

# **A DISCOURSE ANALYSIS ON THE BALANCE OF CULTURE AND LGBTQ RIGHTS IN GHANA**

**SUBMITTED BY:** Stella Asante

**CANDIDATE NUMBER:** 9026

**SUPERVISOR:** Christian Stokke

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## ABSTRACT

On 24<sup>th</sup> February 2021, a newly established LGBTQ community centre in Accra, the capital city of Ghana was raided and shut down by the Ghana police. This amassed a huge concern from the general public, various media platforms, and the parliament of Ghana. Majority of Ghanaians expressed how this poses a threat to the Ghanaian culture which is intolerant about non heterosexual relationships and therefore called for strict sanctions to ban LGBTQ activities and practices. Consequentially, a bill titled “the promotion of proper human sexual rights and Ghanaian family values” was presented to the parliament of Ghana. Advocates of LGBTQ raised concerns about how this bill infringes upon their fundamental human rights such as freedom of association and expression, dignity and protection against discrimination. This research investigates the possibilities for LGBTQ persons to fully exercise their fundamental human rights in Ghana, where cultural values are highly emphasised, and examines the potential for finding a middle ground that respects both Ghanaian traditional values and acknowledges the rights of the LGBTQ community. In doing so, this paper adopts the discourse analysis approaching qualitative research to expose how power dynamics and language shape the opinions of Ghanaians. Data is sourced from YouTube interviews, publications from reliable news portals in Ghana and reports from human rights organisations. The works of Chantal Mouffe (2014) on conflictual consensus, together with critical theory by Robert Cox (1981) serve as the theoretical framework guarding this study. These theoretical perspectives contribute to a more nuanced understanding of the LGBTQ dynamics in Ghana while contributing to the development of more inclusive and equitable legal frameworks that better reflect the diverse realities and needs of LGBTQ individuals in Ghana.

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## CHAPTER ONE

### 1.1 Background to the study

Ghana is a country in west Africa characterized by a diverse range of ethnic groups each with its own cultural values and traditions. Within these cultural traditions are food, music, style of greetings, rites of passage and traditional values such as the respect for elders, communal living, and traditional family structures (Utlley, 2021). While Ghanaians adhere to diverse cultural traditions, a common aspect among them is the acknowledgement of heterosexual relationship with less tolerance for alternative forms of relationship. Family values and relationships between the opposite sex have traditionally held significant importance in Ghana and there is no historical underpinning or cultural traditions that supports same sex relationship and all other alternative forms of relationships (Avagah, 2023). The most talked about practice among the alternative forms of relationships is homosexuality as this is most common in Ghana. Traditional Ghanaian culture often views homosexuality as contrary to traditional beliefs and values, and the attitude of members of the society towards lesbian, gay, bisexual, transgender and queer (LGBTQ) remain negative (Anarfi & Gyasi-Gyamerah, 2014). The intolerances of Ghanaians towards LGBTQ are due to reasons such as procreation, family and lineage continuation as perceived as disrupted by same sex relationships (Armah-Attoh, 2020).

On 24<sup>th</sup> February 2021, a newly established LGBTQ community centre in Accra, the capital city of Ghana was raided and shut down by the Ghana police and as a result amassed a huge public concern from the general public, various media platforms, and the parliament of Ghana (Redaction Africa News, 2021). The LGBTQ rights group expressed how this shut down restricted their access to space and how it is a threat to their safety. They therefore called on human rights organisations and their allies to condemn the attacks against them.

Research has revealed how LGBTQ persons in Ghana face discrimination from people and institutions that are not in favour of their practices. For instance, the religious organisations, specifically Christianity and Islam, the dominant religious institutions, categorise homosexual behaviours as unnatural, ungodly, or impure (Bil-Jaruzelska, et al., 2017). The active religious involvement encourages negative attitudes towards these sexual minorities. The media outlets further contribute to discrimination of LGBTQ persons through the contents they disseminate to the public. Most of the comments on LGBTQ issues in the Ghanaian media are negative and occasionally include violent sentiments. As a consequence, they influence public opinion on sexual minorities and mostly legitimize violent actions from perpetrators (Bil-Jaruzelska, et



al., 2017). Additionally, it is not surprising that LGBTQ persons face discrimination, given that even the laws designed to protect the rights of all citizens also contribute to the discrimination of these sexual minorities. In Ghana, the Criminal Offense Act (1960) section 104 categorizes “unnatural carnal knowledge” as a criminal offence and persons engaging in such acts are liable on conviction to imprisonment. Perpetrators refer to this Act to justify the marginalization of LGBTQ persons (Egwu, 2021).

The criminalized section 104 of this Act appears vague, lacking clarity regarding which sexual acts fall under the unnatural canal knowledge. Furthermore, Human Rights Watch (2018) argue that Ghana has not expressly criminalised consensual same sex conduct. It is for some of these reasons that Ghanaian politicians with the support of public opinion have advocated for the passage of anti-gay legislation to criminalize LGBTQ practices. After several concerns, a bill titled “the promotion of proper human sexual rights and Ghanaian family values bill” was presented to the Ghanaian parliament in 2021. The bill aims to provide proper human sexual rights and Ghanaian family values, proscribe LGBTQ+ and related activities, provide for the protection of and support for children, persons who are victims or accused of LGBTQ+ and related activities.

Activists of LGBTQ have raised concerns that the anti-gay bill is a deprivation of freedom of association and expression, and discrimination on the LGBTQ community, all of which are considered human rights violations. A report from Human Rights Watch (2018) has also revealed how members of the LGBTQ community are already discriminated against in many ways and as a consequence are not able to come out. People have been rejected by their families and mistreated by members of their community as a result of their sexual orientation. Some even see themselves as outcasts (Human Rights Watch, 2018). Certain researchers also advocate for the acknowledgement of the LGBTQ community as equal members of the society entitled to rights to life, liberty and the pursuit of happiness. Atuguba (2019;123) posits that homosexuals have rights as evinced by references to the constitution, other laws, and international obligations of that country. However, these rights are not recognised and until they are, individuals of the LQBTQ community in Ghana have no choice but to deny themselves or endure enervating violations of their rights until change is done. Activists therefore accuse the bill of being “a homophobe’s dream law” and has far reaching consequences for the human rights of LGBTQ+ persons (CHRAJ Ghana, 2021).

Nonetheless, the school of thoughts in favour of the anti-gay bill assert that the bill is not against freedom of belonging to a society or an association. Instead, they contend that it only seeks to criminalize the act in itself and not the people (Avagah, 2023). Furthermore, they argue that the claims that LGBTQ people are not able to come out are just ways of referring to sentiments and emotions marred with fallacies to incite hate (Avagah, 2023). They also argue that the promotion of the anti-gay bill will safeguard the natural biological tendency of procreation.

## **1.2 The need for this research**

The presence of contradictory perspectives underscores the necessity for this research. Article 1 of the Universal Declaration of Human Rights (UDHR) indicates that all human beings are born free and equal in dignity. Article 2 of this declaration further spells out how everyone is entitled to all the rights and freedom without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or other statuses. As a member of the United Nations and African Union, Ghana has been a signatory to the international human rights treaties and demonstrated its commitment by ratifying most of the treaties including the International Covenant on Civil and Political Rights (ICCPR). Article 26 of the ICCPR emphasizes on the equal protection of all persons before the law and prohibits any discrimination in any form like sex, language, social origin, among others.

Furthermore, the 1992 constitution of Ghana acknowledges the protection of the fundamental human rights of all persons without discrimination. Article 17(2) “states that a person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, social or economic status”. It further defines discrimination as giving different treatment to different persons attributable only or mainly to their respective descriptions such as place of origin, religion, political opinions, gender, among others. Thus, just like the above-mentioned human rights legislations, the laws of Ghana do not emphatically mention sexual orientation. However, the ‘social’ is perceived to include sexual orientation (Atuguba, 2019). Therefore, LGBTQ persons are by law, entitled to equal treatment like any other Ghanaian. Conversely, LGBTQ rights are not acknowledged by Ghanaian citizens.

From 2006 to date, Ghanaians have expressed cultural and moral concerns regarding the impact of homosexuality on society. This has led to a re-evaluation of the acceptance and tolerance of homosexuality in Ghana (Jjuuko, Gloppen, Msosa, & Viljoen, 2022). A recent update on the situation indicates that the bill addressing this issue has gained approval from members of the

Parliament of Ghana and may potentially become law by the end of 2023. If this bill is enacted, what challenges might LGBTQ persons face in living freely in Ghana?

This research aims to investigate the possibilities for LGBTQ persons to fully exercise their fundamental human rights in a country like Ghana, where cultural values are highly emphasised, and the criminalization of LGBTQ practices is not universally regarded as a human rights concern. It further examines the potential for finding a middle ground that respects both Ghanaian traditional values and acknowledges the rights of the LGBTQ community.

### **1.3 Research questions**

1. What is the dominant discourse on LGBTQ in Ghana?
2. How do LGBTQ activists challenge the dominant discourse?
3. What role do cultural values play in the discourses for or against LGBTQ practices?

### **1.4 LGBTQ protection in Ghana**

It has already been established that Ghana's constitution protects the rights for all persons. To ensure the realization of these rights, various organisations have been established, including the Commission on Human Rights and Administrative Justice (CHRAJ). This institution has the mandate to promote and protect the universal human rights and freedoms including civil, political, economic, social, and cultural rights. They are also responsible for educating the public about human rights and freedoms through publications, lectures and symposia and also provide advice, recommendations and opinions to government and public officials on the issues of human rights concerns. They demonstrate their support to the LGBTQ community by participating in their workshops (CHRAJ Ghana, 2021). Furthermore, they have taken some steps in the protection of LGBTQ persons in Ghana. An instance is a Memorandum they submitted to the Parliament of Ghana to address the consequences of the LGBT bill. They believe that the bill has the tendency to worsen the already precarious human rights conditions of LGBTQ persons and recommended the need for an extensive national debate and constructive engagement with the LGBTQ community and relevant stakeholders as a better national response on this matter (CHRAJ Ghana, 2021).

Another organization in charge for the protection of LGBTQ persons is the Centre for Popular Education and Human Rights, Ghana (CEPEHRG). Their core mandate is to help LGBTQ persons locate friendly health centres and provide them with empowering counselling and

professional development activities. With the current situation of LGBTQ persons in Ghana, there are a few organizations that provide health services to them (Cobbinah, 2015). CEPEHRG advocates for the empowerment of LGBTQ persons and the respect for their human rights. They engage numerous stakeholders, members of civil society, the Ghana AIDS Commission, and the Ghana Commission on Human Rights and Administrative Justice (CHRAJ), to raise awareness of the needs of LGBT persons. Lastly, they work to ensure the inclusion of LGBTQ population in the text of government policies and strategies. One of CEPEHRG's recent success stories is the 2014 LGBTQ National Strategy, which they drafted in late 2014 with other partner civil society members and stakeholders. The strategy specifically mentioned the social service needs for LGBTQ person, including counselling and legal service (CEPEHRG Ghana, 2015).

Despite receiving support from entities such as CHRAJ and CEPEHRG and a few other organisations, LGBTQ individuals encounter harassment from the government authorities and lack legal support or recognition. Consequently, these organisations need more resources and capacity-building support to tackle these issues effectively (Cobbinah, 2015).

### **1.5 Significance of the Study**

The existing body of research literature on LGBTQ issues in Ghana is notably lacking. This study hopes to address this gap by raising awareness about the importance of respecting human rights and accepting LGBTQ practices. In the cultural context of Ghana, where only heterosexual relationships are traditionally accepted, findings from the study could help challenge the prevailing discourses. By doing so, they could contribute to reshaping perspectives on LGBTQ individuals, asserting their right to live freely without facing criminalization for their practices.

### **1.6 Positionality**

I stand in the position of a researcher addressing an identified issue and seeking ways to curb it. As a Ghanaian citizen, my upbringing in Ghana has immersed me in the local culture and traditions. Additionally, my exposure to various cultures through living abroad has provided me with diverse perspectives, particularly regarding the treatment of LGBTQ persons. Leveraging my first-hand experiences with some LGBTQ individuals, alongside being a Ghanaian and a heterosexual, I have comprehensive insights into the topic under investigation. This could influence my approach to the analysis and discussion of this research. However, I

mitigate potential biases by engaging in peer debriefing with my supervisor who acts as a safeguard against partiality. My primary focus will be directed towards analysing the collected data, existing literature, and insights derived from the theories and practices of human rights and multiculturalism to objectively examine the subject matter.

### **1.7 Outline of thesis**

The first chapter has provided an overview of Ghanaian culture and its perception of LGBTQI practices, emphasizing the ongoing discussions on LGBT practices. Following this, the subsequent chapter will delve into the methodology, detailing the research approach, study design and data collection procedure. The research is qualitative and employs secondary data to address the research questions. Moving on, is the literature review chapter which delves into what scholars have written about the subject matter as well as identify the knowledge gap. Chapter three goes further to review the local and international legislations in connection with cultural and LGBTQ and rights. Chapter four will discuss the theoretical framework. The theories influencing the study include the theory on consensus and critical theory. The literature review and theoretical framework will be used in discuss findings derived from the data. The fifth chapter is the findings and analysis, where the secondary data is presented and discussed. The final chapter of this research paper is the conclusion, which provides responses to the research questions, make recommendations, and provide directions for future research.

## **CHAPTER TWO**

### **METHODOLOGY**

## **2.1 Introduction**

This chapter presents the procedures and techniques used in collecting and analysing data for the research. It begins with a highlight on the philosophical position of the study, which is, the thoughts of Foucault who has been identified as a post-modernist and post structuralist. His ideas on power and language will be thoroughly explained. Other sections of this chapter give details about the research approach, research design and ethical considerations of the study. The selected approach was discourse analysis, and it was chosen to analyse how language is used in shaping social realities. For the data collection, the preferred method was face-to-face interviews. However, this was not possible due to the sensitive nature of the subject, particularly with LGBTQI persons who feel threatened by the anti-gay bill and would therefore not want to expose themselves. So, the main source of data for the study is through secondary means.

## **2.2 Philosophical position of this research**

The philosophical underpinning influencing this research is post modernism. The post-modern perspective is a philosophical stance that seeks to analyse specific contextual power relations by observing the processes of meaning-making that function within specific situations. The postmodernist position reevaluates the relationship between scientific knowledge, power and society as well as the interplay between science, critique, and

narrative (Powers, 2007). Post modernism emerged in the mid-to-late 20<sup>th</sup> century as a reaction against certain aspects of modernity and enlightenment, which were characterized by a focus on reason, individual autonomy, and progress. Thinkers of modernity such as Kant believed that knowledge and truth were neutral, objective, universal or vehicles of emancipation (Roecklein, 2019).

Post modernism on the other hand assumes that truth and meaning are not absolute but are socially constructed and influenced by individual perspectives, power dynamics and cultural contexts and thus, individuals and communities can have their own truths and there is no single, objective reality (Lyotard, 1992). In this paper, I am exploring the dominant discourses of LGBTQ in Ghana and must therefore be aware that ideas and concepts that emerge from interviews and texts are shaped by society, power dynamics and cultural contexts and that each individual may have their understanding on how they view LGBTQ individuals.

This paper will incorporate the philosophical insights of Michel Foucault, a great thinker of postmodern thought. He critiques modernity and has developed new perspective of society, knowledge, discourse, and power. Foucault (1980) is critical on enlightenment tradition that rejects the equation of reason, emancipation, and progress, postulating that a connection between modern forms of power and knowledge have served to create new forms of domination. According to Foucault, discourse cannot be analysed only in the present, but must be seen at the same time from a genealogical perspective, whereby the researcher explores and understands the interconnectedness of individuals, families, and societies across time (Foucault, 1972). Foucault developed claims from someone like Friedrich Nietzsche who had the perspective that one could write a genealogical history of unconventional topics such as reason, the development of language, sexuality and subjects that find their emergence within domains of domination (Nietzsche, 1994; Cooper,2010). Nietzsche (1994) postulated that the unconventional topics are developed over time, and contingent on historical, social, and cultural factors. In application, the discourse on LGBTQ involves the dominance of a certain group on the sexual minority and looking at it critically from the genealogical perspective will provide much understanding and meaning to the discourses that emerge from the data.

Power serves as a key concept that organizes Foucault's perspective, and it is important to understand when considering discourse analysis. Before delving into that, it is important to acknowledge that he was regarded as a post structuralist as well. This was because of his focus on power, discourse, and his contribution on how language and knowledge shape social hierarchies and control (Foucault, 1972). He exposes the power dynamics inherent in the formation of knowledge and societal structures and examines how power relations, discourse and practices intersect and influence each other over time. Foucault acknowledges the pervasive impact of power and the understanding that individuals and society often unknowingly participate in power structures. He was interested in bringing these power dynamics to light and encouraging individuals to critically examine and question the existing norms and structures that shape their lives (Powers, 2007).

There is the existence of power and domination when it comes to the discourses on LGBTQ rights in Ghana. These dynamics emerge from families, societies, politicians, the media and so on. These institutions expect specific behaviours and adherence to Ghanaian cultural norms particularly from LGBTQ individuals. I stand with Foucault to critically examine the existing norms and structures in Ghana. Consequently, this paper will explore the creation of meaning arising from language, power relations and domination in this context.

### **2.3 Choice of research design**

This study is qualitative research. Bryman et al. (2021) states that qualitative research is a research strategy that normally emphasizes words instead of quantification in the data collection and analysis. They further argue that it rejects the practices and norms of the natural scientific model where scientists describe, explain and predict natural phenomena in the physical world and also rejects positivism which emphasizes the notion that knowledge is obtained from empirical observation and verifiable facts. Qualitative research prefers to emphasize how people interpret their social world and views social reality and critics further argue that not all aspects of human experience can be reduced to empirical observation and some phenomena can be better understood through qualitative research (Bryman , Clark, Foster, & Sloan, 2021). Qualitative research will be used to explore the dominant discourses in LGBTQI in Ghana, how LGBTQ activists challenge the dominant discourses as well as the role cultural values play in the discourses for or against LGBTQI practices.

This paper adopted the discourse analysis approach in qualitative research. Discourse analysis is usually used when the researcher wants to analyse how language constructs and reflects social realities. In doing so, researchers examine the ways in which language is used in communication in social contexts, focusing on the structure and content of written and spoken conversations to uncover underlying meanings, social patterns, and power dynamics (Bryman , Clark, Foster, & Sloan, 2021). Discourse analysis can be used with any type of discourse in the public domain and be applied to different forms of texts and communication including materials such as newspaper articles, books, films, speeches, debates, interviews, news items, podcasts, YouTube videos, policy documents, among others.

Knowing how words are used and the meanings of specific terms in the local language or dialect is mostly crucial in appreciating how members of a group view the social world (Bryman , Clark, Foster, & Sloan, 2021) and so, I will pay much attention to how participants use words in this paper.

### **2.4 How the research is being conducted**

Bryman et al. (2021) provides a general research process for discourse analysis as starting with the identification of an appropriate research question, followed by a selection of sources that will help the researcher to respond to those questions. The subsequent step involves analysing



the discourses within that data, which is then write up. The paper will adhere to this systematic approach.

## **2.5 Data collection**

To begin with, I have already identified my research questions and so moving on, is selecting the right sources of data. As mentioned earlier in the introduction of this chapter, the research will rely solely on secondary sources. Data will be collected through YouTube interviews with prominent people, both pro and anti-LGBTQ. Additionally, I will select publications from reliable online reports and relevant news portals in Ghana specifically on the anti-gay bill discussion in parliament, public opinions on the passing of the bill and other matters related to LGBT in Ghana. In addition, I will search for reports on websites like Human Rights Watch and other organisations that advocate for the rights of LGBT practices. After the selection, analysis will be concentrated on publications referencing human rights and culture over the time frame from 2015 to date.

## **2.6 Criteria for the selection of data sources**

In line with Bryman, et al. (2021) this research employs purposive sampling. I will deliberately select participants who possessed certain characteristics and share certain viewpoints that are relevant to the research objectives. In choosing the interviews and reports, the emphasis will be placed on factors such as prominence of the interviewer and interviewee, people who are vocal on LGBTQ issues in Ghana, the number of views of the media content as well as and the authenticity of the videos online. Participants will represent the diverse perspectives on subject matter.

### **2.6.1 A brief presentation of participants**

The first interview chosen for the research features a conversation between a CNN Newscaster and a Ghanaian Member of Parliament, which took place two years ago. This is a 12-minute interview involving Larry Madawo as the newscaster and Sam George as the member of parliament. The video has 500 thousand views and over 1000 comments with majority expressing opposition to LGBTQI practices. Initially, I intended to utilize the comments when analysing the interview, but due to the extensive and challenging nature to filter these comments, I have decided to concentrate solely on the perspectives of the two personalities involved. It is worth noting that this interview is also published on CNN's website.

The second interview features a well-known Ghanaian blogger and YouTuber called Zionfelix, engaging with a man who identifies as gay, named Jonathan. This interview took place three months ago. Zionfelix has over two million followers on Instagram and more than 600 thousand subscribers on YouTube. The interview between him and Jonathan lasts for an hour and has over ninety-four thousand views.

This is an illustration of how participants are presented. Detailed descriptions of participants will be presented in the Chapter five of the research.

## **2.7 Techniques for Analysing the Data**

The secondary data will be analysed using coding strategies. In qualitative research, coding involves generating ideas and concepts from raw data such as interview transcripts, reports, archival materials, and news articles (Benaquisto, 2012). During the process, I will transcribe the YouTube interviews and subsequently identify, arrange, and systematize the ideas and concepts uncovered in the interviews and reports. In doing that, the recurring patterns in the discourse will be identified and coded while focusing on significant concepts and topics that emerge from these data. I will also apply a critical lens to the power relations, ideologies, and social constructions within the discourse. Identifying these patterns will contribute to a comprehensive understanding of the discourses.

## **2.8 Next step after coding**

I will examine and interpret the patterns, themes and meanings that emerged from the coded data in relation to the research questions and objectives. Finally, the coded data will be discussed and analysed in relation to the literature review and theoretical framework.

## **2.9 Ethical considerations**

Ethical concerns constitute an essential part of the research process and adhering to principles of ethical conduct guide decisions regarding acceptable and unacceptable behaviour for researchers (Bryman , Clark, Foster, & Sloan, 2021). With respect to this, I acknowledge diverse cultural norms across various contexts. Growing up in Ghana, I have seen how homosexuals are treated in schools and how they society including myself treated them. Culturally, Ghanaians only accept heterosexual relationships and train children in that regard. At home, school and churches, children are trained to become marriage materials for their future spouse of the opposite sex. This is how I was raised as a Ghanaian child. Hence my

knowledge might shape the interpretation of the data for this research especially the section about culture. Regardless, there will be no misrepresentation of data or responses to suit my knowledge.

While traditional research ethics such as informed consent and confidentiality are not directly applicable in this study, due to the absence of primary data, I acknowledge that issues of anonymity cannot be adhered to. Specifically, people featured have already had their names and accessible to the general public. Consequently, I will stick to those names already available to the public. For instance, the individual who identifies as gay has disclosed only his first name and social media handle. For that reason, I will utilize this first name when analysing the interview. The same applies to all persons, whose interviews will be used for this paper.

### **2.10 The Quality of the research**

Researchers can implement various measures to guarantee the credibility of their study and to ensure that the perspectives of participants are accurately represented (Bryman , Clark, Foster, & Sloan, 2021). The paper fairly represents the different viewpoints of the people involved. As a researcher, I have consciously separated my personal values from the research process and anticipated findings the study.

### **2.11 Limitations**

I encountered some challenges with information about LGBTQ persons in Ghana that could have been relevant to this research. Some LGBTQ websites had restricted access making it impossible to get information. Another challenge was the assessment of public opinions. There are countless comments from Ghanaians both inside and outside the country on LGBTQ discourses which could have brought readers attention to understand the dominant discourses pertaining to the subject matter. However, they could not be analysed due to its wide scope. Thus, this study limited responses to leaders who represent the communities.

## **CHAPTER THREE**

### **LITERATURE REVIEW**

#### **3.1 Introduction**

This chapter aims to search for the existing literature on the topic under study. I am using the narrative review approach by Bryman et al. (2021) which involves an overview of a topic or subject by conducting a reasonably comprehensive assessment and critical interpretation of the relevant literature. Thus, the chapter reflects the views of scholars about LGBTQ in Ghana and other parts of the world, and Ghanaian culture. It will explore issues concerning the social relevance, policy and legal implications, health, as well as the wellbeing considerations of LGBTQ individuals. The chapter further delves into the ongoing debates within the subject matter.

Throughout this chapter, the researchers employ terminologies such as “gays”, “homosexuals”, “lesbians”, “same sex”, “bisexuals”, “transgender”, “sexual minorities”, “LGBTQ”, “LGBTQ+” and “queer”. This paper acknowledges that these terms carry diverse connotations depending on the context. However, the intention here is not delve into the details of these implications, nor to extensively discuss their intentions. Instead, they are used as they appear in the literature being referenced. My focus is mainly on gay/same-sex/homosexual marriages and relationships as they are the most talked about non-heterosexual relationships in Ghana.

### **3.2 The status of LGBTQ rights in Ghana**

Research has it that, LGBTQ persons encounter significant challenges in Ghana. Bil-Jaruzelska et al. (2017) attribute these to the conservative societal attitudes of Ghanaians, which lead to instances of discrimination, harassment, and violence against them. The researchers emphasized that these prevailing attitudes not only affect LGBTQ individuals but also shape the experiences of researchers investigating this field. Agyemang (2023) made this clear in his study on *“Researching homosexuality in Ghana and its implication on the researcher”* where he reflected on his experiences from the field. The study highlighted the prevalent silences and taboo associated with homosexuality among Ghanaians. Family members, friends, colleagues, and research respondents questioned the researcher about his motives for dedicating time and effort to study homosexuality. Additionally, societal stigma surrounding LGBTQ topics deters individuals from engaging in discussions about them, impacting both Ghanaian and foreign scholars who carry out research in this area. (Agyeman, 2023, p. 180).

Epprecht (2013) points out that gay rights advocates often face criticism for inadvertently projecting western understandings of sexuality, while Ghanaian researchers investigating LGBTQ issues encounter scrutiny about their own sexual orientation or perceived westernization. These factors discourage researchers from delving deeply into the subject.

Additionally, Agyemang (2023)'s research revealed that within the LGBTQ community, researchers are perceived as outsiders, leading to reluctance in sharing information when researchers require data. These narratives highlight the complexities surrounding LGBTQ discourse in Ghana and such tensions are not only evident among advocates and detractors but also among researchers exploring the topic. Consequently, LGBTQ advocates demand for cultural and legal recognition of gay people in Ghana, while opponents vehemently oppose such demands, further stoking the tension (Agyeman, 2023). Hence, scholars' studies suggest that LGBTQ rights in Ghana lack significant recognition. Despite the obstacles, specific occurrences prompt conversations about LGBTQ intermittently, compelling researchers to explore these topics.

### **3.3 Tolerance of LGBTQ in Ghana**

According to a survey conducted by Afrobarometer in partnership with the Ghana Centre for Democratic Development (CDD-Ghana), there are merely 7% of Ghanaians who demonstrate tolerance towards LGBTQ+ individuals, indicating their minority status (Ossé , 2021). Further research by Ako and Odoi (2022) on the phenomenon of queer lawfare in Ghana sheds light on the underlying factors contributing to this intolerance of LGBTQ. The study reveals that the issue of whether to accept or tolerate homosexuality has become highly politicised. They assert that the support for or opposition to LGBTQ rights has the potential to significantly impact a politician's career, therefore creating a politically charged atmosphere surrounding the issue. This politicisation traces back to 2006 when the LGBTQ community began advocating for their sexual rights, respect for their freedom of choice and an end to stigmatization and discrimination (Agyemang, 2023; Ako & Odoi, 2022). Following this, was a proposed international conference that was to be held in Accra, the capital city of Ghana. This sparked an unrivalled atmosphere of hatred for the LGBTQ community (Essien & Aderinto, 2009). The incumbent president, John Agyekum Kuffour who was serving his last term of governance at that time, made a public announcement that the conference would not happen and that it is not part of the Ghanaian culture. Since then, every President of Ghana has been asked by social and political actors to declare their stand on homosexuality, publicly. Similar claims have been made by them that homosexuality is against Ghanaian culture and strongly offends the values of Ghana (Ako & Odoi, 2022). That year represented a turning point, challenging the silences and invisibility surrounding homosexuality within Ghana. Members of the gay community actively engaged the press and openly discussed issues related to being gay, and advocating for specific rights and protections, despite the constitutional assurances of fundamental human

rights enshrined in the 1992 Constitution of Ghana. With support from international organisations such as Human Rights Watch and Amnesty International, the LGBTQ community launched campaigns to push for reforms in Ghanaian laws that would be favourable to sexual minorities (Human Rights Watch, 2018; Ako & Odoi, 2022). OJjuuko et al. (2022) address that the event in the year 2006 has generated conversions and raised concerns about the threat homosexuality poses to culture and morals in the society, thereby questioning the acceptance and tolerance of homosexuality in Ghana. So to say, Ghanaians have low tolerance for LGBTQ and its related activities. The next topic reveals research on concerns raised on the topic of homosexuality in Ghana.

### **3.4 The concerns on homosexuality in Ghana**

A prevalent theme echoed by various scholars on research on homosexuality in Ghana is that it poses a significant challenge to Ghanaian cultural norms. Ngwena (2018) asserts that homosexuality is viewed as a threat against traditional values and the Africanness of the Ghanaian society and undermines African masculinities and patriarchal family values (Ngwena, 2018). Homosexuality is also perceived as alien to the culture of Ghanaians and a threat to the moral fibre of the society (Ako & Odoi, 2022). These concerns are commonly shared by moral entrepreneurs described by Tetey (2016) as comprising the parliamentarians, religious leaders, traditional authorities, civil society groups, and the media. Additionally, some Ghanaian government officials also state that homosexuality is un-African and an abomination to society which would cause social decay and that the government should not tolerate gay rights. Similarly, Quist-Adade (2014) in his study on “*how homosexuality is represented in the Ghanaian media*” discovered that Ghanaians believe homosexuality is un-African. The assertion that homosexuality is un-African also applies to advocates who fight for LGBTQ rights. National detractors view their demands as being colonial and imperialistic (Ako & Odoi, 2022). As a consequence, moral entrepreneurs capitalise on this and put pressure on the politicians to draft a law to curb the activities of LGBTQ persons, while also seeking to organise behaviours and attitudes to conform to particular regimes of moral regulation (Ako & Odoi, 2022). Homosexuals are also accused of corrupting and defiling children and youth and jeopardising the social fabric and national identity (Jjuuko, Gloppen, Msosa, & Viljoen, 2022).

These labelling have been criticised by Nartey (2022). He asserted that the term “alien” serves as a derogatory label used to marginalise a particular group and also operate as a rhetoric tactic intended to rally support for a specific cause (identified as resistance groups against LGBT

individuals). The alienation of LGBT individuals justifies the implementation of extreme measures such as criminal laws to get rid of LGBT people, under the guise of serving the interest of Ghanaians (Nartey, 2022, p. 795). In a nutshell, Ghanaians believe that homosexuality is western culture being imposed on Africans. Interestingly, researchers in other African countries have similar outcomes from their study on homosexuality in the African continent. For instance, Banda's (2022) "*LGBT lawfare in response to heterosexual nationalism and the retention of the anti-sodomy laws in Zambia*" reveals the intolerance of the Zambian nation, ranked as the eighth homophobic country in Africa, claims that homosexuality in Zambia is seen as un-Zambian culture and an imported act (Banda, 2022, p. 239). Despite these claims, critical historical writings point to the existence of same-sex relationships in early Ghanaian communities before the arrival of colonial masters (Epprecht, 2013).

### **3.5 Criminalization and decriminalisation of LGBTQ**

Previous studies indicate that almost half of the countries in the world that criminalise homosexuality are in Africa, with 22 out of the continent's 54 countries having legalised homosexuality (Jjuuko, Gloppen, Msosa, & Viljoen, 2022). Within countries that criminalise homosexuality, laws are enshrined in the criminal code Acts, often employing vague terminology to describe the practice. For instance, Ghana uses "unnatural canal knowledge" (Atuguba, 2019), Nigeria uses "the laws of nature" (Sogunro, 2022) and Kenya uses "vices against the law of nature" (Orago, Gloppen, & Gichohi, 2022). The historical underpinnings of the criminalisation of homosexuality reveal that these terms were used under the colonial rule (Han & O'Mahoney, 2014). Ghana demonstrates a strong commitment to morality and culture, showing little concern for global efforts to decriminalise consensual adult same sex marriage but rather implementing stricter sanctions for homosexual activities (Atuguba, 2019). Whereas Ghana has no interest in decriminalising LGBTQ (Acquah, Botchwey, Adoma, & Kumah, 2023) other countries have made efforts to decriminalise the practice. Mozambique for instance, decriminalised the practice in the year 2015 and has been applauded by the United Nations Human Rights Council (UNHRC) for such efforts. However, there are contradictory attitudes towards sexual minorities in Mozambique. Sexual orientation and gender identity are still complex issues are tough to discuss. On one hand, same sex acts are not criminalised and there is a level of public tolerance towards LGBT people. Yet on the other hand, private events such as same sex marriages often face a public backlash when brought to light. While same-sex relationships are not criminalised and overt discrimination may be absent, there is no organised effort to suppress sexual minorities even though conservative voices exist. Thus,

despite the Mozambiquan parliament and government officials passing laws to decriminalise same sex relationships, they are unable to guarantee the right to freedom of association. Additionally, for some politicians, decriminalising homosexuality might not equate to endorsing the practice. Apparently, progressive political institutions have refused to legalise LGBT organisation while making claims that decriminalisation does not ensure rights (Rosário & Gianella, 2022). However, unlike how moral entrepreneurs such as the religious institutions and politicians have much influence on the unacceptance of LGBTQ activities in Ghana (Ako & Odoi, 2022) the reverse can be said for Mozambique. Rosário and Gianella (2022) discovered that politicians and religious leaders have not been able to monopolise issues for or against LGBT rights. Rather, it is the government that holds the most power and has accommodated LGBT issues due to its dependency on foreign aid (Rosário & Gianella, 2022, p. 60).

### **3.6 Discriminatory practices against LGBTQ persons in Ghana**

Several reports and studies have illustrated the widespread occurrence of discrimination against LGBT people all over the world. This discrimination spans from countries that enforce laws criminalizing and imprisoning people based on their sexual orientation to those where there are no legal restrictions on same-sex relationships, yet LGBT persons experience violations of their civil liberties. Bil-Jaruzelska et al (2017, p.1) in their report on “*forms of discrimination of LGBT people in Ghana, Uganda, Russia and Norway*” defined discrimination as the systematic unequal treatment of a specific population based on their characteristics or perceived properties. The rationale behind this definition used in this research is to see discrimination not as something inherently bad but rather as practices emerging in concrete political, social and historical contexts. It serves as a guide to expose the discriminatory practices towards LGBTQ persons that researchers have discovered. According to Nartey (2022), these individuals are marginalized and generally live in fear of persecution in Ghana. Studies have discovered the unjust treatment they face from various institutions such as the media, religious organisations, the family, police, health, and political sectors (Bil-Jaruzelska et al., 2017; Moagi, Wath, Jiyane, & Rikhotso, 2021; Nartey, 2022). The forms of discrimination have been divided into subsections below.

#### **3.6.1 The health sector**

Historically, the LGBT community has faced marginalisation, mistreatment, and neglect from the healthcare systems (Farmer & Yancu, 2015). Looking at research on discrimination in the



health institutions such as “*LGBTQ+ and HIV aids testing in Ghana*” (Gyamerah, et al., 2020), “*Self-harm and suicidal behaviour among LGBTQ+ young people*” (Quarshie, 2021), “*Prevalence of self-harm among LGBT adolescents: a comparison on of personal and social adversity with a heterosexual sample in Ghana*” (Quarshie, Waterman, & House, 2020), and on “*a queer approach to understanding LGBTQ+ vulnerability during the COVID-19 pandemic*” (Ritholtz & Reid, 2020), findings indicate that adolescents in the LGBT community reported negative health outcomes and risky health behaviours like high levels of alcohol and substance abuse, suicide and self-harm and this is as a result of the criminality, tension, strong heteronormativity and social hostility towards LGBT. Discrimination against homosexuals affect their mental health and health seeking behaviour (Gyamerah, et al., 2020). Fredriksen-Goldsen et al. (2014) further elaborate that mental health problems are not primarily attributed to sexual orientation itself but are influenced by social and structural factors that lead to disparities in mental health based on sexual orientation. The mental health issues are significantly influenced by the discrimination faced by LGBT persons. Other social factors include the restriction of access to STI and HIV treatment especially in the cases of men who have sex with men (MSM) (Semugoma, Beyrer, & Baral, 2012). Sabin et al. (2013) explained that some of these barriers to seeking HIV services are attributed to the MSM’s fear of maltreatment in clinics and hospitals. Arreola et al. (2015) also discovered that gay men and other MSM in low- and middle-income countries continue to experience a disproportionate burden of HIV infections compared to the general population. With Ghana being no exception, the HIV services for gay people are inadequately resourced, resulting in insufficient coverage in health programs. The research data from Arreola et al. (2015) depicted that reduced access to HIV services was associated with lower levels of country investment in HIV services, suggesting a need for greater investment in basic HIV services. Furthermore, sexual stigma and criminalization of homophobia have been identified as contributing to the reduced access to HIV services, potentially leading to the high prevalence and incidence of HIV among MSM. The researchers further identified that most HIV interventions focused on promoting individual behaviour change to prevent or manage HIV infection and these interventions aimed at increasing the use of condoms and lubricants through free distribution and teaching effective coping strategies such as problem-solving techniques to improve medication adherence. Arreola et al (2015) concluded their research with interventions that could tackle the health challenges which came with being homosexual should be intervened. Some of the suggestions include, an increased efforts on repealing and reversing laws that criminalize homosexuality. In cases where immediate repeal was not feasible or advisable, attention could be directed

towards diminishing the enforcement of such laws. According to them, adopting a human rights approach that commences with documenting instances of law enforcement related to criminalising statuses would help in highlighting these injustices and their impact on public health (Arreola, et al., 2015, p. 232). Research by Moagi et al. (2021) on the mental health challenges of LGBTQ people also advocate for healthcare providers to recognise and apply their ethical duty to treat all individuals with respect and dignity. They argued that this approach could alleviate the mental health disparities faced by LGBT persons and also inspire further research into how mental healthcare providers can assist LGBT individuals into developing resilience and confronting social discourses that perpetuate discriminatory practices, mainly in mental health services (Moagi, Wath, Jiyane, & Rikhotso, 2021).

Interestingly, in a country like Mozambique where LGBTQ rights are decriminalised, persons in this community face discrimination with their health needs. Research conducted by Rosário and Gianella (2022) highlights that a Norwegian-funded project in 2008 aimed at promoting LGBT rights through advocacy and health promotion activities led to the inclusion of men having sex with men in health policies. However, despite this inclusion, studies indicate that this group continue to suffer from stigma and discrimination when accessing health care services, which hinders their utilization of these services and restrict their access to counselling, information, and supplies like condoms (Rosário & Gianella, 2022). It is clearly evident that LGBTQ persons face discrimination in the health institutions, hence the need to pay attention to this sector. Quarshie, Waterman, and House (2020) recommended the World Health Organisation (WHO) to focus more on interventions that improve the health of LGBT young people in sub-Saharan Africa including Ghana.

### **3.6.2 Religious institutions and culture narratives**

In Ghana, religion and culture have been identified as the most dominant factors that fuel homophobia and hinder progress (Human Rights Watch, 2018). Many religions have the tendency to categorize homosexual behaviours as unnatural, ungodly, or impure (Adamczyk & Pitt, 2009) and they express their lower levels of tolerance towards LGBTQ practices by often citing biblical scripture, such as the story of Sodom and Gomorrah (Leviticus 18:20), to argue for divine punishment. Similarly, Jjuuko et al.'s (2022) research on "*Queer lawfare in Africa*" as well as "*forms of discrimination of LGBT people*" by Bil-Jaruzelska et al. (2017) revealed how religious institutions are intolerant of LGBTQ acts and thereby blame people who identify as queer for incurring the wrath of God for various events including natural disasters such as floods and drought. These religious leaders further assert that human rights cannot justify

homosexual practices (Bil-Jaruzelska, et al., 2017). Some Christian leaders even threaten to withdraw their support for political parties that endorse same-sex marriage. Muslim leaders also back this by cautioning Muslims to refrain from accepting homosexual practices as they believe it can cause harm to the nation (Bil-Jaruzelska, et al., 2017). The power of the religious leaders even extends to the media by using this platform to condemn LGBTQ activities and also create awareness against the practice (Human Rights Watch, 2018). With Ghana being a very religious nation (Siewobr, 2015), majority of the Ghanaian population consider their religious identity for their self-perfection (Langer, 2010). Thus, religion holds significant influence in Ghanaian culture, and serves as a strong force that shapes the lives of Ghanaians in various aspects like education, health, occupation, economic activities, and family and so, the opinions from religious and traditional leaders have a lot of weight in LGBTQ discourses. Consequently, Ghanaians active engagement in religious practices to foster anti-homosexual attitudes, thereby legitimizing discrimination against LGBTQ persons (Bil-Jaruzelska, et al., 2017).

### **3.6.3 Media**

Some studies have demonstrated the media's role in shaping LGBTQ discourses in Ghana from time to time. Nartey (2022) for instance carried out research on "*Marginality and Otherness: the discursive construction of LGBT issues/people in the Ghanaian news media*" which unveiled how the prejudiced construction of LGBT issues in the Ghanaian news media contributed to a discriminatory discourse that demeaned LGBT people and put them at the periphery of Ghanaian society. The analysis of this research uncovered that the news content was biased and inflammatory. This was evinced by the kind of headlines made by media platforms when reporting on cases that involved LGBTQ. Some illustrations of these headlines include "*Homosexuals deserve no rights, they are deviants – Speaker roars (GhanaWeb 30/10/2019); Homosexuality is dirty and abominable Chief Imam (Modern Ghana 18/07/2015); Stop the 'foolishness' – Actor David Osei slams homosexuals (Starrfm Online 24/04/2019); Human rights activists pushing for gay rights are mad – Maurice Ampaw (Adom Online 10/01/2018); Same-sex marriage is senseless and can't sustain humanity (Peacefm Online 21/08/2015)*" (Nartey, 2022, p. 789). These headlines convey the notion of moral failure and suggest that LGBT issues pose a threat to societal norms and heteronormative standards. Consequently, they give the impression that LGBT people are adversaries to the Ghanaian society, and humanity as a whole (Nartey, 2022).

This contributes to the perception of “otherness” stemmed from binary distinctions between ‘self’ and ‘other’ which are designed to manage risk and avoid harm (Hier, 2011). Thus, it puts the LGBTQ in the category of “others”. Nartey (2022) reiterated how such headlines orients readers to have a negative attitude toward LGBT people and concluded his research by suggesting that news stories on LGBT issues should be balanced, nuanced, and ethical through the careful selection of headlines and arguments. Additionally, research from (Essien & Aderinto, 2009; Bil-Jaruzelska et al., 2017; Human Rights Watch, 2018; Ako & Odoi, 2022) have contributed to exposing the media on discriminating against the LGBTQ community. For instance, the alleged LGBTQ conferences which took place in the year, 2006 in Accra, Ghana and the recent one in 2021 were reported by the media, which gave room for hate comments from the general public, religious institutions and politicians (Human Rights Watch, 2018) and to date, the media facilitates the ongoing discussions.

#### **3.6.4 Politicians and cultural narratives**

According to a study conducted by Akagbor, Dzisah and Sedegah (2022) on “*Majoritarian Democracy and LGBT Conundrum in Ghana*”, there is a prevailing heteronormative agenda and dominance from the majority in the political space that influence the perceptions of the Ghanaian society on the LGBTQ+ minority. The LGBTQ community have been marginalised in a democratic system of Ghana through systematic exclusion and homophobic sentiments expressed by the political leaders. (Akagbor, Dzisah, & Sedegah, 2022). In Ghana, politicians frequently utilize specific rhetoric such labelling homosexuality as “illegal”, and claiming it undermines the culture and heritage of Ghanaians (Bil-Jaruzelska, et al., 2017). Politicians who prioritize homosexuality as a primary issue in their political campaign know its potential to gather consensus and popular support, thus making it an important tool to secure votes and popularity. They possess power to pass laws criminalising LGBTQ activities and may employ the state’s coercive forces, initially intended for the collective welfare of the country, to intimidate and violate the rights of LGBTQ individuals (Ako & Odoi, 2022). Certain statements made by politicians such as “homosexuality is a threat to the cultural values and morals of society and threatens its members” have been analysed by (Ako & Odoi, 2022, p. 287) as turning a victimless act between two consenting adults in the privacy of their bedroom into a political issue and a diversionary tactics away from pressing concerns of daily life issues such as livelihood, identity, human rights and freedoms which affect ordinary Ghanaians.

Other discriminatory actions by political leaders involve authorising people to report on homosexuals, compelling landlords and employers to evict and terminate their housing and employment contracts and perpetrators of such discrimination often evade punishment because of their connections with political figures (Human Rights Watch, 2018). Once LGBTQ activities come to public notice, the politicians swiftly make statements that condemn the acts. Reference can be made to the alleged conference in 2006 and 2021. Some political leaders asserted the illegality of homosexuality while making claims that the government of Ghana does not support any activity that violently offends the culture, morality, and heritage of Ghana as a nation (Ako & Odoi, 2022). Moreover, when questioned about homosexuality and the possible legalization of same-sex marriage in public forums, certain politicians strongly denounce it. An instance is a forum which took place in 2011, the UK Prime Minister David Cameron threatened to withhold aid from countries that did not respect gay rights. The then President of Ghana firmly stated his refusal to legalize homosexuality, emphasizing Ghana's sovereignty and rejecting external imposition of values (BBC News, 2011; Bil-Jaruzelska, et al., 2017).

### **3.7 Legal Instruments**

Various studies have reviewed the laws relating to homosexuality in Ghana. Most authors refer to the Criminal Offences Act 1960 (Act 29) and the 1992 constitution of Ghana. With the Criminal Offences Act 29, reference is made to section 104 (1) which states that “Whoever has unnatural carnal knowledge – of any person of the age sixteen or above with or without consent shall be guilty of a first-degree felony and shall be liable on conviction to imprisonment for a term not less than five years and not more than twenty-five years. The clause (2) of this section defines unnatural carnal knowledge as sexual intercourse with a person in an unnatural manner or with an animal” (Ghana Immigration Service, 2020). Some concerns have been raised about the term “unnatural carnal knowledge”. Atuguba (2019, p. 119) argues that “the term is ambiguous and shrouds people in uncertainty as the provision does not clarify the laid down parameters for sexual relations in an unnatural manner”. Human Rights Watch (2018) also regard the term as vague, lacking a precise meaning in law, thereby creating challenges in its consistent interpretation and allow its application to target LGBT people. Traditional leaders, religious leaders, politicians and the majority of Ghanaians refer to unnatural canal knowledge to justify their resistance against LGBTQ people, making LGBTQ people live in fear of prosecution (Atuguba, 2019; Ako & Odoi, 2022; Nartey, 2022). This puts Ghana's law on human rights to question.

According to Atuguba (2019) the criminalization of unnatural canal knowledge which people believe is homosexuality, has historical affiliation stemming from the colonial laws of her former colonial rulers, the British. Other studies have also revealed that most of the countries that still criminalize homosexual conduct are former British colonies (Han & O'Mahoney, 2014; Jjuuko, et al., 2022). Examples of such countries include Kenya and Nigeria, and they use the term “against the order of nature” to criminalise homosexuality (The Criminal Code Act of Nigeria, 1990; The Penal Code of Kenya, 2009).

There are other arguments that homosexuality has not been criminalised under the 1992 constitution of Ghana. Specifically, Article 17, which was stated earlier in the first chapter of this research paper acknowledges the rights of all persons without discrimination regardless of gender, race, colour, ethnic origin, religion, social or economic status. Atuguba (2019, p. 118) asserts that “these laws are meant to protect LGBT persons but the Ghana law enforcement like the Supreme Court of Justice have made a definite pronouncement that lawful discrimination was permissible so far as it did not contravene the grounds mentioned in Article 17. And since homosexuals are not captured in the grounds for discrimination, it does not have a legitimate basis”. Additionally, Ghana has subscribed to Human Rights treaties and ratified the ICCPR which highlights on the equal protection of all persons before the law. Similarly, under the African regional system, there is the African Charter on Human and People’s Rights which guarantees the rights and freedoms of all people without discrimination based on race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status (African Union Commission, 1986). After several reports on increasing violence and the prosecution of persons on the basis of their imputed or real sexual orientation, the Commission has explicitly included sexual orientation and gender identity in its soft law instruments (general comments), building on its April 2014 resolution 275 (Isaack, 2017). Nevertheless, some Ghanaians see Human Rights and LGBTQ issues as subordinate to factors such as culture, stating that the rights of LGBTQ+ persons are against the moral fabric of the Ghanaian society (Nartey, 2022).

### **3.8 Ongoing debates**

In recent years, the government of Ghana has firmly opposed the legalization of same-sex marriage, echoing sentiments expressed by some Ghanaian leaders. These expressions take root from the establishment of an LGBTQ community centre in Accra, the capital city of Ghana which got to public notice, hence sparking widespread public discourse and heated debates in

parliament. Diplomats and LGBTQ supporters who attended the inauguration of the LGBTQ office faced verbal attacks, with accusations that diplomatic backing for the LGBTQ community was a veiled attempt to impose homosexuality on Ghanaians (The Guardian, 2021). Amidst these debates, various human rights groups and non-governmental organizations, such as the Gay and Lesbian Association of Ghana (GALAG), LGBT Rights Ghana and Drama Queens, that have made efforts to protect the rights of LGBT people (Nartey, 2022). To counter the actions of LGBTQ advocates, the members of parliament have pushed for stiffer punishments to deter LGBTQ activities, citing the absence of explicit laws that criminalize the act and the controversial nature of the existing legislation, which only references “unnatural canal knowledge”. While some argue this legislation is discriminatory, others view it as a colonial legacy, prompting calls for new legislation. Researchers like Atuguba (2019) and Ako and Odoi (2022) have also criticised the “unnatural canal knowledge” as being open to contestation and interpretation and so, transgenders, bisexuals and lesbians could be excluded. After several deliberations in the parliament of Ghana, a private member’s bill titled “The Promotion of Proper Human Sexual Rights and Family Values”, which is spearheaded by eight members of minority group in Parliament was presented in 2021. The pioneers faced some heddles regarding the use of the term “promotion”, and some clauses were asked to be taken out. After back and forth, unanimous votes were casted on 28<sup>th</sup> February 2024 and consequentially, the bill was approved by parliament. The current name given to it is “Human Sexual Rights and Family Values Bill”. As it stands now, the president of Ghana has to sign it to become a law. A summary of the clauses of the bill relevant to the research is as follows.

1. Clause 1 talks about the persons to whom the bill applies to and they include lesbians, gays, bisexuals, transgender, transsexuals, queer, an ally, pan sexual or a person of any other sociocultural notion of sex or sexual relationship that is contrary to the sociocultural norms of the relationship between male and female.
2. Clause 3 requires the social institutions (parents, teachers, religious leaders, arms of government, among others) to ensure that family values are integrated into the fabric of national planning and life and adopted as an integral part of the society.
3. Clause 4 prohibits people from engaging in LGBTQ+ practices and persons who go contrary to that are liable to a fine or a prison term of not less than two months and not more than four months.

4. Clause 5 imposes an obligation on a person in whose presence an offence specified in the bill is committed to the police or political leaders, opinion leaders and customary leaders in the community.
5. Clauses 6 to 11 prohibit sexual intercourse among persons of the same sex or with an animal, LGBTQ marriage and surgical procedure for transgender and spelt out the punishment assigned to the offences. The maximum prison term mentioned is between three to five years.
6. Clause 12 deals with advocates of LGBTQ and the publication of LGBTQ related materials in the media. It prohibits their activities with a prison term of not less than five and not more than ten years.
7. Clause 14 prohibits funding or sponsorship for LGBTQ activities. Here also, persons who commit an offence are liable on summary conviction to a prison term of not less than five years and not more than ten years.
8. Clauses 15 and 16 disband the formation of LGBTQ groups and associations.
9. Clauses 19 to 23 provide protection and support for victims and accused persons. It recognises LGBTQ persons as minorities that need help to overcome their vulnerabilities. (Modern Ghana, n.d.).

The approval of this bill has generated further conversations locally and internationally. Locally, majority of Ghanaians especially religious and traditional leaders have applauded the parliament for doing the right thing and pleaded with the president to append his signature (Apubeo, 2024). On the other hand, the UN High Commissioner for Human Rights, Volker Türk has raised concerns about how the bill broadens the scope of criminal sanctions against LGBTQ people and limits the activities of advocates, medical professionals and teachers and therefore called for the bill not to become a law (Office of the High Commissioner for Human Rights, 2024).

### **3.9 Implications**

From the above topics written in this chapter, it appears that Ghana's democratic system is failing to acknowledge and safeguard the LGBTQ community by introducing a bill to criminalize LGBTQ activities and their advocacy in the country. The assumption that LGBTQ minority groups are entitled to fundamental human rights has been disregarded within the majoritarian condition. This facilitates an oppressive and resistant human rights ideology around LGBTQ community. The extant literature reviewed in this chapter will be referenced in the subsequent chapter where discourse analysis will be carried out to tackle the issues.



## **CHAPTER FOUR**

### **THEORETICAL FRAMEWORK**

#### **4.1 Introduction**

The primary objective of this chapter is to provide an overview of the theories employed in this study and their respective purposes. To begin with, the theoretical framework central to the findings and discussions in this paper is the theory on consensus with much respect to the perspectives of Chantal Mouffe (2014). Consensus is adopted because it provides a mutually acceptable level of agreement that can be shared by all individuals within a group fostering societal harmony (Chastain, 2013). The theory on consensus will be used to identify the degree to which LGBTQ is tolerated in Ghana, based on the data gathered for the study.

Additionally, critical theory is employed to the study to expose the prevailing discourses, power dynamics and systems of oppressions in a social phenomenon and how these could be managed. Both theories acknowledge that conflicts exist in societies and recognise the need to accommodate pluralism. Furthermore, they advocate for hegemony as a way to bring a balance

in a society. Integrating these theoretical perspectives into the study contribute to a more nuanced understanding of the LGBTQ dynamics in Ghana while contributing to the development of more inclusive and equitable legal frameworks that better reflect the diverse realities and needs of LGBTQ individuals in Ghana.

## **4.2 Consensus**

Consensus holds significant sway in the discourse on human rights and there are diverse interpretations of the concept. Various theories of consensus explore the potential for establishing a common ground for basic human rights within pluralistic societies and across different cultures globally. Theorists like Jürgen Habermas holds the view that when a society is confronted with a dialogue, consensus arises from the best argument (Habermas, 1996), whereas John Rawls proposes for an overlapping consensus where all members of a society endorse a set of laws for varied reasons based on their comprehensive views (Rawls, 1996). Lastly, Chantal Mouffe (2014), who acknowledges the importance of conflicts in democratic politics and advocates for conflictual consensus. Chantal Mouffe's theory on consensus which serves as the theoretical framework for this paper.

### **4.2.1 Conflictual Consensus**

Chantal Mouffe is a political theorist whose original works is about “Hegemony and Socialist Strategy”, co-written with Ernesto Laclau, which delved into the concept of hegemony and its implications for socialist politics, advocating for a radical democratic approach (Laclau & Mouffe, 1985). The authors described hegemonic practices as the means by which a certain order is established, and the significance of social institutions is defined. They further argued that any established order could be contested by counter-hegemonic practices, which sought to disrupt its specific power structure in favour of establishing an alternative form of hegemony. Mouffe later wrote books that delved into inherent tensions between liberalism and democracy, arguing that democratic politics always involves a form of exclusion and antagonism (Mouffe, *The Democratic Paradox*, 2000) and later expanded her works to acknowledge the importance of engaging with pluralism and diversity in democratic societies (Mouffe, *On the Political*, 2005). She identified some challenges for pluralistic liberal democratic politics to be, attempting to diffuse the potential antagonism that existed in human relations, so as to make human co-existence possible. Thus, suggested agonistic model of democracy as a way for

society to function well (Mouffe, *Democracy, Human Rights and Cosmopolitanism: an Agonistic Approach*, 2014, p. 183). This agonistic democracy is what is termed as conflictual consensus.

According to Mouffe (2014) conflictual consensus is the agreement on moral and political principles such as liberty and equality for all individuals while maintaining the potential for significant disagreement regarding their interpretation. This dissent is crucial for fostering the very dynamics of a pluralistic society. A pluralistic society in this context, comprises individuals with different views who engage in disagreements and seek to instigate change according to their preferences. Consequently, the interpretation of principles may be different, and this diversity is considered relevant to the functioning of a society (Mouffe, *The Limits of John Rawls' Pluralism*, 2009). This could occur in the discourses pertaining to LGBTQ bill in Ghana where proponents believe that the bill criminalizes the act itself and not the persons involved and therefore pushing it to be passed in the parliament of Ghana. Conversely, sexual minorities perceive the bill as discriminatory and a violation of their freedom of association. As such, the LGBTQ advocates are striving to prevent the bill from being enforced. Mouffe contends that this dissent is relevant for the functioning of the society.

From the perspective of Mouffe (2014, p. 184) what matters is that conflict must not take the form of an antagonism involving a struggle between enemies, but rather an agonism where there is a struggle between adversaries who have different interpretations of shared principles, and fight for their interpretation to become hegemonic. Hegemonic principles involve the articulation of a given social order that establishes the dominant norms, values and meanings within a society. This hegemonic order should not be imposed through coercion but through consent and active participation of social actors who are involved in this order (Mouffe, *Democracy, Human Rights and Cosmopolitanism: an Agonistic Approach*, 2014).

From the agonistic perspective, conflicts or disagreements should not be seen as problems to be eliminated but as vital elements of democratic life (Mouffe, *The Limits of John Rawls' Pluralism*, 2009). In relation to the study, this implies that it is acceptable for the arguments on LGBTQ practices and the anti-gay bill in Ghana to exist and people can have opposing views on the discourses surrounding it. Instead of seeking to eliminate these differences, there should be room for the differences to be acknowledged, discussed, and resolved through negotiation. In doing that, Mouffe (2009) proposes the transition from a life-threatening conflict where individuals resort to violence, to a society where members engage in a struggle for societal

change based on their perspective. For example, people can have different opinions on the issue at hand and do not need to fight and kill others due to the differences in perspectives. Consequently, in an agonistic democracy, a state of contention exists, and societal harmony is not the predominant norm due to significant fundamental conflicts (Mouffe, *The Limits of John Rawls' Pluralism*, 2009).

Mouffe (2014) argues that hegemonic practices could be possible if there is the establishment of a set of institutions through which tensions can be contested and limited, which should be done in a manner that accommodates pluralism. Ultimately, she emphasizes that interpretations are a mere product of hegemony, which itself is subjected to change (Mouffe, *Democracy, Human Rights and Cosmopolitanism: an Agonistic Approach*, 2014). Mouffe's concept of hegemony is influenced by Antonio Gramsci (1891-1937). He is political theorist and cultural critic of the twentieth century whose articulation of hegemony is commonly referred to in academic disciplines (Smet, 2016). Gramsci's concept is that a hegemonic class considers the interests of the classes and groups under its influence. There is a dynamic balance between the hegemonic class and subaltern ones, whereby the hegemonic class may need to compromise some of its own interests to maintain equilibrium. It is through this that consensus can be achieved (Gramsci, 2011). Gramsci further elaborated on power dynamics where he identified coercion and consensus as the essential elements to maintain equilibrium. He argued that, for a state to be in equilibrium, consensus must outweigh coercion. This balance is achieved through a complex interplay between private organisations such as the church and school, representing hegemonic influence, and public institutions like the state, police, and courts, which symbolize coercive power (Gramsci, 2011). To sum it up, Gramsci focuses substantially on the power dynamics in the society, especially the ways in which hegemonic classes maintain dominance through coercion and consent.

Mouffe's concept of hegemony slightly differs from Gramsci in the sense that, she emphasizes the agonistic nature of politics and hegemony. In that she sees hegemony as a result of ongoing struggles between forces where power is not only exercised through coercion but also through discursive and symbolic means (Mouffe, *Democracy, Human Rights and Cosmopolitanism: an Agonistic Approach*, 2014). For Mouffe (2014) hegemonic practices could be possible if there is the establishment of a set of institutions through which tensions can be contested and limited, which should be done in a manner that accommodates pluralism. She highlighted that interpretations are a mere product of hegemony, which itself is subjected to change (Mouffe, *Democracy, Human Rights and Cosmopolitanism: an Agonistic Approach*, 2014).

Accordingly, Mouffe's concept of hegemony can be applied to the laws concerning LGBTQ issues, especially regarding the LGBTQ bill in Ghana and there should be room for diverse opinions and contestation within the legal system and society. There should not be one dominant narrative but rather multiple perspectives on LGBTQ rights and existence of institutions that allows for the peaceful negotiations. This could be done through establishing platforms for dialogue and debate where stakeholders such as LGBTQ advocates, policy makers, religious groups, and traditional leaders, can engage in constructive discussions to reach a consensus that respects the rights and dignity of individuals involved. Given the high level of intolerance towards LGBTQ practices in Ghana, creating spaces for peaceful negotiations seems unachievable. However, it can be attempted, recognising that hegemonic power structures are not static. To crown it all, the bill should be open to revision and adaptation in response to changing social attitudes ideally before its passage into a law.

### **4.3 Critical Theory**

Critical theory is employed in this study to uncover hidden assumptions, challenge dominant ideologies, and analyse how various aspects of Ghanaian society perpetuate inequality and injustice on matters related to LGBTQ. The theory involves a critical examination of society and culture with a focus on power dynamics, social structures, and systems of oppression. It provides a framework for understanding and critiquing the social, political, and economic structures of a nation (Antonio, 1983). Critical theory seeks to identify ways in which social phenomena might become less oppressive with the ultimate goal of emancipating human beings as a consequence of becoming aware of an alternate interpretation, which includes a preferable future (Molony 1993 in Powers 2007, p. 19).

The paper centres on the ideas generated by Robert Cox, emphasizing his recognition of the need for a dynamic civil society which aims to challenge the existing power structures, promote social justice, and give room for a more equitable and democratic world order (Moolakkattu, 2009). Additionally, Cox highlights the rise of organic intellectuals representing marginalised groups, the fostering of community level solidarity, participatory democracy, peaceful conflict resolution methods, pluralism, and multilateralism as key components of his transformational agenda (Cox & Sinclair, *Approaches to World Order*, 1996, p. 53). The non-violent practices

of conflict resolution that Robert Cox advocates is through dialogue and other peaceful means. Further, he supports pluralism by recognising and embracing diverse perspectives, identities, and cultures which leads to promoting inclusivity, tolerance, and equality in the society (Christie, 2010).

Cox argues that there is no theory for itself, rather, theory is always for someone, for some purpose (Cox & Sinclair, *Approaches to World Order*, 1996, p. 87). This suggests that theories are not neutral entities existing independently but are rather constructed and utilized by individuals or groups with particular objectives, and perspectives in mind. With that being said, critical theory is used in this paper to investigate the establishing norms and narratives in relation to LGBTQ individuals. Also, the theory questions how these norms are constructed and enforced in the Ghanaian society by analysing the historical, cultural, and social forces that shape the discourses on sexuality. Furthermore, it scrutinizes the power dynamics that marginalize LGBTQ individuals, including discrimination, stigma, and violence.

According to Cox (1981) critical theory is more reflective on the processes of change of historical structures, upon the transformation or challenges arising within the complex of forces constituting the existing historical structure, the existing 'common sense' of reality. Thus, the theory will be used to address the systematic inequalities that is built from the past and still exist as well as advocate for policy changes that can promote equality, non-discrimination, and inclusion for LGBTQ individuals in Ghana. Critical theory further provides perspectives through which the prevailing societal structures can be questioned. These perspectives enable an examination of how the structures originated, aiming to showcase the non-uniqueness of the prevailing order, thereby suggesting that it is merely one among other alternatives. Thus, critical theory creates opportunities for exploring alternative perspectives by challenging the status quo and uncovering social processes that could potentially instigate change (Jones & Hobden, 2006). Buğra (2016) adds on by asserting that critical theory is for persons disadvantaged by the prevailing order, and for the purpose of denaturalizing the prevailing social and power relationships while exploring other alternatives. In application, the marginalised groups which in this case, the LGBTQ individuals in Ghana pursue alternatives by engaging in activities such as activism to challenge the discriminatory practices against them, advocating for policy reforms and promote their rights and establish platforms for dialogue and solidarity.

Cox (1981) further asserts that critical theory does not prescribe solutions to a phenomenon but rather attempts to analyse fundamental forces to determine possible futures and to point to the conflicts and contradictions in the existing world order that could move things towards one or other of the possible futures. Inspired by Antonio Gramsci, Cox and Sinclair (1996, p.127) believe that hegemony is enough to ensure conformity of behaviour in most people most of the time, which could move society towards possible outcomes.

Hegemony expresses a structure of social power in which one class is dominant, but in which that class consents to concessions in favor of subordinate classes such as to make the structure tolerable to them, thereby creating a broadly based consensus in its favor (Cox, Labor and Hegemony: A Reply, 1980, p. 166). Applying hegemony to the LGBTQ bill in Ghana should therefore not be a one-way process of being imposed from the parliament of Ghana, but a product of negotiation between the parliament and other stakeholders to become widely accepted, understood, and embraced by Ghanaians as a whole. The consent of the masses could not be presumed for long, and therefore should be continually re-negotiated and re-secured within historical contexts (Moolakkattu, 2009, p. 441). Thus, hegemony could serve as a pathway to negotiate the LGBTQ bill in Ghana.

## **CHAPTER 5**

### **FINDINGS AND ANALYSIS**

#### **5.1 Introduction**

This chapter compiles data sourced from YouTube interviews, online news reports, and documents from human rights organisations, concerning LGBTQ-related topics. The first section includes details about the participants, to offer background information on the group from which the data were gathered. The subsequent sections of the chapter delve into addressing the research questions introduced in the first chapter. Three research questions guided the study; to explore the dominant discourse on LGBTQ in Ghana, to identify how LGBTQ activists challenge the dominant discourse and lastly to discover the role cultural values play in the discourses for or against LGBTQ practices. In line with coding strategies according to Benaquisto (2012) and Bryman et al. (2021) responses from participants have been conceptualised into categories/themes and presented in response to the research questions. Following this, is a discussion of each category in line with discourse analysis from the perspective of Michel Foucault (1972) as a post-modernist and post structuralist. I am looking at analysing the specific contextual power relations by observing how language is used within the LGBTQ discourses. Additionally, the data is compared with existing literature and the theoretical framework (the theory of consensus and critical theory). The last section of this



chapter will explore the discursive struggles between hegemony and counter-discourses in relation to the findings and theories guiding the study.

## 5.2 Background information of participants

This section is divided into two, where one part is a table representation of the participants sourced from YouTube whereas the other part includes the news reports and other documents. The tables depict the details of three interviewers and five participants (the interviewees) and the credibility of the data gathered. It should be noted that the names of participants are exposed because they are already published online for public consumption.

**Table 1**

<b>Date</b>	8 <sup>th</sup> October, 2021
<b>Interviewer</b>	Larry Madowo
<b>Position of interviewer</b>	CNN News anchor
<b>Interviewee</b>	Sam George
<b>Position of interviewee</b>	Member of Parliament of Ghana (anti-LGBTQ)
<b>Media source</b>	YouTube
<b>Name of Channel</b>	Larry Madowo
<b>Number of views</b>	555k (at the time the research took place)
<b>Number of comments</b>	6.5K (at the time the research took place)

**Table 2**

<b>Date</b>	7 <sup>th</sup> October, 2023
<b>Interviewer</b>	Zionfelix
<b>Position on interviewer</b>	Blogger
<b>Interviewee</b>	Jonathan
<b>Position of interview</b>	Gay
<b>Media source</b>	YouTube
<b>Name of media channel</b>	Zionfelix TV
<b>Number of views</b>	96K (at the time the research took place)
<b>Number of comments</b>	426 (at the time the research took place)

**Table 3**

<b>Date</b>	28 <sup>th</sup> February, 2024
<b>Interviewer</b>	Aisha
<b>Position on interviewer</b>	Journalist
<b>Interviewee</b>	<ol style="list-style-type: none"> <li>1. Sam George (<b>Member of Parliament &amp; pioneer of the anti-gay bill</b>).</li> <li>2. Amanda Odoi (<b>academic researcher and LGBTQ advocate</b>)</li> <li>3. Michael Augustus Akagbor (<b>Senior Programs Officer, Human Rights and Social Inclusion, CDD-Ghana</b>)</li> <li>4. Very Reverend Father Clement Kwasi-Agyei (<b>General Secretary for the Ghana Catholic Bishops Conference</b>)</li> </ol>
<b>Media source</b>	YouTube
<b>Name of media channel</b>	Joy news (PM Express)
<b>Number of views</b>	27K (at the time the research took place)
<b>Number of comments</b>	215 (at the time the research took place)

**Other documents**

**News reports:** Data was retrieved from Ghana Web, which is a reliable news portal. Participants included members of parliament, a cultural activist, religious and traditional leaders. The time frame of the data was from the year 2015 to 2021.

**Human Rights Watch (2018):** Data was sourced from a report from Human Rights Watch titled: “No Choice but to Deny Who I am”. The chapter quoted some interview responses from some Ghanaian LGBTQ persons.

### **5.3 What are the dominant discourse on LGBTQ in Ghana?**

The first research question was to explore the dominant discourse on LGBTQ in Ghana. Several points were raised from parties (pro and anti LGBTQ persons). Before going to present the data, it is important to address that the views of participants stem from the current opening of the LGBTQ conference in Ghana in the year 2021 that stirred up conversations about LGBTQ. This led to the proposal of a bill by eight members of the parliament of Ghana, titled “The Promotion of Proper Human Sexual Rights and Family Values”. The bill was finally approved by all the members of parliament on 28<sup>th</sup> February 2024 with a new title “Human Sexual Rights and Family Values Bill”. It has been sent to the president of Ghana, awaiting his signature for it to become a law. Thus, some discourses are in relation to the LGBTQ activities in general whereas others are in relation to the passage of the bill. For the purpose of clarity, some refer to the bill as anti-gay bill and this will be used interchangeably with the bill in this chapter.

The categories/themes that emerged concerning this research question were: *foreign imposition, fear and hate, misinformation, influence of the media, the rights of all LGBTQ persons, health issues, discrimination and its implications, and religion.*

#### **5.3.1 Foreign imposition**

LGBTQ is regarded as foreign to Ghanaian culture and should therefore not be accepted in Ghana because of international relations. This is what a member of parliament whose comments were retrieved from Ghanaweb had to say, “*I believe it is not right to impose this on our country. Throughout our many years of experience, we have not considered these things to be normal. We cannot suddenly accept them because of international relationships and support. We should not be forced to accept it because of foreign support*” (Issahaku).

This quote implies that there is a condition attached to the international aid received by Ghanaians, which is to accept LGBTQ practices. The speaker asserts the right to reject an imposition on Ghanaians. This is an indication of a power struggle against an external force. An interest here is to unpack who holds more power in this situation. The language used demonstrates a resistance to external pressure, invoking a sense of identity and tradition as a basis for rejecting the imposition. Moving on, saying that LGBTQ is not considered “normal”, puts them in a position of being tagged in a certain manner. It also implies that there is a perceived normalcy of Ghana’s culture and traditions. This impacts how Ghanaians perceive LGBTQ persons.

Other statements about foreign imposition were linked to funding. Sam George, who is also a member of parliament and a pioneer of the anti-gay bill stated that, *“advocates are funded by foreign donor partners who have an interest in pushing LGBTQ. Michael should deny it. Amanda’s research is sponsored by pro LGBTQ groups. Don’t deny this. These are facts. People are thinking about the money they get for their research and for that they think that parliament should sit down for the innocence of our children to be taken away.*

The accusation that advocates and researchers of LGBTQ receiving funding from foreign donor partners implies that there is a power dynamic where external forces are influencing agendas within Ghana. The speaker was certain about the funds received by saying “don’t deny this”, “these are facts”. It places some kind of objectivity and truthfulness to the claim, which legitimizes some perspectives while marginalizing others. Also, it questions the credibility of advocates and researchers, as to whether they have a genuine concern for the welfare and human rights of the LGBTQ community or for their personal interest. These accusations can influence listeners perspectives about activists.

Further accusations by the same speaker about LGBTQ advocates receiving funding is: *“And if this is all about funding for you, I am more interested in the sanctity of Ghanaian children and not the funds that you receive to do what you claim is academic research [...]The Americans who are funding you, in American states, they are passing legislations to curb LGBTQ. Two days ago, Tennessee passed legislation in its house that banned the flying of even the flags”.* (Sam George)

So, Sam George is standing up for Ghanaian children to protect them from outside influences, especially from American donors. This shows he is fighting against foreign intervention and acknowledging the autonomy Ghana has to make its own decisions. Using “sanctity” highlights the moral imperative of his stance as a protector of traditional values against perceived threats.

Overall, the theme *“foreign imposition”* revealed the power dynamics and interests at play in LGBTQ conversations. The responses came from persons who do not accept LGBTQ practices. They were of the view that Ghana should by no means receive foreign aid in exchange of accepting LGBTQ practices. Similar instances can be traced to the forum which took place in 2011, where the UK Prime Minister David Cameron threatened to withhold aid from countries that did not respect gay rights. The then president of Ghana firmly stated his refusal to legalize homosexuality, emphasizing Ghana’s sovereignty and rejecting external imposition of values (BBC News, 2011; Bil-Jaruzelska, et al., 2017). Research by Rosário and Gianella (2022) also

revealed how Mozambiquan government has accommodated LGBT issues due to the country's dependence on foreign aid. Mozambique is one of the African countries that have decriminalised homosexuality. However, Rosário and Gianella's (2022) research identified that the freedom of association of LGBTQ persons are limited. This could mean that there is truth to attaching foreign aid to legitimising LGBTQ. Thus if the country did not rely on foreign aid, it may not have decriminalised LGBTQ practices. Also, activists are seen to project western understandings of sexuality. Epprecht (2013) unravelled this in his research about the challenges activists face. Gay rights advocates faced criticism for inadvertently projecting western understandings of sexuality. These texts point to the fact that Ghanaians have strong convictions against LGBTQ practices.

### **5.3.2 Fear and hate**

There is a concern that the introduction of the anti-LGBTQ bill instigates fear and hate for LGBTQ persons. However, participants had opposing views.

Amanda, who is a researcher and LGBTQ activist expressed how the bill has caused the rise of hostility and could breed antagonism that can affect several people. In her exact words, *“we have instances where people's lives are going to be monitored. So at first, queer people have lived with us, actually there is evidence to show that queer people have always lived with us [...]But with the start of this bill and the discussions around it, hostility has increased against the community to the extent that even non queer persons who exhibit effeminate characteristics are right now targeted”*.

This implies that the bill has consequences on a large number of Ghanaians including those who do not practice LGBTQ. The text brings attention to people's living situation prior to the anti-gay bill and after the introduction of it. The hostility addressed by the speaker reveals societal attitudes towards the LGBTQ community. It also reflects the ways in which discourses surrounding sexuality can contribute to the marginalization and stigmatization of certain groups in the society. What is at stake here is that the hostility has extended to persons who have effeminate qualities but are not in the LGBTQ community.

Sam George was asked why he introduced a bill that legalised hate and homophobia. He opposed it by saying, *“I do not understand what you mean by a bill that will legalise hate and*

*homophobia. It is a bill to promote proper human sexual rights and Ghanaian family values. If you have another bill that you are talking about, then maybe you have got the wrong man.”*

Thus, Sam Georg refused to admit that the bill would legalise hate and homophobia. He affirms the rationale behind the bill, which is to promote the ideal sexual relations in Ghana. This assertion exposes the power dynamics where specific groups claim authority over defining and regulating sexuality and family structures within Ghanaian society. The members of parliament have decided what proper sexual rights are and what constitutes family values in Ghana. It points out to how language shapes reality. Ghanaians would have to define themselves by the laws and standards set for them on sexual orientation.

Lastly, LGBT victims of crime said the anti-gay law inhibited them from reporting to authorities for fear of exposure and arrest. A young man told Human Rights Watch *“I was raped by a man I met on social media but did not report the rape to the police out of fear that I would be arrested for having gay sex”*. (Felix)

The speaker’s fear of being arrested for engaging in gay sex reflects a power dynamic where state institutions, such as the police, wield authority over individuals’ bodies and sexual practices. This fear underlines the ways in which the legal frameworks regulate, and how Ghanaian society treat LGBTQ persons. Felix’s decision not to report the rape due to fear of being arrested, questions how discourses around LGBTQ and victimhood intersect, and how they shape peoples’ perceptions of themselves and their interactions with institutional authorities. What is on the line here is Ghana’s security and protection agencies which ought to protect all persons from violence. People’s fear of reporting crimes indicates that there is a barrier to seeking justice. Consequentially, putting the legitimacy of the agencies to question.

In all, there were opposing views to the category of *“fear and hate”* where advocates of LGBTQ practices had the view that the introduction of the anti-gay bill will bring hate on LGBTQ persons and instil fear in them whereas proponents of the bill countered those points. A victim of rape who was raped also mentioned his reluctance to report his case to the police due to his fear of being arrested. Similarly, researchers have revealed how LGBTQ persons live in the fear of prosecution in Ghana (Atuguba, 2019; Ako & Odoi, 2022; Nartey, 2022). This therefore proves the point that the introduction of the anti-gay bill will strengthen this fear. The counter argument from proponents of the bill against those accusations brings to light the tensions arising from the bill. So, there is tension between pro and anti-gay parties on the impact

of the bill which requires some level of consensus. The latter part of this chapter will determine the way forward on this issue.

### **5.3.3 Misinformation**

Proponents of the bill assert that ever since bill was introduced in the parliament of Ghana, people have made comments that are contrary to what is actually drafted in the bill. In response to a question asked about ten years imprisonment of the bill, this is what Sam George had to say: *“well you haven’t read my bill. It is a misinformation to say that anybody who is found guilty of a homosexual act will go to jail for 10years[quoting the bill.....] So when you talk about 10years imprisonment for persons engaged in homosexual activity, you are misleading the world and that is unfortunate”*.

Sam George asserts his authority as the author of the bill and attempts to correct what is perceived as misinformation regarding its contents. He assumes power over the interpretation and propagation of information about the bill and went further to challenge the depiction of the bill as imposing a 10-year prison sentence for LGBTQ activities by citing some clauses in the bill to counter this interpretation. Him telling advocates to stop misleading the world implies that, people absorb wrong information and act on it. Thus, reflecting how knowledge about the bill influences public perception towards LGBTQ rights.

Again, misinformation came across when an LGBTQ advocate accused the anti-gay bill to cause discrimination at the workplace. This is what was said Sam George in response to that accusation.

*“People have created their own impression of the bill and are fostering their misinformation and miseducation on people. Several of the claims she has made here that you can’t go and apply for a job...why? When you are going to apply for a job does anybody asks you who you slept with in your bedroom? [...] Nobody is coming into your bedroom to find out what is going on. But when you decide to define yourself by what is supposed to be your private sexual preference, then it becomes a matter of public policy and public policy will apply to it”*.

Sam George asserts control over the interpretation and dissemination of information about the bill and its implications. Secondly, he challenges the idea that the bill will directly interfere with private matters or activities in the bedroom. The argument that when individuals publicly define themselves by their sexuality, it becomes a matter of public policy, highlights the ways

in which the norms of Ghanaian societal shape perceptions of sexuality and regulate peoples' interactions in the public domain.

Overall, this theme centred on how the anti-gay bill has been misrepresented to the general public. It targeted advocates of LGBTQ who criticised the content of the bill and accused it of being discriminatory to the LGBTQ population. It further revealed how Ghanaians are expected to behave in the society. Research has it that LGBTQ persons face significant challenges due to the conservative societal attitudes of Ghanaians (Bil-Jaruzelska, et al., 2017). Literature has also revealed how there exists a taboo tag on these sexual minorities which influence how the society treats them (Atuguba, 2019; Agyeman, 2023). These attitudes inform how Ghanaians are expected to behave in public and private spaces. In this theme, the speaker made a statement that implied that exposing ones sexual preference in public comes along with public sanctions. This is a restriction on the article 21 of the 1992 constitution of Ghana which acknowledges freedom of association.

#### **5.3.4 The influence of the media**

The media serves as a channel through which LGBTQ information is conveyed and people are always interested in what content the media outlets release. Speakers on LGBTQ matters use this platform to air their opinions for public consumption. Sam George addressed them as ally by saying that *“The media has been our biggest ally in this battle. You have been a reliable partner on this journey for 3years, you have given us the opportunity to clarify portions of the bill that have been intentionally twisted by opponents of the bill. Going forward with the public sensitisation, we will still depend on the media”*.

Here, addressing the media as ally highlights a collaboration between the speaker and the media in shaping public perceptions and attitudes towards the anti-gay bill. Looking at it from the lenses of Foucault (1972) it is important to expose how power operates through these alliances and collaborations, and how it influences the production and dissemination of knowledge about the bill and its implications. The speaker, praising the media for their role in clarifying portions of the bill that have been “intentionally twisted” by opponents, as well as relying on them for public sensitization, indicates a strategic use of media to control the narrative and counter oppositional discourses. As a consequence, the media contributes to the marginalisation of the LGBTQ groups.



Another statement by Sam George and the media goes like, *“we respect the chapter 12 rights that the media has which is the freedom of expression. But the media is also guided by ethics and that you would not advocate for something that’s a criminal offence.*

This text acknowledges the media’s freedom of expression as enshrined in the Clause 12 of the anti-gay bill, but also implies a certain mandate over the media by suggesting that advocating for criminal offenses would be unethical. Saying that the media would not advocate for something that is a criminal offence means they should rally behind the discourses against LGBTQ practices. Consequentially compelling the media to give a biased account. This highlights a power dynamic where a certain group exercise control over the boundaries of acceptable discourse within the society. There is the need to question how these discourses serve to control and regulate the boundaries of acceptable viewpoints within society, and how they influence media practices public and perceptions.

Advocates expressed concern for referring to the media as ally. This is what Amanda had to say: *“and you mentioned that the media is an ally. You are gagging the media straight away saying that it is either they align with parliament on this bill or that is it. But the media is there to be a voice to the people who put out issues that are detrimental so that we can engage them as a society and find solutions to them. You don’t just coerce the media and say they are ally. Ally for which reason? To promote something that we think is detrimental”.*

Amanda critiques the attempt to coerce the media into aligning with parliament on the bill, drawing attention to a power dynamic where parliamentary authority seeks to control the narrative and limit dissenting voices. This reveals a struggle over the regulation of discourse, with different actors fighting for control over the production and dissemination of knowledge and information. She further acknowledges the role of the media, which is, to serve as a voice for the people. This implies her reliance on the media to speak for the voiceless. Therefore, if they side with the proponents of the anti-gay bill, then they will speak against LGBTQ people.

The responses from this theme of *“influence of the media”* indicate some sort of coercion from one side of the discourse. Addressing the media as ally implies puts their actions to question. Research has already proven that people against LGBTQ, mainly moral entrepreneurs urge the media to use its platform to create awareness against the practice (Bil-Jaruzelska et al., 2017; Human Rights Watch, 2018). Similarly, Nartey’s (2022) research reported that the media used headlines that carried high connotations of disgust which oriented readers to have a negative attitude toward LGBT people. This confirms their alliance with the majority. Additionally,

clause 12 of the anti-gay bill prohibits the dissemination and publication of materials that promote LGBTQ practices through the media with a conviction to a term of five to ten years imprisonment. Consequentially, limiting the freedom of expression which includes freedom of the press as written in the article 12 of the 1992 constitution of Ghana. In line with Cox (1981) there is an interplay of power dynamins, social structure and systems of oppression. Politicians, alongside moral entrepreneurs exert their power on the media by determining the kind of content to be published, leading to a biased release of information. Therefore, media contents go in favour of powerful groups at the expense of the minority. Cox (1981) advocates for the need to examine these systems to bring equality in the society.

### **5.3.5 The rights of all LGBTQ persons**

The issue of rights popped up in various conversations. Some people express that LGBTQ people do not have rights while others believe their rights are captured in the constitution of Ghana.

A member of parliament was of the view that homosexuals ought to face the fact that they do not have rights in Ghana and therefore should be identified and prosecuted. In his words, *“they do not have the right to practice gay or lesbianism so they can’t say their rights have been violated. You do not have the right to be gay or lesbians in Ghana....so we should now look for him or her that says they are into the activities and begin to punish the person for what they say they are”*. (Ayariga)

Ayariga stated on authority that LGBTQ individuals do not have the right to practice homosexuality in Ghana. This exposes how certain norms and values regarding sexuality are enforced through legal and societal mechanisms. There is a clear indication that the speaker is disregarding the rights of LGBTQ people. Furthermore, his statement that these people should be punished justifies the violent attacks on LGBTQ individuals. This quote reflects a powerful framework that seeks to control and discipline non-conformitive sexual behaviours.

Sam George on the other hand mentioned that LGBTQ bill gives people the right to contest for a fair trial. He stated, *“they have a right to a fair trial before the court of jurisdiction. Section 22 of our bill prohibits extra judicial treatment, and you are not highlighting that part. That part, a person commits a misdemeanour if that person verbally or physically abuses, assaults or harasses a person accused of an offence under this act or suffering from any gender or*

*sexual identity*". He said this to imply that the bill protects LGBTQ persons from violence and abuse.

This text asserts the importance of a fair trial for individuals accused under the bill, emphasizing the legal framework that governs their treatment. It recognises the regulatory framework that seeks to protect individuals' rights and ensure due process within the legal system. Acknowledging the protection of LGBTQ persons confirms the reports on violence against them.

Overall, the theme reflects the lack of recognition of LGBTQ rights which has already been established from research (Agyeman, 2023). It is not surprising that the first speaker affirms that they do not have rights in Ghana. The second speaker went in the same tangent when he mentioned the law that protects LGBTQ persons from violence. This points out the violence and injustices that LGBTQ individuals go through in the society. Scholars have revealed the backlash the LGBTQ community received for advocating for their sexual rights, respect for their freedom of choice and an end to stigmatization and discrimination (Agyemang, 2023; Ako & Odoi, 2022). Some institutions also assert that human rights cannot justify homosexual practices (Bil-Jaruzelska, et al., 2017). This evinces the disregard of LGBTQ rights.

Cox (1981) argues for there the need to analyse how these aspects of the Ghanaian society perpetuate inequality and injustice on LGBTQ matters. One way to do this is to review the legal protection system, especially the anti-gay bill. Clause 4 prohibits LGBTQ practice and clause 5 assigns a duty to report these persons when caught in the act. On the other hand, Clauses 19 to 23 provides protection and support to LGBTQ persons. This raises the concern of where Ghanaians stand with the bill and LGBTQ rights. The bill contradicts itself by disapproving LGBTQ acts and at the same time protecting them from attacks and violence. Perpetuators of violence can base on Clause 5 to justify their actions. Again, if the constitution of Ghana grants equal rights for all persons and condemns discrimination, then the speaker's call for the punishment of these persons is misguided. Human rights of the sexual minorities are at stake and must be addressed.

### **5.3.6 Health issues**

Here, a reference was made to the health statuses of LGBTQ individuals in the United States and condemned Ghanaians who advocated for the practice. Sam George stated that "*the places you are getting the funding from, in their own home countries, the Centre for Disease Control*

*(CDC) is pointing out that a homosexual person is 400 times more likely to abuse substance and be an alcoholic and be a drug abuser than a heterosexual person and it constitutes a health crisis. A homosexual person is more than 400times suicidal than a heterosexual person. It says that a man who has sex with another man is 400times more likely to get HIV than a heterosexual man. And you think that this is something that we should allow you to advocate for in the name of academic freedoms?”*

Sam George employs a rhetorical question to challenge the legitimacy of advocating for homosexual practices under the pretence of academic freedom. By framing the issue as a question, he prompts listeners to consider their stance on the matter. Referencing the CDC gives credibility to support his argument against advocating for issues related to homosexuality. The statistics also serves as evidence of the negative health implications associated with homosexuality. Him questioning whether advocating for issues related to homosexuality should be permitted under the umbrella of academic freedom, raises questions about the boundaries of academic discourse and the extent to which controversial topics should be addressed within academic settings.

Moving on, certain claims were made that people should not advocate for homosexuality due to the financial burden it puts on the government for health reasons. The speaker believes that the government of Ghana should not spend money to cater for the health needs of LGBTQ persons.

Sam George said this, *“the government of Ghana in 2020 spent 200million dollars subsidizing the cost of anti-retroviral drugs for persons who have HIV/AIDS. The Ghana AIDS commission is telling us that men having sex with men (MSM)s, homosexuals are leading the search in HIV prevalence in Ghana. 200million dollars could have fixed the water problem in my constituency”*.

Here, Sam George highlights on two issues and clearly chooses one as a priority over the other. The comparison of government’s expenditure on HIV/AIDS with water problems implies, he is criticizing the government priorities. He further cites information from the Ghana AIDS Commission, to support his argument about the prevalence of HIV among men having sex with men (MSM) and homosexuals in Ghana. Next, his use of the term “homosexuals” and MSM without any consideration of the diversity within the LGBTQ community can contribute to further stigmatization of persons in that bracket. Thus, three issues are at stake in this text: public health priorities, government resource allocation and stigmatization of homosexuals.

This theme identified the health challenges associated with LGBTQ practices to include suicide, drug and alcohol abuse, and high probability of contracting HIV/AIDS. Existing literature has also revealed the health issues of LGBTQ people to include restriction on the access to STI and HIV treatment especially in the cases of MSM (Semugoma, Beyrer, & Baral, 2012). Some reports also have it that adolescents in the LGBT community have negative health outcomes and risky health behaviours like high levels of alcohol and substance abuse, suicide and self-harm (Ritholtz & Reid, 2020). The causes of mental health problems have been attributed to social and structural factors (Fredriksen-Goldsen et al., 2014). The society discriminates against them and persons who are unable to withstand such treatment often develop mental issues. Similarly, Ritholtz and Reide (2020) blame it on the criminality, tension, strong heteronormativity and social hostility. To curb this situation, researchers like Moagi et al. (2021) pleaded with healthcare providers to recognise and apply their ethical duty to treat all individuals with respect and dignity, as they believed this approach could alleviate the mental health disparities faced by LGBT persons.

### **5.3.7 Discrimination and implications**

According to some responses, LGBTQ persons face discrimination at various places like schools, workplaces and other public settings. It is believed that discrimination has always existed, but the anti-LGBTQ bill strengthens it. Consequently, it affects a larger group of individuals.

According to Amanda: *“People are discriminated against. An employer can decide that because you exhibit effeminate qualities, I cannot employ you in my job just in case I am tagged for employing somebody that is queer.”*

This quote highlights the significant impact of discrimination on people’s livelihoods and economic opportunities. The speaker was referring to the impact of the anti-gay bill. Employment discrimination based on sexual orientation reflects the structural barriers that hinder LGBTQ persons equal participation and rights. Mentioning people with “effeminate characteristics” brings attention to how the discrimination goes beyond LGBTQ persons to affect a larger population. Amanda implicitly calls for social change and greater awareness of LGBTQ rights and issues.

However, Sam George contended that people are just making discrimination stories up. He stated that advocates who believed homosexuals are discriminated against should provide

evidence: *“We asked them for evidence of either a job, or a hotel or any discrimination against a person wrongfully so, none of them could produce evidence. On this show, I am calling Amanda out and saying she should give us one instance of increased violence against a person because of this bill. Look, it is easy to say the things you are saying but trust me, so long as God gives me breath, I will continue to hold all of you to strict proof”*.

Sam George challenges Amanda’s assertions regarding discrimination against certain groups due to a particular bill. His demand for evidence to support these claims brings attention to factual verification and accountability. Asking for proof of violence and discrimination undermines Amanda’s arguments and holds her as accountable for her claims. Sam George further asserts his power to holding others accountable when he said, “trust me, so long as God gives me breath, I will continue to hold all of you to strict proof.” This reinforces his role as a truth-seeker in the discourse. His use of words like “give us one instance”, emphasis on “look”, and personal conviction like “trust me” solidifies his argument and position.

Additionally, Sam George clarified the need for the proposed anti-gay bill that was stirring up controversies by stating: *“it is extremely important that we understand that in this country, nobody is marginalising any group of people. And Michael makes that point that why do we need this law because we have section 104 of the criminal offences act. Well, section 104 is discriminatory. Because it cannot apply to lesbians. It talks about penetration and lesbians do not have a natural organ for penetration. And so the Attorney General is unable to prosecute any female engaged in lesbianism under section 104. And so you have a law that is 1960 which at the time was dealing with what was the known form of homosexuality and today you have transgenders, you have all kinds of insane perversions being banded around as lifestyles and we are making our laws representatives of it, you say why are we doing that?”*

The opening statement that nobody is marginalizing any group of people in the country, sets the tone for the discourse by framing the issue as one of equality and fairness, suggesting that the anti-gay law bill is not intended to discriminate against any specific group. By criticizing Section 104 of the Criminal Offences Act as discriminatory, the speaker identifies a gap in legal system and calls for reform. He contextualizes the law within its historical framework by noting that it was enacted in 1960 when the known forms of homosexuality were different. This historical perspective serves to underscore the outdated nature of the law and its failure to address contemporary understandings of sexuality and gender identity. It draws attention to a law that was inherited in the colonial era and the power he has to change those laws. Another

point to note is the use of language such as “insane perversions” to describe what is perceived as unconventional forms of sexuality and gender identity carries negative connotations and reflects a conservative perspective on LGBTQ issues in Ghana. Despite his assertion that nobody is marginalizing any group of people, the language used exposes his disgust for LGBTQ persons. It can be said that there is a contradiction in the speaker’s statement.

This theme mainly highlighted the discrimination against LGBTQ persons and how the introduction of the bill intensifies it. There was a concern about how persons with effeminate characteristics who do not necessarily engage in homosexual practices experience discrimination. According to Bempah (2010) boys in Ghana who exhibit effeminate characteristics are given names like “Kojo Besia” which means a boy with girls’ features and “Obaa Barima” for a girl with the features of a boy. Thus, there exist people with effeminate characteristics. The proponent of the bill (Sam George) denied the discrimination claims by demanding for proof. However, various research has exposed the series of discrimination that LGBTQ persons face stemming from the media, religious organisations, the family, police, health, political sectors, among others (Bil-Jaruzelska et al., 2017; Moagi, Wath, Jiyane, & Rikhotso, 2021; Nartey, 2022). It has already been mentioned in the previous themes about how the media and health sectors contribute to the discrimination discourses and how this affects the wellbeing of these victims. This reveals the injustice faced by a certain group of people that needs attention.

Additionally, there was an asserting about the introduction of the anti-gay bill would cover all other forms of sexuality since the Section 104 of the Criminal Code Act of Ghana, which mentions “unnatural canal knowledge” criminalises only homosexuality. Some authors have argued about the ambiguity of the Act which has created challenges in its consistent interpretation and thereby allowed its application to target LGBT people (Human Rights Watch, 2018; Atuguba , 2019). The Act is also seen as a colonial legacy which needs reform. Literature has it that the criminalization of unnatural canal knowledge, has historical affiliation stemming from the colonial laws of her former colonial rulers, the British (Atuguba, 2019). As such, some Ghanaians believe that homosexuality is un-Ghanaian and foreign to Ghanaian culture (Quist-Adade, 2014; Atuguba, 2019; Nartey, 2022; Ako & Odoi, 2022). Despite these claims, Epprecht (2013) has already established that same-sex relationships existed in early Ghanaian communities before the arrival of the colonial masters. This proves that sexual deviations have persisted in Ghana since time immemorial. Therefore, the issue of LGBTQ should be looked at holistically, without cultural bias.

### 5.3.8 Religion

People who did not support LGBTQ practices spoke about how the practices are not accepted by the dominant religious institutions in Ghana. In making assertions, some went the extra mile of quoting scriptures.

One speaker had this to say: *“In traditional African religions, homosexuality and LGBTQ are not practiced...Today, the majority of Ghanaians are Christians, and the Holy Bible has a clear position on homosexuality and LGBTQ. Leviticus 18:22 states, do not have sexual relations with a man as one does with a woman; that is detestable. Also, Islam sees homosexual practices as grave sins that should be punished harshly”*. (Issahaku)

By referencing Leviticus 18:22 from the Bible and general Islamic teachings, the speaker draws on religious authority to condemn LGBTQ practices. Describing homosexual practices as “detestable” reflects the conservative stance of Christians on this matter. This bible scripture acknowledges only heterosexual relationships. What is at stake here is that believers of the word or Christians can base on this scripture to marginalise homosexuals. To sum it up, the quote reveals the position of Ghanaian religious institutions’ stance on LGBTQ matters, which is, being part of the dominant discourses against LGBTQ practices.

A delegate from the Catholic church who was interviewed after the passage of the bill had this to say: *“The leadership of the Catholic church is very happy for the passage of this bill. And we are praying and hoping that the president will assent to this bill so that it becomes law. And congratulations to parliament, for help assent. From the Christian point of view, the bill seeks to promote what Christianity is all about. Human beings were created in the image and likeness of God and throughout the bible, homosexuality, lesbianism are contrary to the tenets of the holy scriptures. So, we thank parliament for passing this bill”*. (Reverend Kwasi-Adjei)

The speaker affirms the support of the Catholic Church for the passage of the anti-gay bill. This establishes a discourse grounded in religious endorsement and suggests alignment between the bill’s objectives and religious values. He further speaker expresses hope that the president will assent to the bill, while congratulating the parliament for passing the bill in question. This justifies the religious institutions’ support for the anti-gay bill and reinforces the idea of a shared agenda between the religious institutions and Ghanaian politicians.

In the final theme, *religion*, the responses revealed that religious institutions had a firm opposition on LGBTQ and its related activities. This is not surprising because, religion has



been identified as one of the most dominant factors that fuel homophobia in Ghana (Human Rights Watch, 2018). Bil-Jaruzelska et al. (2017) have also revealed the intolerance of religious institutions and how they blamed queer people for incurring the wrath of God for natural disasters like floods and drought. These actions of the religious institutions foster anti-homosexual attitudes, and in doing so, legitimize discrimination against LGBTQ persons. The power of some religious leaders even extends to the media by using this platform to condemn LGBTQ activities and also create awareness against the practice (Human Rights Watch, 2018; Nartey, 2022).

#### **5.4 How do LGBTQ activists challenge the dominant discourse?**

This section talks about the views and experiences of the LGBTQ community and advocates. The themes that emerged from the data include: embracing diversity, giving help to gay people, contrast of experience, the impact of the anti-gay bill, homosexuality not a topic for discussion.

##### **5.4.1 Embracing diversity**

This theme reflects the views of how LGBTQ persons see themselves. An activist expressed that being gay is an innate quality of certain individuals that make them different from others. And as such, they cannot change their sexuality but rather accept and live with it.

*A gay guy addressed himself as being different by saying that “when I was a kid, I used to put on my grandmother’s scarf and style it like a woman. I also used to wear women materials like makeup. I saw myself different because being gay is something like you fight with your sexuality always. Like you are born man but have the features of a female. (Jonathan)*

Jonathan reflects on personal experiences of self-identification and self-expression as a gay individual. By mentioning his childhood behaviours such as wearing his grandmother's scarf and makeup, he spots light on early signs of gender non-conformity and understanding of identity. He further describes feeling different and struggling with his sexuality. This indicates an internal struggle of sexual identity. The text reflects the power the speaker has over his sexuality, and it is important to acknowledge this power.

Additionally, there was a statement that gay people should come out of their shell and own up to their sexual identity. Jonathan meant that when he said, *“For the knowledge I know about gay, everybody has a preference. Therefore, being gay is something that you have to feel comfortable being who you are. It is not about hiding yourself.*

Jonathan's assertion of being gay as something one must feel comfortable with and not hide demonstrates how he owns up to his sexual orientation. Power dynamics is at play here, in the sense that he is exhibiting power over his body. Again, the assertion of feeling comfortable in one's identity implies a negotiation of power relations, particularly in relation to societal norms and expectations regarding sexuality. This discourse contributes to the production of knowledge about homosexuality as a legitimate form of sexual identity that should not be hidden or repressed. The text challenges the heteronormative discourses that stigmatize homosexuality.

This theme challenges the dominant discourses that are intolerant of LGBTQ people. Earlier, it was asserted that LGBTQ people are labelled as "abnormal", and their activities are deemed as "insane perversions". In addition, they are also accused of corrupting and defiling children and youth and jeopardising the social fabric and national identity (Jjuuko, Gloppen, Msosa, & Viljoen, 2022). Some Ghanaians have also called them all sort of names on the media and to make it worse, the media publishes them with harsh headlines that contribute to the hate comments and marginalisation of LGBTQ individuals (Nartey, 2022). However, activists have opposed these accusations by asserting how different they are by nature. In line with Mouffe (2014), it can be said that there is an agonistic conflict going on in how sexual minorities are perceived. They see themselves as having different biological characteristics while anti-gay people see them to be abnormal. Therefore, the majority must not cast these sexual minorities out but rather create a space for these differences to be acknowledged, discussed and resolved. Should Ghanaians act in this manner, it can reduce the hate and homophobic sentiments.

#### **5.4.2 Giving help to gay people**

Here, some points were raised about how people end up being gay. Also, there were statements about the kind of assistance to give LGBTQ persons. Some mentioned giving help in the form of paying attention to children who possess effeminate features as well as providing support to LGBTQ persons when needed.

Jonathan called out on the little help given to gay people by saying *"when I say a little bit help, we have different types of gay. We have the ones who learn, the ones who do that for economic reasons and the one who was born gay. It baffles me when I hear people say that people cannot be born gay. Zion, when you watch these future leaders, you can see a boy singing gospel music who has inherent female features. That means that he has female hormones more and when not*

*much attention is given to such a child, and a guy lures him into a sexual act, he ends up being gay”.*

In this quote, Jonathan exercises some sort of power that shapes the understandings of homosexuality. He constructs knowledge about homosexuality by suggesting that there are different reasons why individuals become gay. This contributes to knowledge production about the factors that contribute to the phenomenon of homosexuality. The speaker also speaks about the attention to give boys with effeminate characteristics at a going age. This narrative reinforces societal norms around gender and sexuality, suggesting that deviations from these norms require intervention or correction. Using words like “it baffles me” shows his shock about people’s ignorance about the issue at hand. The speaker is very firm about his position on gay discourses and the information he knows about being gay.

Additionally, there have been reports which indicate that LGBTQ persons go through mental issues and are at a higher risk of being suicidal. Advocates have challenged this by stating emphatically that those reports were mere statistics. Henceforth, the need to research on what reasons inform these statistics. This can facilitate support for LGBTQ persons.

*“There is a reason why they are numbers, so I think he has to go beyond using the numbers that are mentioned to look at the reasons behind the reason why queer persons are more likely to be suicidal than heterosexual persons. Because they lack support. (Amanda).*

In this quote, power dynamics are evident in Amanda’s critique of the use of statistics to understand issues facing queer persons. She questions the authority and validity of quantitative data in shaping understandings of mental health by challenging the use of only numbers to explain the higher rates of suicide among queer individuals. By emphasizing the importance of looking beyond numerical data, Amanda contributes to the production of knowledge about mental health disparities within the queer community. It also advocates for a more precise understanding of mental health issues.

There was also a plea to provide support to LGBTQ persons by treating with respect and show them love. Jonathan had this to say: *“You see me laughing but I cry a lot. I am not a happy person, but I always pretend to be happy and thanks to my partner. Because when my partner realised that my family disliked me, he has stood by me for so long. [...] “please if you have persons like me in your family, don’t hate the person but rather give the person love. Because*

*I do get suicidal thoughts [...]. Gay people are not bad people. If you want someone to change their sexuality, it is not force. It is a process.”*

The speaker shares his experience as a gay person and then reveals the authority that family members exert on their wards. The family’s disapproval validates that they conform to certain norms and expectations regarding sexuality that marginalize and control persons who deviate from heteronormative standards. The speaker is experiencing emotional struggles which is leading to suicidal thoughts. Though he has his partner as a support system, his mental health conditions are at stake. Regardless, there is willingness to receive help. The speaker further informs people about how sexuality can be changed through a process. This educates people who are close-minded about sexuality about ways to go about these issues.

The theme talks about the help and support that should be given to sexual minorities. Speakers talked about the lack of support for LGBTQ persons. Some problems faced by these persons have been identified as paying less attention to children who exhibit effeminate characteristics and lack of affection. An activist also pointed out how the society contributes to the mental health challenges of LGBTQ persons. Fredriksen-Goldsen et al. (2014) adds to this by elaborating that mental health problems are not primarily attributed to sexual orientation itself but are influenced by social and structural factors. To alleviate the mental health disparities of LGBTQ persons, Moagi et al. (2021) advocate for healthcare providers to recognise and apply their ethical duty to treat all individuals with respect and dignity also encouraged individuals into developing resilience and confronting social discourses that perpetuate discriminatory practices, mainly in mental health services (Moagi, Wath, Jiyane, & Rikhotso, 2021).

### **5.4.3 Contrast of experience**

Jonathan tells how he expresses his feelings publicly in Belgium without being judged.

Jonathan: *“And having lived abroad, I swear to God, I wish I were born here. Because if I was born here, I wouldn’t have gone through the harsh treatment they gave me as gay. Here, I can be walking about with my boyfriend, kiss in public, propose to him publicly and you will see people making a video of it or clapping [...] But Ghanaians will crucify you for this act.*

In this quote, Jonathan contrasts his experiences of being gay in Belgium with those in Ghana. His statement shows the higher level of acceptance and tolerance towards LGBTQ individuals in Belgium compared to Ghana. This contrast reflects a shift in power dynamics, where societal

norms in Belgium grants greater freedom and autonomy for LGBTQ individuals compared to Ghana, where societal attitudes are more restrictive and judgmental.

Another scenario is about the backlash from Ghanaians who live abroad, in countries where LGBTQ is legalised. Some of these negative reactions have been perceived as uncivilised and irrelevant. These comments came from Jonathan. In his exact words, he said: *“I’m a hairstylist and also make food. [...] but when some people hear that I made that, they make comments like this guy disgusts me, so I don’t want to eat his food or have anything to do with him. And for these reasons, I don’t engage with Ghanaians. And sorry to say, some of the Ghanaians here are still uncivilised”*.

Here, there is an issue of marginalization from Ghanaians even on a foreign land. The use of words like “disgust” reflects how cultural narratives and prejudices regulate behaviour and perceptions of Ghanaians. Portraying negative attitudes towards LGBTQ persons in Belgium implies that, Ghanaians do not succumb to other cultures. Moving on, by labelling Ghanaians as uncivilised because they do not conform to LGBTQ practices, the speaker draws the attention to the need for a change in societal attitudes.

The theme “contrast of experience” reflects the views of a gay guy about how different people treat him. He is a Ghanaian who currently lives in Belgium, where there are no criminal laws on LGBTQ practices. But even in that country, Ghanaian residents react negatively towards him. Extant literature has proven Ghanaians intolerance and discriminatory attitudes towards LGBTQ individuals (Bil-Jaruzelska, et al., 2017; Ako&Odoi, 2022; Nartey, 2022). It will be no news if the speaker had negative reactions in Ghana. But having extended to Ghanaians abroad brings attention to what informs Ghanaians perspectives on LGBTQ. Obviously, human rights legislations are not sufficient to change Ghanaians perspectives. Other factors to consider include culture. Homosexuality for instance, has been frowned upon because it is against Ghanaian culture and strongly offends traditional values (Ako & Odoi, 2022). So, changing these perspectives can be very tough. However, for LGBTQ persons to receive justice or be accepted, Cox (1981) suggests challenging cultural values in a manner that can be tolerable for sexual minorities.

#### **5.4.4 The impact of the proposed anti-gay bill**

Advocates have raised some concerns about how the passage of the bill will affect a large portion of the Ghanaian population. This section therefore talks about some of its implication and the need for activists to collate and fight against it.

Amanda highlighted the need for advocacy group by saying: *“So LGBTQ persons could have done a self-advocacy. But our group moves beyond self-advocacy to look at impact of this bill on the group, and on the society. So we have sat down and a group of people with a particular interest have pushed a law that affects the entire country. So we have a bill or a law which has not been accented yet that says, well with the power in our hands, we can discriminate against a certain gender whilst we give certain limitations to a certain group”*.

Amanda emphasizes on how a group with a particular interest has been able to influence legislation that affects the entire country. This reflects the exercise of power by certain groups to shape legal and social norms in ways that may discriminate against others. The advocacy group also exhibit some kind of power, by criticising the bill and seeking to fight for the marginalised population. The speaker emphasized on the fact that the bill has not been accented by the president of Ghana, and yet people are acting on it. This brings attention to the level of authority one party has over the other. The proponents of the anti-gay bill possess power, which supersedes that of the activists. Consequentially, people will take advantage of the bill to discriminate against LGBTQ individuals.

Amanda explains how the bill will affect a large group by saying, *“and the fact that this bill does not only apply to queer people, but we all are at risk. As a parent, you have to report your child who is found to be queer, and this child may be the breadwinner of the family. What do you do as a pastor or a priest? If somebody comes to you and comes to confess, now you have to report that person. So what are the mental stress, the torture we are going to take a lot of people who are not necessarily queer through”*.

The quote highlights the ways in which power is exercised through legislation to regulate and control behaviour, particularly in relation to reporting individuals who are perceived to be queer. This reflects the exercise of power by the state to enforce social norms and punish those who deviate from heteronormative standards, thereby reinforcing existing power structures and marginalizing LGBTQ individuals and their allies. The speaker further discusses the implications of the bill for parents, pastors, and other members of society who may be required to report individuals who are perceived to be queer. This highlights how power operates through mechanisms of surveillance and control, creating a culture of fear and suspicion that

affects not only LGBTQ individuals but also those who may be in positions of authority or trust within the community. Also, the speaker mentions the queer person has to be reported might be a breadwinner. This reveals economic implications on the family. Thus, Amanda speaks on the various factors that would face consequences, to imply the need for a thorough review on the bill before its passage to becoming a law in Ghana.

Another implication of the bill is that it would put restrictions on academic research. Amanda referred to the title of the bill “Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill” and criticised the use of the term promotion.

In her words, *“and some of the words that are being used also for example if you are saying that promotion, promotion is subjective. As an academic, my specialisation is in sexuality and as part of sexualities, I do LGBT studies. As public health workers we need to talk about some risk or even around sexualities and it may include talking about queer people and some of the support that they will need. [...] At this point, it is going to be very difficult to engage in such conversations”*. (Amanda)

This quote reveals the difficulty in the academic field or working environment that focuses on sexuality and LGBTQ issues. Amanda suggests that certain topics are considered taboo or controversial within society, reflecting power dynamics that regulate what can be discussed openly and what must remain hidden or suppressed. She addresses how the bill will limit the help and support required to be provided to queer people. One thing to look at, is the situation before the introduction of the bill and the consequence after the bill becomes a law.

Moving on to other implications, Amanda talked about how the bill would restrict the kind of content the media publish for public consumption. This statement was to condemn the comment that Sam George made about the media being an ally to fight LGBTQ rights in Ghana. In her words, Amanda said, *“You don’t just coerce the media and say that ally. Ally for which reason? To promote something that we think is detrimental. One way the media is going to have issues is the fact that if there are pressing issues that you are supposed to raise in the media concerning LGBT issues, now it is going to be very difficult.”*

This statement reveals some sort of oppression from the dominant party to the minority. She mentions detrimental to mean that the introduction of the bill would cause harm to the LGBTQ community. And if the media is an ally to proponents of the bill, then they will report in their favour. Some matters to be taken into consideration here are the credibility of the Ghanaian

media, and the perception of the society towards LGBTQ persons. The responses in this chapter have already exposed the issues faced by these sexual minorities and how it impacts their lives. Judging from the speaker in this text, it only gets worse. And this does not only affect LGBTQ persons, but institutions like the media which by law has the right to work independently without coercion from any other unit or institution.

Finally, the data revealed the economic implications, this bill is likely to cause. Amanda addressed this when she said, *“We have realised that in most countries people who feel that they are being targeted are leaving. So, there are skilled people that may have to leave this country at this point because they do not feel safe. And these are the economic issues that we are raising”*.

First, she makes references to other countries, saying that people who are targeted as LGBTQ persons are leaving. This reflects the exercise of power to control and regulate the lives of LGBTQ individuals, forcing them to navigate systems of oppression and exclusion. Also, the concept of migration comes into play, in the sense that people have to leave their countries in search for safety. Thus, there is a likelihood of LGBTQ persons fleeing from Ghana to seek refuge in countries that are more accepting of their personhood. This can serve as a bad image for Ghana as a homophobic country. Some factors also at stake here are brain drain and economic issues in Ghana as a consequence of migration. Also, the situation of LGBTQ persons, if not tackled properly might become a global issue like seeking asylum, which comes with its own challenges as well.

This theme reflects the role activists have played in addressing the impact of the anti-bill. Similarly, there are records to prove how activists have come up from time to time to challenge lawmakers and fellow Ghanaians against LGBTQ rights and practices. Throughout the series of events that steered conversations on LGBTQ, activists have provided their support for members of the gay community in ways such as actively engaging the press where they openly discussed issues related to being gay, and advocating for specific rights and protections like sexual rights, the respect for their freedom of choice and an end to stigmatization and discrimination, as enshrined in the 1992 Constitution of Ghana (Agyeman, 2023). Additionally, with the support from international organisations like Human Rights Watch and Amnesty International, activists have launched campaigns to push for reforms in Ghanaian laws that would be favourable to sexual minorities (Human Rights Watch, 2018; Ako & Odoi, 2022).



Thus, activists have served as strong force to counter the unjust treatment from Ghanaians who are against LGBTQ rights and practices.

#### **5.4.5 Homosexuality not a topic for discussion**

An advocate based his arguments on the 1992 constitution of Ghana that gives equal rights to all person. He believes, the constitution recognises the rights of LGBTQ persons and hence the irrelevance of drafting a bill to criminalise the practice or talk about LGBTQ matters. This is what he said, *“I have said it so many times that as a matter of fact there is no reason that we should even be having the conversation of LGBT rights. Because when the constitution says all persons, it means all persons. It doesn’t create separate categories of persons.”* (Michael)

His opening statement that “I have said it so many times...” means he has repeated his points on several platforms. This shows he has been active in the discussions of LGBTQ issues. The point he made about not having the conversations on LGBTQ rights because Ghana’s constitution acknowledges the rights of all persons means, he strongly believes they have equal rights as heterosexuals. Hence, his disapproval of the introduction of the anti-gay bill.

He went further to say that homosexuality should not be a topic for discussion. *“We have so many problems in this country we want to be worried about and to think that this is what is important for us, that is a sorry state for our republic. That in this moment of economic crisis, when people cannot afford to put a single meal on the table to eat, but our political leaders who we have elected who are driving a 100000-dollar car think that it is the sexuality of what people do in their bedrooms that we should be concerned about, then it is a sorry state for our republic”.* (Michael)

The speaker points out some of the problems that Ghanaians are currently facing and speaks for Ghanaians that LGBTQ matters are the least of it. He further critiques the focus of political leaders on issues of sexuality, suggesting that this reflects a misuse of power and a failure to address more pressing societal problems, such as economic crises and poverty. This reflects the exercise of power by political leaders to shape public discourse and perpetuate inequalities in the society. Furthermore, the speaker calls out the luxury lifestyles of the politicians to bring readers and listeners attention to the kind of problems Ghanaians should be addressing. Lastly, addressing Ghana as “a sorry state” could mean that the nation is in crisis and therefore needs reforms.

The theme “homosexuality is not a topic for discussion” tackles the social structures and social issues that Ghana is currently facing. The activist is critical on the attention given to the anti-gay bill and suggests importance of other pressing issues. Analysing this in line with Cox (1981) credit can be given to the activist for identifying social issues that need solution. On the flip side, the speaker is disregarding LGBTQ rights. Indeed, he mentions that LGBT rights are acknowledged in the constitution and argues that it is enough for these sexual minorities to live freely. However, some schools of thought have made claims that the laws are not specific, and it is one of the reasons for the introduction of the anti-gay bill (Atuguba, 2019). These concerns bring attention to the need to have laws that are specific to protect sexual minorities.

### **5.5. What role do cultural values play in the discourses for and against LGBTQ practices?**

Culture plays a significant role in shaping the lives of people and in this context, it informs how the Ghanaian society treats LGBTQ persons. Most of the responses indicated that the Ghanaian culture forbids homosexuality. A few others expressed how LGBTQ persons are also part of Ghanaians and should therefore be treated fairly. Throughout these discussions, references are made to some key players such as traditional leaders, the church and family. Therefore, the views of these actors are captured in this section because they form part of the cultural context. The themes formed under this section include Ghanaian culture forbids homosexuality, family members treatment towards LGBTQ persons, religious and political influence.

#### **5.5.1 Ghanaian culture forbids homosexuality**

This is what Sam George expressed about the role Ghanaian culture play in LGBTQ practices, *“article 39 of the Ghanaian constitution is clear that the state shall take steps to inculcate right Ghanaian customary values into the society. The constitution of Ghana states clearly that the national house of chiefs is the custodian of Ghana’s customs. This bill is supported by the national house of chiefs. A consultative forum which was held in Kumasi was actually sponsored by the national house of chiefs and the president of the national house of chief spoke extensively at that conference that the Ghanaian culture forbids homosexuality”*.

Sam George draws attention to how the Ghanaian constitution empowers the state to promote and inculcate specific cultural values into society, thereby exercising power to shape social norms and behaviours. This exposes the exercise of power by governmental institutions to control and regulate the behaviour of individuals within society, reinforcing existing power

structures and perpetuating dominant cultural norms. One of the powerful forces against LGBTQ has been identified as the National House of Chiefs. The actions of this body as well as the article 39 of the constitution contribute to the homophobic attitudes of some Ghanaians.

Another point was made to reveal the level of intolerance of Ghanaians towards LGBTQ practices. Sam George stated that, *“the Ghanaian society is in a position here it says it is not welcoming of homosexuality and any other persons must respect the views of the Ghanaian society. The CDD published a report on 1st July which indicated only 7% of Ghanaians are tolerant of homosexuality”*.

The speaker said on authority to speak for Ghanaians that they are not accepting homosexuality. This could mean that they used to accept it some years back. This prompts the need to know about the historical underpinnings of LGBTQ practices in Ghana. The use of statistics also indicates that there is truth to what he is saying. Also, saying that any other persons must respect the views of the Ghanaians means he has failed to acknowledge the viewpoints of LGBTQ activists. His emphasis on respecting the views of the Ghanaian society, reinforce dominant narratives and perceptions surrounding LGBTQ issues.

Sam George further talked about how the bill is supported by traditional leaders who are the custodians of the country. He said, *“I am a Ghanaian legislator and just so you know, I represent a community or constituency that has two traditional areas. Before agreeing to push this bill, I met with two traditional council. I am a representative of people who voted for me. The people who voted for me, the two traditional councils said to me this is against our culture”*.

This quote fuels the authority that Ghanaian traditional leaders have in this regard. The speaker also asserts his power as a legislator representing his community’s interest. This implies his community is in favour of the anti-gay bill. There is a declaration of mass support for the anti-gay bill, although the traditional leaders and community members constitute a small portion of Ghanaians. The speaker is a legislator, meaning a part of a body that makes laws for the country. So, with that much power in addition to consent from a certain group in the society, he is pushing for a bill that affects an entire nation. The reason for pushing the anti-gay bill has been identified as being against the Ghanaian culture. This implies that, culture is a contributing factor to the disapproval of LGBTQ practices in Ghana.

Relating this theme to literature, authors like Jjuuko et al. (2022) have revealed the concerns of Ghanaian about the threat homosexuality poses to culture and morals in the society, thereby questioning the acceptance and tolerance of homosexuality in Ghana. Statistics have also proven that about 7% of Ghanaians demonstrate tolerance towards LGBTQ individuals (Ossé , 2021), indicating that the vast population have low tolerance for LGBTQ and its related activities. Similarly, sexual acts like homosexuality is perceived as alien to the culture of Ghanaians and a threat to the moral fibre of the society (Ako & Odoi, 2022). Lastly, Nartey's (2022) research revealed how some Ghanaians perceived LGBTQ issues to be subordinate to culture. The above-listed literature confirm that Ghanaian culture holds a significant sway in LGBTQ discourses. Considering that LGBTQ practices are not accepted, it throws a challenge at living situation of sexual minorities.

### **5.5.2 Family members treatment towards LGBTQ persons**

The family is a key player in Ghanaian culture. They inculcate cultural values that are believed to be the acceptable norms and traditions. With regards to LGBTQ, some family members take their relatives through some harsh treatment and forced marriages with reasons being that the family only accepts heterosexual relationships.

The majority of women interviewed by Human Rights Watch reported feeling pressured by family members into having children, dating and marrying men in order to maintain ties with their families and community. Those who resisted these expectations to or chose to remain truthful to their sexuality and gender identity, encountered violence. Several lesbians disclosed to Human Rights Watch that they will have to marry a man because of family pressures. A 24-year-old lesbian said she will soon have to start dating men because her family already arranged a marriage for her in 2015: *Around May 2015, my parents were forcing me to get married to a man that my grandmother had found for me. I ran away from home and just left the house with my handbag.* (Khadija)

This implies that parents exercise control over their children's lives and decisions, especially when it comes to marriage. The family exert the power to regulate and control the behaviour and identities of family members and therefore perpetuate traditional gender norms and expectations. The speaker, running away from home to escape the pressure to marry, depicts a resistance and challenge of systems of power and control within society.

Human Rights Watch interviewed nine gay men and six lesbians in Tamale, northern Ghana. All of them said that they will never disclose their sexual orientation to family members, and that when family members have asked, they denied their sexual orientation out fear of being disowned and ostracized. Despite being comfortable and being accepting of their own sexual orientations, they said they would finally marry persons of the opposite sex because that is the expectations of their families.

A 33-year-old lesbian, who is under constant pressure from family members to get married and have a child, while living in fear of being exposed as a lesbian had this to say: “*My plan is to make some money so I can leave Ghana, I will go somewhere else—anywhere else so that I can just be who I am and not hide all the time.*” (Rose)

Here, some issues to bring to light are the fear instilled by family members as well as the ostracism by the family and community. The speaker mentions that she has to leave Ghana so that she can be herself. If she cannot feel safe in home, which is supposed to be her haven, then it raises a big question on the LGBTQ discourse. It again points to migration issues in Ghana that may arise as a consequence of the introduction of the bill.

Similarly, another gay person talked about how he was forced to be with a woman. He said, “*my uncle discovered I was gay so he decided to make me straight. He was advising me to have sex with a female, and that I will enjoy it. But I was not feeling anything for women. [...]. My uncle made several attempts to make me straight*”. (Jonathan).

Additionally, Jonathan shared his childhood treatment him by saying: “*I have been gay since my childhood and my family members have rejected me because of that. But I don't care. Even my mum who conceived me, treats me like an animal*”.

Both texts imply that the speaker's family disapproved of his sexual orientation as a gay person. Thus, exerting control over his life and identity. The family rejection and maltreatment bring attention to family members' perceptions about non heterosexual relationships. The speaker's experiences expose the intolerance of family members in LGBTQ matters.

Ngwena (2018) asserts that homosexuality is viewed as a threat against traditional values and the Africanness of the Ghanaian society and undermines African masculinities and patriarchal family values. What this means is that there are some laid down principles for some forms of relationships as well as the role different genders play in the family and society. Men are expected to be the head and providers of the family. They are also obliged to marry women and

procreate to continue the lineage system. Consequentially, deviations from these traditional values come with a cost (Ngwena, 2018; Ouzgane & Morrell, 2005). Family values and relationships between the opposite sex have traditionally been the accepted forms of relationships in Ghana and there is no support for same sex or any other alternatives (Avagah, 2023). Responses from this theme have exposed the harsh treatment people received from family members for failure to abide by traditional norms. All these treatments contribute to the discrimination against LGBTQ persons.

### **5.5.3 Religious and political influence on Ghanaian culture**

The religious institutions usually go on the same tangent with politicians in the LGBTQ discourses and as such one's actions affect the other. Therefore, Ghanaian religious leaders support actions taken by politicians on LGBTQ matters, specifically the anti-gay bill.

Sam George, who is a member of parliament said, *“Well, it is up to the president to choose to accent or not. But he must bear in mind that his legacy is the one at stake. He has made commitments to Anglican church in the Eastern region when he addressed the clergy there and said under his watch, he will make sure that nothing that promotes LGBTQ is done. There is nothing that is more unbiblical to the promotion of the LGBTQ than signing this bill.*

This text highlights the manner in which political actors leverage their authority to shape governmental policies and decisions. Furthermore, it sheds light on the role of religious institutions in the LGBTQ discourses. The speaker's assertion that signing the bill is in line with the president's pledges underscores how power operates through governmental channels to reinforce societal norms and values. Also, text reveals the expectations of Ghanaians from the president. The opening statement that “well it is up to the president to choose to accent or not” implies that he has been given options to choose from. However, going further to remind him that his legacy is at stake is indirectly pointing to say that the president must act in favour of the majority. The actions taken by the president will determine his position on LGBTQ issues and reveal the consequences associated with his decision. Again, the speaker insinuated that promoting of LGBTQ practices, as well as not signing the bill are unbiblical. This view reveals incompatibility of LGBTQ practices with religion, and the power the religious institutions hold in these matters.

Again, another member of parliament expressed how Ghanaians cherished their cultural values and how members are expected to act. He said, *“the people of Ghana have always valued and*

*cherished the family system, from our great-grandparents to the present day. Our culture teaches us to uphold societal cohesion and procreate through natural means. The introduction of Islam and Christianity further reinforced our existing family and cultural system...it is evident in the three major religions in Ghana are strongly against homosexuality and the LGBTQ+ issues as it is believed to be unnatural and against the principles that bind our society together” (Issahaku).*

Issahaku emphasizes the importance of the family system and societal cohesion within Ghanaian culture, highlighting the ways in which these values are deeply ingrained and reinforced over generations. This reflects the power exercised by societal institutions and discourses to regulate and control the behaviour and identities of Ghanaians within society. Also, the speaker puts Islam and Christianity under the umbrella of forces that strengthened the existing family and cultural systems. This implies that they have the power to influence societal attitudes. The speaker also highlights the role of culture in the Ghanaian society to be to uphold social cohesion and procreate through natural means. Finally, the speaker describes LGBTQ as “unnatural” practices that go contrary to the principles that bind society together. This text implies that there are acceptable norms that defines Ghanaian culture which definitely excludes LGBTQ practices. It justifies the issues faced by sexual minorities in Ghana.

Moving on, a religious leader declared his stance after the anti-gay bill was passed in parliament by stating that, *“I applaud the people who stood with this bill, the politicians should be very careful with the way they dilly-dally with this issue. For once, the Christians, the Muslims, traditional rulers, and the chiefs are all together on this issue. We have moral and cultural values in this country that say that a man should not marry a man”.* (Reverend Tetteh).

The speaker emphasizes the unity of various societal institutions, including religious groups and traditional authorities, in support of the bill. This reflects the exercise of power by these institutions to shape legislative processes and control societal values and behaviours. The alignment of these powerful groups indicates their collective influence in reinforcing existing power structures and perpetuating dominant discourses and norms. The speaker cautions politicians ways of handling issue, highlighting the political consequences of challenging the dominant coalition supporting the bill. This quote reveals the sort of power the religious institutions have over Ghanaian politicians. The speaker vividly expressed his excitement for the passage of the bill in parliament by applauding politicians and other leaders who were actively against LGBTQ rights and practices. Thus, this text shows the contentment of

Ghanaian leaders whose wishes have been granted at the expense of the people who will be negatively affected by those laws.

To crown it all, a cultural anthropologist and senior member of a neo-traditional religious movement in Ghana, reportedly called on gay people saying “*go and hang yourselves, if you can't live normal lives, you should go and commit suicide and save our generation from getting out of tune with reality.*” (Ahadzi).

First, the speaker employs derogatory and discriminatory language, urging individuals who do not conform to societal norms to commit suicide. The text equates living “normal lives” with adhering to societal norms and expectations, thereby marginalizing those who deviate from these norms. The call for suicide in the speaker’s statement indicates his endorsement for suicidal attempts by persons who are marginalized, and in this case, LGBTQ people. This goes further to reinforce the idea that deviation from societal norms is unacceptable and should come along with punishment. The speaker insinuates that LGBTQ individuals are canker that have to be gotten rid of to protect generations from these sexual acts. These kinds of statements shape the negative attitude towards sexual minorities.

The last and final theme for this chapter is about how the religious and political institutions in connection with culture, influence the LGBTQ discourses. Relating to literature, Ako and Odoi (2022) in their works on queer lawfare in Ghana have identified that the issue of whether to accept or tolerate homosexuality is highly politicised, to the extent that, the support for or opposition to LGBTQ rights has an impact on a politician’s career. Some politicians assert that homosexuality is a threat to the cultural values and morals of society and believe that it threatens members of the society (Ako & Odoi, 2022). Similarly, a study by Bil-Jaruzelska, et al. (2017) revealed that some politicians declare their stance on the issue by labelling homosexuality as an illegal practice which undermines the culture and heritage of Ghanaians. This implies that there is a politically charged atmosphere surrounding the issue of LGBTQ. Politicians who prioritize it as a primary issue in their political campaign know its potential to rally consensus and secure votes from Ghanaian citizens. Within these political actions exist another powerful institution, which is religion. The religious institutions have a strong opposition and intolerance for LGBTQ practices. Religious doctrines categorise homosexual behaviours as unnatural and ungodly (Adamczyk & Pitt, 2009). Additionally, some religious leaders assert that human rights cannot justify homosexual practices and threaten to withdraw their support for political parties that endorse LGBTQ practices (Bil-Jaruzelska, et al., 2017).



The responses from this theme confirm literature. Some religious leaders expressed their enthusiasm for the passage of the bill and proponents of the bill reminded the president of the commitment he has made to the church about his opposition to LGBTQ practices. In Ghana, religion forms part of the culture and significantly influences people's lifestyle. The community looks up to the teachings of their religious leaders to navigate their lives. During election seasons, politicians rely on the religious leaders for votes. This involves making appearances to various places of worship like churches and mosques to declare their intentions for Ghanaians. By directly engaging with both religious leaders and their followers, politicians leverage their position against LGBTQ practices to gather support. Given the significant role of religious leaders, their endorsement can convince the congregation to align with a particular political candidate. As a consequence, politicians and religious leaders, marginalise sexual minorities in the name of culture.

#### **5.4 “Discursive struggles” between hegemony and counter-hegemony**

The theory of consensus from the view of Chantal Mouffe (2014) and Critical theory by Robert Cox (1981) served as the theoretical frameworks for this study. Mouffe acknowledges the existence of conflicts in pluralistic societies and the need to appreciate these tensions. According to Mouffe (2014, p. 184) what matters is that conflict must not take the form of an antagonism involving a struggle between enemies, but rather an agonism where there is a struggle between adversaries who have different interpretations of shared principles, and fight for their interpretation to become hegemonic. By this she meant the establishment of a set of institutions through which tensions could be contested and limited in a way that accommodates pluralism, highlighting that interpretations are a mere product of hegemony, which itself is subjected to change (Mouffe, 2014).

Critical theory challenges dominant ideologies and analyses how various aspects of the society perpetuate inequality and injustice on social issues. The theory embraces diverse perspectives and cultures to promote inclusivity, tolerance and equality (Cox, 1981). According to Cox and Sinclair, (1996) societies can be transformed through the rise of organic intellectuals representing marginalised groups, the fostering of community level solidarity, participatory democracy, pluralism, and peaceful conflict resolution methods such as dialogue. With the concept of hegemony, Cox believes that advocates for a structure of social power in which one class is dominant, but that class consents to concessions in favor of subordinate classes such as to make the structure tolerable to them, to create a broadly based consensus in its favor (Cox, 1980). Thus, both theorists advocate for hegemony in pluralistic societies when confronted with tensions on issues. Their perspectives address the issues highlighted from the findings in this chapter. Hence, the relevance of thoroughly discussing them for possible solutions.

The findings revealed contrasting perspectives on LGBTQ discourses in Ghana. It was evident that the dominant discourses were against LGBTQ rights and practices. The actors behind these discourses included the politicians, media, the family, religious and traditional leaders. Responses proved their intolerance for LGBTQ persons. These dominant discourses also supported the newly introduced anti-gay bill that seeks to limit the activities of LGBTQ persons. On the other hand, was the minority, constituting activists and persons in the LGBTQ community who challenged the dominant discourses and cried out for the recognition of LGBTQ rights and practices. They raised concerns about potential negative implications the bill could cause. Examples of these issues include fear and hate, discrimination and exclusion of LGBTQ persons in the Ghanaian society. Evidently, there exists tension on LGBTQ matters in Ghana that necessitates attention. According to Mouffe (2014) this is normal and that is how the society should function. However, tensions must take form in an agonistic manner, which involves struggle between adversaries who have different interpretations of shared principles, and fight for their interpretation to become hegemonic. Therefore, the dominant discourses against LGBTQ practices should have their opinions and must also accommodate the views of the minority. If Ghanaians want to achieve social change in the direction of more acceptance of diversity and human rights for minorities (including sexual minorities) then this could happen through discursive struggles where activists challenge hegemonic discourses, and gradually through these challenges, hegemony is subjected to change. It can begin with the establishment a platform like a forum where both views are presented and resolved through negotiations. Taking the anti-gay bill as an example, it was presented to the parliament of

Ghana which constitutes 275 seats/members. All members were allowed to cast their votes and they unanimously voted in favour of the anti-gay bill titled “Human Sexual Rights and Family Values Bill) which was passed on 28<sup>th</sup> February 2024. So, this decision was made solely by parliamentarians without the involvement of other parties like activists and opponents of the bill. Relating to Mouffe’s perspective, that is not how it works. For consensus to be achieved on LGBTQ discourses, there should be a space like the law court where a representation of the Ghanaian populace like delegates from various institutions such as the media, religious, health, education, as well as activists gather to contest on the issue at hand. From the responses of participants, it is clear that most of the institutions are against LGBTQ practices, indicating the likelihood of their support the anti-gay bill. Through these discursive struggles, activists should accept the ruling but challenge these hegemonic discourses with the hope for a change.

Furthermore, the responses revealed the homophobic sentiments, biased judgement and discriminatory attitudes from several institutions, all of which contribute to injustice and inequality for LGBTQ persons. Thus, there is a system of oppression pertaining to this matter. This questions the human rights legislations that exist in Ghana. It has been stated earlier that the 1992 constitution acknowledges the rights of all persons without discrimination. However, the majority, including politicians who form part of lawmaking discriminate against a minority group. A major factor that keenly fuels this inequality is the issue of culture. Powerful forces such as the moral entrepreneurs rally behind culture to discriminate against LGBTQ persons. Implying that, LGBTQ practices cannot be accepted by the majority. However, since these LGBTQ persons are also Ghanaians, they have the right to live in the manner that they like. Hence, the need for some sort of equilibrium to promote inclusivity and equality. Cox (1981) advocates for a society that recognises diverse perspectives and cultures to promote inclusivity, tolerance and equality. One way of achieving this is through peaceful means like dialogue where activists represent LGBTQ persons to challenge the dominant discourses (Cox & Sinclair, 1996). But for some level of consensus to be achieved, Cox suggests hegemony. With his concept of hegemony, the dominant class must consent to concessions in favour of the minority, like make structures tolerable to them. This implies that, Ghanaians against LGBTQ practices must agree to the call of sexual minorities. It is through this that the society can achieve a balance.

Achieving a balance from Cox’s perspective looks easy on paper. Practically, the anti-gay bill, after being passed in February, has generated numerous conversations, locally and internationally. In the local context, the majority of Ghanaians in favour of the bill have put

pressure on the sitting president (William Nana Addo Dankwa Akufo-Addo) to accent his signature. Without his signature, the bill cannot become a law. The president has served a notice to delay his accent, his reason being an interlocutory application by some individuals at the Supreme Court (Peacefm online, 2024). Regardless, traditional and religious leaders especially, have constantly reminded the president about his promise of not tolerating LGBTQ activities. Additionally, proponents of the bill have threatened make the bill become a law if the president refuses to append his signature (GhanaWeb, 2024). Conversely, some activists and concerned citizens have fought against this bill by writing on their social media handles to call for help from the international community. Additionally, the board chair of Centre for Democratic Development-Ghana, Professor Audrey Gadzekpo, expressed her disappointment in the members of parliament for passing the bill and asserted to take the president of Ghana to court if he signs the bill, citing that it is a violation of the fundamental human rights of LGBTQ persons. Internationally, Ghana has been regarded as one of the African countries to be more respectful of human rights. However, there has been a high rise of international condemnation after the passage of the anti-gay bill. UN experts have called the bill to be profoundly disturbing and a recipe for conflict and violence (UNHCR, 2021; Redaction Africanews, 2024). Amnesty International and Human Rights Watch have also tagged the bill to be discriminatory and urged the president of Ghana not to sign. Looking at it critically from the issues arising from various angles, the dominant discourses against LGBTQ practices outweigh that of the activists. This poses some challenges to bring a balance on the issue at hand. However, some actions taken by activists prove that, they can gradually cause a change.

Ever since the passage of the anti-gay bill, activists have raised concerns which have reached international audience. Further, the president of Ghana's refusal to sign the bill, claiming that there is an interlocutory application by some individuals at the Supreme Court that needs to be addressed, indicate that activists are being heard. Some activists have also embarked on peaceful demonstrations at Ghanaian high commissions in London and Johannesburg to demonstrate a global solidarity against the bill, which have also influenced the decision of the president saying that he will not allow Ghana to backside on human rights and the rule of law (Nantulya, 2024). These counter discourses have proven that the hegemonic discourses in Ghana could change with time.

Over the years, the LGBTQ community have made attempts to fight for their rights but to no avail. The recent opening of the LGBTQ headquarters in 2021, further fuelled public concerns about the unacceptance of this practice in Ghana. However, the introduction of the anti-gay bill

has raised issues like the human rights violations of these sexual minorities. This has brought more polarised discussion and attention to the rights of these sexual minorities. There are no explicit laws for sexual minorities, and this is what the anti-gay bill sought to achieve. This bill is also controversial and makes matters worse. But raising these matters have given room for the contestation of LGBTQ rights to be recognised. Therefore, the discourses on LGBTQ practices have influenced the Ghanaian society to be more democratic and inclusive through social movements by activists which is gradually changing the hegemonic discourses.

## **CHAPTER SIX**

### **CONCLUSION AND RECOMMENDATIONS**

#### **6.1 Introduction**

This chapter concludes the research by first summarizing the findings and analysis, followed by my position on where to go from here, and finally provides recommendations for future practice.

#### **6.2 Summary of findings and analysis**

The questions that guided the research aimed at exploring the dominant discourse on LGBTQ in Ghana; identifying how LGBTQ activists challenged the dominant discourse and lastly to discover the role cultural values play in the discourses for or against LGBTQ practices. It was discovered that majority of the participants were against LGBTQ practices, with some of the claims being that the practice is a foreign imposition on Ghanaians. Other also argued for the need of the anti-gay bill to protect the interests and sanctity of Ghanaians. On the contrary LGBTQ activists addressed the past and ongoing challenges experienced by sexual minorities. A common issue was identified to be discrimination. Perpetuators of discrimination included the religious leaders, families, communities, media, traditional leaders and politicians. Culture was the driving force behind the actions of perpetrators who marginalised the sexual minority group. Data revealed that Ghanaian culture only accepts heterosexual relationships and marriages. Consequentially, deviation from this comes with sanctions. True to that, some gays and lesbians shared their experiences of how their families and community abused them for not conforming to accepted norms of Ghanaian culture.

#### **6.3 Where to go from here?**

The research findings have shown that LGBTQ individuals do not have enough recognition in Ghana. They have faced human rights violations such as restrictions to freedom of association and expressions and freedom from discrimination all of which are acknowledged in the 1992 constitution of Ghana. The newly passed anti-gay bill makes matters worse by criminalising LGBTQ rights. Though the bill has been heavily criticised by activists and concerned citizens, majority of Ghanaians have expressed their support and advocated for it to be signed to become a law. Matters arising are the struggles between the majority and minority which Mouffe (2014) refers to as agonism. Thus, if the rights of sexual minorities are to be respected, a way forward

for can be embracing diversity and human rights for sexual minority rights through discursive struggles where activists challenge the dominant discourses through negotiations.

#### **6.4 Recommendations for future research**

The research sought to examine the potential for a balance between Ghanaian culture and LGBTQ rights by exploring the dominant responses on the subject matter. It appears that Ghanaian cultural values override the rights of sexual minorities therefore making it challenging for LGBTQ persons to fully exercise their rights. Thus, minimalizing the rights of sexual minorities. Assessing cultural and sexual rights could have offered diverse perspectives on tackling this issue. Unfortunately, the paper lacks it. Therefore, future research could explore the influence of sexual rights and cultural rights on LGBTQ discourses. Further research could also assess the repercussions of the anti-gay bill. There are matters already arising like economic crisis. The finance ministry of Ghana has foreseen a financial loss of \$3.8billion in World Bank funding over the next five to six years as a consequence of passing the bill (Naadi, 2024). This and many other issues have come up. Hence, necessitating further research to evaluate the impact of the anti-gay bill.

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