cell, and some of them sustained injuries during the attack. A transgender woman was also arrested and detained. The incident has had significant



consequences for the victims, including injuries, social stigma, and rejection. Organizations and activists are calling for action, including the arrest and prosecution of the violent men and the identification and punishment of police officers who participated in the abuse.

The proposed bill has had a devastating impact on the LGBTQIA+ community, particularly gay men, leading to a disturbing rise in abuse cases and the policing of their bodies and rights. This is evident from the following key points: **Widespread Abuse and Violence:** The law has emboldened and empowered anti-LGBTQ groups to harm gay individuals. **Threats and Intimidation:** The anti-LGBTQ groups have also extended their threats to organizations and activists working to protect the rights of the LGBTQIA+ community; and **Influence of Traditional Authorities:** The rise in attacks against the LGBTQIA+ community can be partly attributed to the homophobic comments and actions of traditional authorities. Overall, the anti-gay law has created a hostile environment for the LGBTQIA+ community, particularly gay men, leading to a surge in abuse cases and the policing of their bodies and rights.

### **Data 1 Panic grips LGBTQIA+ community in Cape Coast as local media launch misinformation campaign that also threatens safety of organizations and activists.**

The anti-gay laws have been used as a tool to police the bodies and rights of the LGBTQIA+ community, particularly gay men, as evidenced by the recent events in Cape Coast. The installation of Davis Mac-Iyalla as Amankorehen of the Yamonransa-Nkusukum Traditional Area has triggered attacks on LGBTQIA+ community in the region. Organizations associated with sexual health and human rights, as well as those believed to be LGBTQIA+, have been publicly mentioned on radio stations, exposing them to harm and discrimination.<sup>1</sup> This campaign not only spreads misinformation and falsehoods but also inciting fear and panic among community members and leaders.<sup>2</sup> The situation has escalated rapidly affecting health intervention programs meant to support the LGBTQIA+ community, further exacerbating the vulnerability of its members.<sup>3</sup> " <sup>4</sup> The fear and panic generated by this campaign have forced some organizations to close their offices until tensions subside, further limiting the support and resources available to the LGBTQIA+ community.<sup>5</sup> This not only hampers the community's ability to access vital services but also perpetuates a climate of discrimination and marginalization.

## **Perpetual Harassment and Discrimination**

The anti-gay law has been used to police the bodies and rights of gay men, with severe consequences. This is evident in the recent chieftaincy controversy surrounding the appointment of Davis Mac-Iyalla as Amankorehen of Yamonransa Nkusukum, which triggered a wave of attacks against the LGBTQIA+ community in Cape Coast. The media, particularly local radio stations, have played a significant role in perpetuating this anti-LGBTQIA+ campaign by spreading misinformation and falsehoods about LGBTQIA+, including naming individuals and organizations involved in sexual health and human rights. This has created an environment of heightened vulnerability, where community members are exposed to public scrutiny and harm. The impact of this campaign extends beyond a mere social stigma. It has disrupted crucial health intervention programs designed to support the LGBTQIA+ community, leaving vulnerable and marginalized. The sudden escalation of events in Cape Coast indicates a volatile and unpredictable environment for the LGBTQIA+ community, where their safety and well-being are constantly at risk.

## **Data 2 Threats and Violence against LGBTQ+ Individuals in Muslim Communities**

The case of a 25-year-old man from Sekondi in the Western region exemplifies the dangerous implications of this law. The man's life was threatened by his family, as their duty to protect their family name and serve as a deterrent. His aunt, in a chilling conversation, warned him that "you will not be the reason why we lose our family image as good Muslims by bringing shame to us. Even if you are our own son, you will be killed as the Qur'an directs us to do to gays" <sup>1</sup>. This highlights the deeply entrenched homophobia within certain communities, where religious beliefs are used to justify violence and discrimination.

The impact of this law extends beyond the immediate threat to one's life. The young man expressed his fear, stating that "I am terrified as my aunt stressed that he will be punished to serve as a deterrent to other gay people and to warn especially those in the Muslim communities" <sup>2</sup>. This not only perpetuates a climate of fear and persecution but also reinforces harmful stereotypes and prejudices against the LGBTQIA+ community.

### **Data 3: Gay Man Stabbed during Home Invasion in Cape Coast, Ghana**

A 21-year-old gay man was stabbed multiple times during a home invasion, with the assailant explicitly stating that he was "coming to do gay". <sup>1</sup> This attack highlights the vulnerability and danger faced by individuals who identify as gay in Ghana, where their sexual orientation is not only stigmatized but also criminalized. The victim's experience of being targeted in his own home underscores the pervasive nature of homophobia and the potential for violence against the LGBTQIA+ community.

Moreover, this incident is not an isolated event, but rather part of a larger pattern of violence and discrimination against the LGBTQIA+ community in Ghana. It occurred just a day after another gay man was brutally attacked in Nungua and follows the recent arrest of 30 LGBTQIA+ persons in Gbawe. <sup>2</sup> These incidents demonstrate the systemic nature of the discrimination faced by the LGBTQIA+ community, with violence and persecution being perpetuated not only by individuals but also by the state through its enforcement of anti-gay laws.

In conclusion, the anti-gay law in Ghana has not only created a hostile environment for the LGBTQIA+ community but has also emboldened individuals to commit acts of violence against them. The recent stabbing incident in Cape Coast is a stark reminder of the urgent need for legal and societal reforms to protect the rights and safety of the LGBTQ+ community in Ghana.

### **Data 4: Harassment and Violence against LGBTQIA+ Individuals in Ghana**

The anti-gay law in Ghana has been used as a tool to police the bodies and rights of the LGBTQ+ community, particularly gay men, leading to severe consequences and impacts. The case of a 32-year-old gay man in Nungua, Ghana, provides a harrowing account of the discrimination and violence faced by individuals in the LGBTQ+ community. The victim, who had been suffering from a stomach illness, was attacked by two men while returning home from a public restroom. The attackers demanded money and physically assaulted him, highlighting the vulnerability and danger faced by gay men in Ghana. <sup>1</sup> The victim's experience also sheds light on the economic impact of such attacks, as he expressed concerns about

his financial situation, stating, "I am not able to afford a GHC250 medication he currently needs for his stomach illness and now more worried to be saddled with an additional GHC400 debt."<sup>2</sup>

This incident not only highlights the physical and emotional trauma faced by the LGBTQ+ community but also the financial burden imposed on them. The victim's phone was forcibly taken, and he had to pay a significant amount of money to retrieve it.<sup>3</sup> This incident is not an isolated one, as the victim expressed his fear and anxiety, stating, "I'm afraid right now. I don't know what to do. I'm afraid. It's not easy. It's not easy."<sup>4</sup> The rising intolerance and discriminatory behaviors against LGBTQ+ Ghanaians are evident in this incident, as the victim emphasized that this was the first time, he had experienced such harassment, beating, and blackmail.<sup>5</sup> This incident also occurred shortly after the arrest of 30 LGBTI persons who were assaulted and robbed during a party, further highlighting the hostile environment faced by the LGBTQ+ community in Ghana.<sup>6</sup>

In conclusion, the anti-gay law in Ghana has created an environment where the bodies and rights of the LGBTQ+ community, particularly gay men, are policed and violated. The incident in Nungua serves as a stark reminder of the discrimination, violence, and economic burden faced by individuals in the LGBTQ+ community. Urgent action is needed to address the rising intolerance and discriminatory behaviors against LGBTQ+ Ghanaians and to ensure their safety, well-being, and equal rights.

## **Data 5: Verbal Abuse and Public Humiliation of Effeminate Men by a Street Preacher in Accra, Ghana**

The proposed bill in Ghana has been used as a tool to police the bodies and rights of the LGBTQIA+ community, particularly gay men, as evidenced by a recent incident in Accra. Two effeminate men were subjected to verbal abuse and public humiliation by a street preacher at Circle, a busy commercial transport area. The preacher, unprovoked, shouted derogatory remarks about their sexual orientation, stating, "hey, look at those effeminate boys, [people have anal sex with them]. Our God will punish them."<sup>1</sup> This incident highlights the pervasive discrimination and harassment faced by LGBTQIA+ individuals in Ghana, where religious beliefs are often weaponized to justify and perpetuate such mistreatment.

The impact of such incidents is profound, with the victim expressing fear for his life and a sense of vulnerability. He shared, "I feared for my life at Circle... I was afraid."<sup>2</sup> This fear is not unfounded, as he rightly points out that Circle is known for its potential for mob justice,

and he was uncertain how people would react.<sup>3</sup> The incident also put a child in danger, as the victim observed, "The other guy was with his junior brother who won't be more than 6yrs of age."<sup>4</sup> This underscores the broader societal consequences of such discrimination, as it not only affects individuals but also perpetuates a cycle of intolerance and prejudice.

In conclusion, the anti-gay law in Ghana has been used as a tool to police and discriminate against the LGBTQIA+ community, particularly gay men. This incident at Circle serves as a stark reminder of the pervasive discrimination and harassment faced by LGBTQIA+ individuals in Ghana, where religious beliefs are often weaponized to justify such mistreatment. The impact of such incidents is far-reaching, instilling fear and vulnerability in the victims and perpetuating a cycle of intolerance and prejudice in society.

## **Data 6 Left Behind': Discriminatory School Policies, Violence Cut Short Education of Ghanaian LGBTQI Students**

The Ghana Education Service (GES) has been complicit in this, as it not only allows head teachers to suspend students found in "homosexuality" for a few days, but it also encourages so-called conversion therapy in schools. The GES spokesperson stated, "if a headmaster finds any student in this act, we investigate. If there is an iota of truth, then we take them through counseling. After counseling if they continue, then we take them through internal suspension"<sup>1</sup>. This approach not only violates the rights of LGBTQIA+ students but also perpetuates harmful practices that have been widely discredited.

The proposed anti-LGBTQIA+ bill, if passed into law, would impose a "duty to report" which would also encourage schools to introduce or strengthen anti-gay policies, leading to more victimization. This is evident in the case of Opoku Ware Secondary High School, where 19 students were dismissed for practicing homosexuality<sup>2</sup>. Such discriminatory policies create a hostile environment for LGBTQIA+ students and contribute to a culture of hate and vigilantism.

In conclusion, the anti-gay law in Ghana, along with the proposed anti-LGBTQIA+ bill, has had a detrimental impact on the bodies and rights of the LGBTQIA+ community, particularly gay men. It has not only led to the unjust punishment and expulsion of students but has also fostered a culture of discrimination and violence in educational institutions.

## 7.0 Summary

The study adopts a Gender, Human Right and Law perspective to analyze sexuality and law in Ghana by examining the lived experiences of Gay men in Ghana and the proposed bill. The research explored the concept of theorizing Gender and sexuality in Africa, Ghana, and the need to address it from an intersectional perspective, and the various ways by which theorization of gender and sexuality has negatively affected MSM in Ghana. The findings concluded that same-sex relations were a practice in Ghana, sometimes concealed (Nzema's conducted same-sex marriages) but not foreign. The study made conclusions on how same-sex relationships were not treated with antagonism, didn't constitute as a sexual offence, was practiced but concealed in certain areas and how western discourses and colonial agenda was used to perpetuate the non-existence of same-sex relationships in Africa and Ghana.

The study then delves into colonialism, its impact on same sex relationships and the transformations it had on same sex relationships especially the laws in the society. The study moves on to talk about the development that took place to shape the views and perceptions of the Ghanaian society, this includes the distortions of Western knowledge on sexuality, the development discourse wave that swept through sexuality and African discourses in the 1990's with African scholars "rewriting and reighting" the narratives of African sexuality to eradicate the misconceptions. The study highlights religion, culture, HIV, and the politicalization of the media and how it has shaped the current discourse on same-sex relationship and how it has fueled homophobia in Ghana.

The laws of Ghana, the constitution, criminal law, sodomy law (colonial era) and the new proposed bill was expanded on, the modes by which these laws have stifled the lives of gay men from the colonial era to the present era, while citing the human rights violations that have been perpetuated and are still being perpetuated as these laws are in existence and being enforced, that has marginalized the LGBTQIA+ society especially gay men.

The evidence of the means through which these laws have stifled gay men is depicted in the data gathered from reports of physical abuse and public personalities who practice lesbianism and Gay men. The study revealed that there was a disparity when it came to the lived experiences of lesbians and Gay men in Ghana. From the data, Gay men suffer harsher physical abuse, legislative injunctions, and body policing in the Ghanaian society and introduction of the proposes bill has heightened the human right violations faced by the LGBTQIA+ community.

## RECOMMENDATION

I propose decoloniality as a method to advert all the pain that the Gay men have lived through over the years. In the use of decolonization, exploring aspects like sentipensar, holding space, knowing with others, liminagraphy would aid in correcting the enunciation because it doesn't carry the codes of colonization and deviates from it.

The act of continuing with colonial laws and dictates undermine the essence of Ghana's independence as a nation. Thus, the migration of colonial laws into our present laws that's faltering on colonial ideologies and laws. Making the struggle for independence and sovereignty counterproductive if the Nation is still going to continue the colonial legacy rather than making our own laws to fit our own narratives.

According to the present laws around same sex relationships, it corroborates the perspective of Atuguba describing Ghana as a State that had independence 60 years ago but still being "colonized and happy".

This approach would open the discussion on why law makers are still should review the laws on same sex relationships especially "unnatural carnal knowledge" and the classification of homosexuality as not cultural to the Ghanaian society. The need to revise legal education and curricula to introduce broader scope with more Human right inclusion.

I would advise that the indigenous legal traditions of Ghana be explored and incorporated into our laws to foster more inclusivity. There should be an engagement with the marginalized community especially the LGBTQIA+ community. For a community with a lot of diversity and history, using this approach would provide in depth experiences and in-depth data that could be tailored to knowledge to influence law production to lend a voice to the suppressed voices of the voiceless.

Additionally, it should be acknowledged and embedded in the reasoning of law makers that sexual rights are essential to the development of the State as Cornwall and Jolly have established. This would serve as a guiding principle in the aspect of using the Law as a tool for body policing and dictating citizens sexual rights, as well as scrapping all laws indicative of such.

New laws should be enacted to promote equality, promote sexual expression and the respect of fundamental rights of the citizenry.

## Reference list

Achebe, Nwando, Samuel Adu-Gyamfi, Joe Alie, Hassoum Ceesay, Toby Green, Vincent Hiribarren, Ben Kye-Ampadu, History Textbook: West African Senior School Certificate Examination (2018), <https://wasscehistorytextbook.com/>

Altman, Dennis.1997. "Global Gaze/Global Gays." *GLQ: A Journal of Lesbian and Gay Studies*, 3 (4): 417–36. 2001. *Global Sex*. Chicago: University of Chicago Press. Available at <http://dx.doi.org/10.1215/10642684-3-4-417>

Amenga-Etego, R. M. (2012). Tribes without rulers? Indigenous systems of governance and sustainable rural governance. In A. Adogame, E. Chitando & B. Bateye (Eds.), *African traditions in the study of religion in Africa – An interdisciplinary introduction* (119-134). Farnham: Ashgate Publishers Available at [https://www.researchgate.net/publication/292537146\\_Tribes\\_without\\_rulers\\_Indigenous\\_systems\\_of\\_governance\\_and\\_sustainable\\_rural\\_development](https://www.researchgate.net/publication/292537146_Tribes_without_rulers_Indigenous_systems_of_governance_and_sustainable_rural_development)

Amoah, PA & Gyasi (2016), RM 'Social institutions and same-sex sexuality: Attitudes, perceptions and prospective rights and freedoms for non-heterosexuals' 2 *Cogent Social Sciences* 1

Arnfred, S. (Ed.). (2004). *Rethinking Sexualities in Africa*. Uppsala: The Nordic Africa Institute.

Babcock, T.G. (1989). *Kampung Jawa Tondano: Religion and cultural identity*.

BAOBAB. (2003). *BAOBAB for women's human rights and sharia implementation in Nigeria: The journey so far*. Lagos: BAOBAB for Women's Human Rights

Baral, S., Turner, R. M., Lyons, C. E., Howell, S., Honermann, B., Garner, A., Hess, R., III, Diouf, D., Ayala, G., Sullivan, P. S., & Millett, G. (2018). Population Size Estimation of Gay and Bisexual Men and Other Men Who Have Sex with Men Using social media-Based Platforms. *JMIR public health and surveillance*, 4(1), e15. <https://doi.org/10.2196/publichealth.9321>

Bochow, Astrid. 2008. "Valentine's Day in Ghana: Youth, Sex and Secrets." In *Generations in Africa: Connections and Conflicts*, edited by E. Alber, S. v. d. Geest and S. R. Whyte, 333–56. Berlin: LIT Verlag



- Cameron, D. and Kulick, D., 2003. *Language and sexuality*. Cambridge University Press.
- Commons, L. (1993–94). Savage sexuality: Images of the African woman in Victorian literature. *Latitudes*, 3. Retrieved May 10, 2010, from <http://ssmu.mcgill.ca/journals/latitudes/3vsex.htm>.
- Drewal, Henry John, ed. 2008. *Mami Wata: Arts for Water Spirit in Africa and Its Diasporas*. Los Angeles: Fowler Museum at UCLA
- Hjarvard S (2008), “The Mediatization of Society,” *Nordic Review* 29, no.2: PP 105-34.
- Krook-Gilead, D (1959). *Three Traditions of Moral Thought*. University Press.
- Mama, A. (2007). Is it ethical to study Africa? Preliminary thoughts on scholarship and freedom. *African Studies Review*, 50(1), 1–26.
- Mbiti, J. S. (1969). *African Religions & Philosophy*. Nigeria: Praeger.
- Msibi, T. (2011). The Lies We Have Been Told: On (Homo) Sexuality in Africa. *Africa Today*, 58(1), p.55. doi:<https://doi.org/10.2979/africatoday.58.1.55>.
- O’Mara, Kathleen. 2007. “Homophobia and Building Queer Community in Urban Ghana.” *Phoebe: An Interdisciplinary Journal of Feminist Scholarship, Theory, and Aesthetics* 19 (1): 35–46.
- Raymond A. Atuguba, “Ghana @ 50: Colonised and Happy”, in H. J. A. N. Mensa-Bonsu et. al. (eds) *Ghana Law Since Independence: History, Development and Prospects*, (Faculty of Law, University of Ghana, Legon, Accra, 2007), p. 571
- Signori, I ‘Agonwole agyale (1973): the marriage between two persons of the same sex among the Nzema of Southwestern Ghana’ *Journal de la Societe des Africanistes* 221
- Adomako Ampofo, A, A., S (2010). *African feminist politics of knowledge: Tensions, challenges, possibilities*. [online] <http://nai.diva-portal.org/smash/record.jsf?pid=diva2%3A288583>. Available at: <https://urn.kb.se/resolve?urn=urn:nbn:se:nai:diva-970> [Accessed 4 Oct. 2023].
- Ako, E. yaw (2021). *Towards the decriminalisation of consensual same-sex conduct in Ghana: A decolonisation and transformative constitutionalism approach*. [LLD thesis] pp.1–361. Available at: <http://hdl.handle.net/2263/82603> [Accessed 27 Dec. 2022].

A report by ISFiT Research Group 1/2017 (2017). *Forms of Discrimination of LGBT People in Ghana, Uganda, Russia, and Norway*.

Arnfred, S. and Nordiska Afrikainstitutet (2006a). *Re-thinking sexualities in Africa*. Uppsala: Nordiska Afrikainstitutet.

A spirited argument by Prof Kwasi Prempeh in defence of the memorandum against the Anti-LGBTQ bill (2021). [online] Youtube. Available at: <https://www.youtube.com/watch?v=FLUh5bgsX1I> [Accessed 27 Dec. 2022].

Achmat, Z. (1993). 'Apostles of Civilised Vice': "Immoral Practices" and "Unnatural Vice" in South African Prisons and Compounds. *Social Dynamics* 19(2): 92–110. [online] Available at: <https://www.africabib.org/http.php?RID=119996162>.

Activities, A. (2012). Ghana's Hidden History Explored for LGBTQ+ History Month. Available at: <https://africanactivities.org.uk/lgbtq-history-month/> [Accessed 30 Jun. 2023].

Addai, I. (2000a). Religious Affiliation and Sexual Initiation among Ghanaian Women. *Review of Religious Research*, 41(3), p.328. doi:<https://doi.org/10.2307/3512033>.

Addai, I. (2000b). Religious Affiliation and Sexual Initiation among Ghanaian Women. *Review of Religious Research*, 41(3), p.328. doi:<https://doi.org/10.2307/3512033>.

Ajei, M.O. (2022). Being Gay and African: A Contradiction in Being? *Philosophical Papers*, 51(2), pp.179–202. doi:<https://doi.org/10.1080/05568641.2022.2035248>.

Ako, E. yaw (2021). *Towards the decriminalisation of consensual same-sex conduct in Ghana: A decolonisation and transformative constitutionalism approach*. [LLD thesis] pp.1–361. Available at: <http://hdl.handle.net/2263/82603> [Accessed 27 Dec. 2022].

Allotey, N. (2015). *Perceptions of Youth towards Homosexuality in Ghana Faculty of Psychology Department of Health Promotion and Development ACKNOWLEDGEMENTS*. [online] Available at: <https://bora.uib.no/bora-xmlui/bitstream/handle/1956/10064/135264163.pdf?sequence=1&isAllowed=y> [Accessed 14 Oct. 2023].

Allotey, P. and Reidpath, D. (2014). Sexual and reproductive health and rights post 2015-challenges and opportunities. *BJOG: An International Journal of Obstetrics & Gynecology*, [online] 122(2), pp.152–155. doi:<https://doi.org/10.1111/1471-0528.13177>.

American Psychological Association (2012). Guidelines for psychological practice with lesbian, gay, and bisexual clients. *American Psychologist*, [online] 67(1), pp.10–42. doi:<https://doi.org/10.1037/a0024659>.

Anane, J.O. (2000). *Advanced Akan Dictionary*. Prisebs Business Services, 2000.

Anarfi, J.K. and Owusu, A.Y. (2010a). The Making of a Sexual Being in Ghana: The State, Religion and the Influence of Society as Agents of Sexual Socialization. *Sexuality & Culture*, 15(1), pp.1–18. doi:<https://doi.org/10.1007/s12119-010-9078-6>.

Anarfi, J.K. and Owusu, A.Y. (2010b). The Making of a Sexual Being in Ghana: The State, Religion and the Influence of Society as Agents of Sexual Socialization. *Sexuality & Culture*, 15(1), pp.1–18. doi:<https://doi.org/10.1007/s12119-010-9078-6>.

Annor, I. (2023). [twitter] Available at: <https://pbs.twimg.com/media/Fpm4M7ZWcAAaqrq?format=jpg&name=900x900> [Accessed 17 Oct. 2023].

Anthony, III, D. (2010). Making Men in Ghana. *Social Sciences and Missions*, 23(2), pp.305–306. doi:<https://doi.org/10.1163/187489410x511605>.

Armah-Attoh, D. (2020). *Curbing intolerance of persons in same-sex relationships in Ghana: The important role of education*.

Armas, H. (2006). Exploring Linkages Between Sexuality and Rights to Tackle Poverty. *IDS Bulletin*, 37(5), pp.21–26. doi:<https://doi.org/10.1111/j.1759-5436.2006.tb00297.x>.

Aryeh, D.N.A. (2022). Homosexuality in Ghana Today: The Role of the Church in Mission. *E-Journal of Humanities, Arts and Social Sciences*, 3(2), pp.15–26. doi:<https://doi.org/10.38159/ehass.2022321>.

Asmelash, L. (2023). *A proposed law in this country would require citizens to report LGBTQ people to authorities*. [online] CNN. Available at: <https://edition.cnn.com/2023/09/13/africa/ghana-lgbtq-community-fears-cec/index.html> [Accessed 10 Nov. 2023].

Atuguba, R.A. (2019). Homosexuality in Ghana: Morality, Law, Human Rights. *Journal of Politics and Law*, 12(4), p.113. doi:<https://doi.org/10.5539/jpl.v12n4p113>.

Bansah, C.W. (2017). *The Church and Homosexuality in Ghana: A Critical Biblical and Theological Review*. [online] Available at: <https://www.biblicaltheology.com/Research/BansahCW02.pdf> [Accessed 21 Sep. 2023].

Bennion, F. (1962). *CONSTITUTIONAL LAW OF GHANA*.

Benyah, F. (2019). PENTECOSTALISM, MEDIA, AND THE POLITICS OF HOMOSEXUALITY IN CONTEMPORARY GHANA. *AFRICAN JOURNAL OF GENDER AND RELIGION*, 25(1). doi:<https://doi.org/10.14426/ajgr.v25i1.7>.

Bolin, A. and Whelehan, P. (2009). *Human Sexuality: Biological, Psychological, and Cultural Perspectives (1st ed.)*. Routledge. [online] <https://www.taylorfrancis.com/books/edit/10.4324/9780203889237/human-sexuality-patricia-whelehan-anne-bolin>. Available at: <https://doi.org/10.4324/9780203889237> [Accessed 4 Oct. 2023].

Breen, L. and Darlaston-Jones, D. (2010). *Moving Beyond the Enduring Dominance of Positivism in Psychological Research: Implications for Psychology in Australia*. [online] [www.researchgate.net](http://www.researchgate.net). Available at: [https://www.researchgate.net/publication/49284188\\_Moving\\_Beyond\\_the\\_Enduring\\_Dominance\\_of\\_Positivism\\_in\\_Psychological\\_Research\\_Implications\\_for\\_Psychology\\_in\\_Australia](https://www.researchgate.net/publication/49284188_Moving_Beyond_the_Enduring_Dominance_of_Positivism_in_Psychological_Research_Implications_for_Psychology_in_Australia) [Accessed 4 Oct. 2023].

Brian, B. (2015). *Why social justice matters: The Scope of Social Justice*. pp.27–34.

Burke, R. (2021). Universal human rights for women. *Women and the UN*, pp.71–87. doi:<https://doi.org/10.4324/9781003036708-5>.

Chesler, E. (2021). *Who wrote CEDAW? Women and the UN*, pp.104–124. doi:<https://doi.org/10.4324/9781003036708-7>.

CHRAJ (2021). *COMMENTS FROM THE COMMISSION ON HUMANRIGHTS AND ADMINSTRATIVE JUSTICE (CHRAJ)*. CHRAJ.

Cole, Catherine M., et al (2007). *Africa After Gender?* Project MUSE [muse.jhu.edu/book/9043](http://muse.jhu.edu/book/9043).

Cole, E.R. (2009). Intersectionality and research in psychology. *American Psychologist*, 64(3), pp.170–180. doi:<https://doi.org/10.1037/a0014564>.

- constituteproject.org (2022). *Ghana's Constitution of 1992 with Amendments through 1996*. [online] constituteproject.org. Available at: [https://www.constituteproject.org/constitution/Ghana\\_1996.pdf](https://www.constituteproject.org/constitution/Ghana_1996.pdf) [Accessed 21 Dec. 2022].
- Cornwall, A. and Jolly, S. (2006). Introduction: Sexuality Matters. *IDS Bulletin*, 37(5), pp.1–11. doi:<https://doi.org/10.1111/j.1759-5436.2006.tb00295.x>.
- Coston, B.M. and Kimmel, M. (2012). Seeing Privilege Where It Isn't: Marginalized Masculinities and the Intersectionality of Privilege. *Journal of Social Issues*, 68(1), pp.97–111. doi:<https://doi.org/10.1111/j.1540-4560.2011.01738.x>.
- Dankwa, S.O. (2021a). Knowing Women. *Cambridge University Press*, [online] (978-1-108-49590-5), p.18=36. doi:<https://doi.org/10.1017/9781108863575>.
- Dankwa, S.O. (2021b). Knowing Women. [online] p.18=36. doi:<https://doi.org/10.1017/9781108863575>.
- Deevia Bhana, Crewe, M. and Aggleton, P. (2022). *Sex, Sexuality and Sexual Health in Southern Africa*. Taylor & Francis.
- Donham, Donald.L. (1998). *Freeing South Africa: The Modernization of Male-Male Sexuality in Soweto*. *Cultural Anthropology* 13(1):3–21. [online] AnthroSource. Available at: <https://anthrosource.onlinelibrary.wiley.com/doi/abs/10.1525/can.1998.13.1.3> [Accessed 27 Oct. 2023].
- Drah, F. (1992). NKRUHMAH AND CONSTITUTIONAL DEMOCRACY: 1949 -1966 REVISITED. *RESEARCH REVIEWS*, 8.
- Epprecht, M. (1998a). 'Good God Almighty, What's This!': Homosexual Crime in Early Colonial Zimbabwe. In *Boywives and Female Husbands: Studies of African Homosexualities*.
- Epprecht, M. (1998b). *The 'Unsayings' of Indigenous Homosexualities in Zimbabwe: Mapping a Blindspot*.
- Epprecht, M. (2004). *Hungochani: The History of a Dissident Sexuality in Southern Africa*.
- Fausto Sterling, A. 2000, "Dueling Dualisms", in *Sexing the body: Gender politics and the construction of sexuality*, New York: Basic Books

Fausto-Sterling, A. (2007). Frameworks of desire. *Daedalus*, 136(2), pp.47–57.  
doi:<https://doi.org/10.1162/daed.2007.136.2.47>.

Fiakumah, J. (2023). Body policing, human rights, and the law: the social justice fight against the Ghanaian anti-LGBT bill. [online] Available at:  
<https://my.eur.nl/en#/>.

Fiaveh, D. Y. (2018) *Cultural sensitivities: a case study of sexual pleasure in ghana*. London: SAGE Publications (SAGE Research Methods. Cases). Available at: INSERT-MISSING-URL (Accessed: September 20, 2023).

Foucault, M. (1978). *The history of sexuality / Vol.1: An introduction*. Translated by R. Hurley. New York: Pantheon Books.

Ghana Aids Commission (2017). *GHANA AIDS COMMISSION GHANA MEN'S STUDY II 2017 i*. [online] Available at: [https://www.ghanaid.gov.gh/mcadmin/Uploads/Ghana%20Men%27s%20Study%20Report\(2\).pdf](https://www.ghanaid.gov.gh/mcadmin/Uploads/Ghana%20Men%27s%20Study%20Report(2).pdf).

Ghana web (2017). *Legalising homosexuality 'not on the agenda' but 'bound to happen' – Akufo-Addo*. [online] GhanaWeb. Available at: <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Legalising-homosexuality-not-on-the-agenda-but-bound-to-happen-Akufo-Addo-604072> [Accessed 10 Oct. 2023].

GhanaWeb (2006). *Govt bans International Homo Conference*. [online] GhanaWeb. Available at: <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Govt-bans-International-Homo-Conference-109849> [Accessed 16 Oct. 2023].

GhanaWeb (2023). *FLASHBACK: I experimented with lesbianism – Ursula Owusu-Ekuful reveals*. [online] GhanaWeb. Available at: <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/FLASHBACK-I-experimented-with-lesbianism-Ursula-Owusu-Ekuful-reveals-1798853> [Accessed 16 Oct. 2023].

Ghanaweb (2022a). *'If you annoy us, we'll kill you and bury you here' – The vile words of an anti-gay group to LGBTQ+ activist*. [online] GhanaWeb. Available at: <https://mobile.ghanaweb.com/GhanaHomePage/NewsArchive/If-you-annoy-us-we-ll-kill-you-and-bury-you-here-The-vile-words-of-an-anti-gay-group-to-LGBTQ-activist>

1611482?utm\_term=Autofeed&utm\_medium=Social&utm\_source=Twitter#Echo-box=1661624128 [Accessed 27 Oct. 2023].

Ghanaweb (2022b). *Horrific account of how 7 homophobic men held Rightify director hostage*. [online] GhanaWeb. Available at: <https://mobile.ghanaweb.com/GhanaHomePage/NewsArchive/Horrific-account-of-how-7-homophobic-men-held-Rightify-director-hostage-1611473> [Accessed 27 Oct. 2023].

Goody, J. and Goody, E. (1967). The Circulation of Women and Children in Northern Ghana. *Man*, 2(2), p.226. doi:<https://doi.org/10.2307/2799489>.

Governor, A. (2020). [Instagram] Available at: <https://www.instagram.com/p/B9M0hN5BW9q/> [Accessed 17 Oct. 2023].

Greenberg, D.F. (2008). *The Construction of Homosexuality*. University of Chicago Press.

Gyamerah, A. O., Taylor, K. D., Atuahene, K., Anarfi, J. K., Fletcher, M., Raymond, H. F., McFarland, W., & Dodoo, F. N. (2020). Stigma, discrimination, violence, and HIV testing among men who have sex with men in four major cities in Ghana. *AIDS care*, 32(8), 1036–1044. <https://doi.org/10.1080/09540121.2020.1757020>

Gyamfi, E. (2018a). *Female Chiefs of Dagbon*. [online] <https://documentingghana.com/2018/10/19/female-chiefs-of-dagbon-by-eric-gyamfi/>. Available at: <https://documentingghana.com/2018/10/19/female-chiefs-of-dagbon-by-eric-gyamfi/> [Accessed 27 Dec. 2022].

Gyamfi, E. (2018b). *Female Chiefs of Dagbon*. [online] <https://documentingghana.com/2018/10/19/female-chiefs-of-dagbon-by-eric-gyamfi/>. Available at: <https://documentingghana.com/2018/10/19/female-chiefs-of-dagbon-by-eric-gyamfi/> [Accessed 27 Dec. 2022].

Gyasi-Gyamerah, A.A., Amissah, C.M. and Danquah, S.A. (2019). Changing Attitudes toward Homosexuality in Ghana: The Power of Attributional Discourse. *SAGE Open*, 9(2), p.215824401985671. doi:<https://doi.org/10.1177/2158244019856712>.

Hagen, J. (2018). *0 Global LGBTQ politics and human rights*.

Halperin, D. M. (1989). Is There a History of Sexuality? *History and Theory*, 28(3), 257–274.  
<https://doi.org/10.2307/2505179>

Heilinger, J.-C. (2019). Introduction: The challenge. Global injustice and the individual agent. *Cosmopolitan Responsibility*, (978-3-11-061227-1), pp.1–18.  
doi:<https://doi.org/10.1515/9783110612271-002>.

Hepple, J. (2012). ERR8 Joshua Hepple. *www.academia.edu*, [online] 8. Available at:  
[https://www.academia.edu/36173257/ERR8\\_Joshua\\_Hepple](https://www.academia.edu/36173257/ERR8_Joshua_Hepple) [Accessed 2 Jul. 2023].

Heumann, S. (2023). *Mapping the intersections of gender, sexuality, 'race' and social justice in the field of development and policy 1*.

<https://www.gov.uk/government/publications/ghana-country-policy-and-information-notes/country-policy-and-information-note-sexual-orientation-and-gender-identity-or-expression-ghana-may-2022-accessible> (2022). *Country policy and information note: sexual orientation and gender identity or expression, Ghana, May 2022 (accessible)*. [online] GOV.UK. Available at: <https://www.gov.uk/government/publications/ghana-country-policy-and-information-notes/country-policy-and-information-note-sexual-orientation-and-gender-identity-or-expression-ghana-may-2022-accessible> [Accessed 2 Feb. 2023].

Human right watch (2018). 'No Choice but to Deny Who I Am' | *Violence and Discrimination against LGBT People in Ghana*. [online] Human Rights Watch. Available at:  
<https://www.hrw.org/report/2018/01/08/no-choice-deny-who-i-am/violence-and-discrimination-against-lgbt-people-ghana> [Accessed 16 Oct. 2023].

Human Rights Committee (2015). *Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Ghana: A Shadow Report the Initiative for Equal Rights Center for International Human Rights of Northwestern University School of Law Heartland Alliance for Human Needs & Human Rights Global Initiative for Sexuality and Human Rights Human Rights Violations Against Lesbian, Gay, Bisexual and Transgender People in Ghana: A Shadow Report*.

Human Rights Watch (2018). 'No Choice but to Deny Who I Am' | *Violence and Discrimination against LGBT People in Ghana*. [online] Human Rights Watch. Available at:  
<https://www.hrw.org/report/2018/01/08/no-choice-deny-who-i-am/violence-and-discrimination-against-lgbt-people-ghana>.



- IPPF (2011). *About IPPF*. [online] Available at: [https://www.ippf.org/sites/default/files/ippf\\_exclaim\\_lores.pdf](https://www.ippf.org/sites/default/files/ippf_exclaim_lores.pdf).
- Ishay, M.R. (2022). *The Human Rights Reader*. Taylor & Francis.
- IslamAwareness (2023). *Islamic view about Homosexuality*. [online] [www.islamawareness.net](http://www.islamawareness.net). Available at: <https://www.islamawareness.net/Homosexuality/homo.html> [Accessed 6 Oct. 2023].
- LEARNAKAN (2023). *Twi Translation of 'lesbian' | English-Twi Dictionary | My Twi Dictionary*. [online] LEARNAKAN. Available at: <https://learnakandictionary.com/english-twi/lesbian/> [Accessed 5 Oct. 2023].
- Mazrui, A.A. and Anwar, E. (2014). *The Politics of Gender and the Culture of Sexuality: Western, Islamic, and African Perspectives*. Lanham: University Press of America.
- Mbiti, JS (1998) *African religions and philosophy* Heinemann Educational Publishers: Oxford
- McClintock, A. (1995). *Imperial Leather: race, gender, and Sexuality in the Colonial Conquest*. New York: Routledge.
- Mercy Amba Oduyoye (2004). *Beads and Strands*. Theology in Africa.
- Miescher, S.F. and Miescher, S. (2005). *Making Men in Ghana*. Indiana University Press.
- Milani, T. (2017). *Language and Sexuality Laying the Groundwork*.
- Miller, A. M., & Vance, C. S. (2004). Sexuality, Human Rights, and Health. *Health and Human Rights*, 7(2), 5–15. <https://doi.org/10.2307/4065346>
- Msibi, T. (2011). The Lies We Have Been Told: On (Homo) Sexuality in Africa. *Africa Today*, 58(1), p.55. doi:<https://doi.org/10.2979/africatoday.58.1.55>.
- Muparamoto, N. (2022). Beyond borders. *Sex, Sexuality and Sexual Health in Southern Africa*, [online] 1st, pp.29–41. doi:<https://doi.org/10.4324/9781003139782-4>.

Nel, J. (2009). *same-Sex Sexuality and Health: Psychosocial Scientific Research*. In *From Social Silence to Social Science*. [online] Available at: [https://www.academia.edu/28234173/Same\\_sex\\_sexuality\\_and\\_health\\_Psychosocial\\_scientific\\_research\\_in\\_South\\_Africa](https://www.academia.edu/28234173/Same_sex_sexuality_and_health_Psychosocial_scientific_research_in_South_Africa).

Ngwena, C (2018) *What is Africanness? Contesting nativism in race, culture, and sexualities* Pretoria University Law Press: Pretoria.

Norman, I.D., Awiah, B., Norvivor, F.A., Komesuor, J., Kweku, M. and Binka, F.N. (2016). Homosexuality in Ghana. *Advances in Applied Sociology*, [online] 06(01), p.12. <http://dx.doi.org/10.4236/aasoci.2016.61002>.

NW, 1615 L.S., Suite 800 Washington and Inquiries, D. 20036USA202-419-4300 | M.-8.-8. | F.-4.-4. | M. (2014). *Compare Global Views of Moral Issues*. [online] Pew Research Center's Global Attitudes Project. Available at: <https://www.pewresearch.org/global/interactives/global-morality/>.

OkayAfrica and Thandiwe Ntshinga and Mamello Sejake (2017). *#Goals: Re-Imagining an Africa Where Gender and Sexuality Is Fluid*. [online] Available at: <https://www.okayaf-rica.com/re-imagining-an-africa-where-gender-and-sexuality-is-fluid/> [Accessed 27 Dec. 2022].

Osha, S. (2004). *Understanding Human Sexuality Seminar Series 2 A Postcolonial Scene: On Girls' Sexuality*. [online] Available at: <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=5fc613814b5b41c7e496c721bfeb18a3e19e9d04> [Accessed 4 Oct. 2023].

Owusu, U. (2021). *URSULA GIFTY OWUSU-EKUFUL.jpg*. [URSULA GIFTY OWUSU-EKUFUL.jpg] Available at: <https://ursulaowusu.com.gh/> [Accessed 17 Oct. 2023].

Padgug, R.A. (1979). Sexual Matters: On Conceptualizing Sexuality in History. *Radical History Review*, 1979(20), pp.3–23. doi:<https://doi.org/10.1215/01636545-1979-20-3>.

*Promotion of proper human rights and Ghanaian family values bill 2021.*

Quist-Adade, C. (2014). Homosexuality in the Ghanaian Media. *www.academia.edu*. [online] Available at: [https://www.academia.edu/9539832/Homosexuality\\_in\\_the\\_Ghanaian\\_Media](https://www.academia.edu/9539832/Homosexuality_in_the_Ghanaian_Media) [Accessed 4 Oct. 2023].

Rainbow migration (2023). *Full breakdown of countries that the asylum bill considers 'safe' but are not safe for LGBTQI+ people - Rainbow Migration*. [online] Rainbow Migration. Available at: <https://www.rainbowmigration.org.uk/news/full-breakdown-of-countries-that-the-asylum-bill-considers-safe-but-are-not-safe-for-lgbtqi-people/> [Accessed 9 Nov. 2023].

Rattray, RS (1929) *Ashanti law and constitution* Cambridge University Press: Cambridge

Rawls, John (1996). *JUSTICE AS FAIRNESS?*. pp.1–31.

Rees, B. (1977). *The Victorian Lady*. London; New York: Gordon & Cremonesi.

Refugees, U.N.H.C. for (2006). *Refworld | Ghana: Treatment of homosexuals by society and authorities and availability of state protection; names and activities of groups or associations promoting homosexual rights*. [online] Refworld. Available at: <https://www.refworld.org/docid/45f1473820.html> [Accessed 13 Oct. 2023].

Reid, G. (2006). *How to Become a 'Real Gay': Identity and Terminology in Ermelo, Mpumalanga*. *Agenda 67(13):137–145*. [online] ResearchGate. Available at: [https://www.researchgate.net/publication/233044435\\_How\\_to\\_become\\_a\\_'real\\_gay'\\_identity\\_and\\_terminology\\_in\\_Ermelo\\_Mpumalanga](https://www.researchgate.net/publication/233044435_How_to_become_a_'real_gay'_identity_and_terminology_in_Ermelo_Mpumalanga) [Accessed 4 Oct. 2023].

Rich, A.C. (1980). Compulsory Heterosexuality and Lesbian Existence. *Journal of Women's History*, 15(3), pp.631–660.

Richman, N. (2020). Homosexuality, Created Bodies, and Queer Fantasies in a Nigerian Deliverance Church. *Journal of Religion in Africa*, 50, pp.249–277.  
doi:<https://doi.org/10.1163/15700666-12340192>.

RightifyGhana (2023). *Documentation and Reports*. [online] Rightify Ghana. Available at: <https://rightifyghana.org/category/documentation-and-reports/> [Accessed 27 Oct. 2023].

Roscoe, W., Murray, S.O. and Epprecht, M. (2021). *Boy-wives and female husbands: studies in African homosexualities*. Albany: State University of New York Press.

Rubin, G. (1999). *Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality*.

Saalim, K., Amu-Adu, P., Amoh-Otu, R.P., Akrong, R., Abu-Ba'are, G.R., Stockton, M.A., Vormawor, R., Torpey, K., Nyblade, L. and Nelson, L.E. (2023). Multi-level manifestations

of sexual stigma among men with same-gender sexual experience in Ghana. *BMC Public Health*, 23(1). doi:<https://doi.org/10.1186/s12889-023-15087-y>.

Sandilands, Catriona (1994) (1994). *Lavender's Green? Some Thoughts on Queer(g)ing Environmental Politics*.

Sarfo, E.A., Salifu Yendork, J. and Naidoo, A.V. (2020a). Understanding Child Marriage in Ghana: The Constructions of Gender and Sexuality and Implications for Married Girls.

*Childcare in Practice*, 28(2), pp.228–241.

doi:<https://doi.org/10.1080/13575279.2019.1701411>.

Sarfo, E.A., Salifu Yendork, J. and Naidoo, A.V. (2020b). Understanding Child Marriage in Ghana: The Constructions of Gender and Sexuality and Implications for Married Girls.

*Childcare in Practice*, 28(2), pp.228–241.

doi:<https://doi.org/10.1080/13575279.2019.1701411>.

Sexuality Information and Education Council of the United States. (2012). *Culture and society [Position statement]*. [online] [www.SIECUS.org](http://www.siecus.org). Available at: <http://www.siecus.org/%20index.cfm?fuseaction%EE%80%B5Page.viewPage&pageId%EE%80%B5494%20&parentID%EE%80%B5472#culture%20and%20society> [Accessed 4 Oct. 2023].

Siecus (2012). *SIECUS: Sex Ed for Social Change*. [online] SIECUS. Available at: <http://www.siecus.org/>.

Smith (1991). *NATIONAL IDENTITY*. [online] Available at:

[https://is.muni.cz/el/fss/podzim2018/SOC291/um/4\\_Smith\\_ch2.pdf](https://is.muni.cz/el/fss/podzim2018/SOC291/um/4_Smith_ch2.pdf).

Smith, L.T. (1999). *Decolonizing Methodologies. Research and Indigenous Peoples*.

Spronk, R. (2020). Life is queer. *HAAU: Journal of Ethnographic Theory*, 10(2), pp.618–622.

doi:<https://doi.org/10.1086/709579>.

Spronk, R. and Nyeck, S.N. (2021). Frontiers and pioneers in (the study of) queer experiences in Africa Introduction. *Africa*, 91(3), pp.388–397.

doi:<https://doi.org/10.1017/s0001972021000231>.

Stewart, C. (2021). *Ghana's anti-LGBTQ bill leads to surge in anti-LGBTQ violence*. [online] Erasing 76Crimes. Available at: <https://76crimes.com/2021/11/05/ghanas-anti-lgbtq-bill-leads-to-surge-in-anti-lgbtq-violence/> [Accessed 5 Nov. 2023].

Strathern, M. (2016). *Before and after gender: sexual mythologies of everyday life*. S.L.: S.N.

Subramaniam, Banu. 2014. *Ghost Stories for Darwin: The Science of Variation and the Politics of Diversity*. Urbana-Champaign: University of Illinois Press.

Tamale, S. (2007). *Out of the Closet: Unveiling Sexuality Discourses in Uganda*. In *Africa After Gender*, edited by Catherine M. Cole, Takyiwaa Manuh, and Stephen F. Miescher. [online] Google Scholar. Available at: [https://books.google.nl/books?hl=en&lr=&id=IYcOgxeV-TrMC&oi=fnd&pg=PA17&dq=Tamale,+S.+\(2007\).+Out+of+the+Closet:+Unveiling+Sexuality+Discourses+in+Uganda.+In+Africa+After+Gender,+edited+by+Catherine+M.+Cole,+Takyiwaa+Manuh,+and+Stephen+F.+Miescher.&ots=KGX5jSwpUb&sig=Vv8Tv9Qp65ECGI1XxN98F4tRyvs&redir\\_esc=y#v=onepage&q&f=false](https://books.google.nl/books?hl=en&lr=&id=IYcOgxeV-TrMC&oi=fnd&pg=PA17&dq=Tamale,+S.+(2007).+Out+of+the+Closet:+Unveiling+Sexuality+Discourses+in+Uganda.+In+Africa+After+Gender,+edited+by+Catherine+M.+Cole,+Takyiwaa+Manuh,+and+Stephen+F.+Miescher.&ots=KGX5jSwpUb&sig=Vv8Tv9Qp65ECGI1XxN98F4tRyvs&redir_esc=y#v=onepage&q&f=false).

Tamale, S. (2008). The right to culture and the culture of rights: a critical perspective on women's sexual rights in Africa. *Feminist Legal Studies*, 16(1), pp.47–69. doi:<https://doi.org/10.1007/s10691-007-9078-6>.

Tamale, S. (2011) *African sexualities: a reader*. Oxford, U.K.: Pambazuka Press. Available at: <https://www.sxpolitics.org/sexuality-and-politics/pdfs/volume1/2.pdf> (Accessed: August 24, 2023).

Tamale, S (ed) (2011) *African sexualities: A reader* Pambazuka Press: Cape Town, Dakar, Nairobi & Oxford

TE Coleman, EY Ako & JG Kyeremateng 'A human rights critique of Ghana's Anti-LGBTIQ+ Bill of 2021' (2023) 23. Available at <http://dx.doi.org/10.17159/1996-2096/2023/v23n1a5>.

Theophilus Edwin Coleman, Ernest Yaw Ako and Kyeremateng, J.G. (2023). A human rights critique of Ghana's Anti-LGBTIQ+ Bill of 2021. *African Human Rights Law Journal*, 23(1), pp.96–125. doi:<https://doi.org/10.17159/1996-2096/2023/v23n1a5>.

- Treichler, P.A. (1999). *How to have theory in an epidemic: cultural chronicles of AIDS*. Durham: Duke University Press. <https://lib.ugent.be/catalog/rug01:000498331>.
- Tsikata, Dzodzi. 2009. "Women's Organizing in Ghana since the 1990s: From Individual Organizations to Three Coalitions." *Development* 52 (2): 185–92
- Tweneboah, S (2018) 'Religion, international human rights standards, and the politicisation of homosexuality in Ghana' (2018) 24 *The African Journal of Gender and Religion* 25
- Undie, C.-C & Benaya, K. (2006). *The state of knowledge on sexuality in Sub-saharan africa: A Synthesis of literature*. Jenda.
- UNFPA (n.d). *SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS: AN ESSENTIAL ELEMENT OF UNIVERSAL HEALTH COVERAGE Background document for the Nairobi summit on ICPD25 -Accelerating the promise*. [online] Available at: [https://www.unfpa.org/sites/default/files/pub-pdf/UF\\_SupplementAndUniversalAccess\\_30-online.pdf](https://www.unfpa.org/sites/default/files/pub-pdf/UF_SupplementAndUniversalAccess_30-online.pdf).
- Young, R., 1995. *Colonial desire: Hybridity in theory, culture, and race*. Psychology Press.

