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Minority Rights Matter: A Critical Discourse Analysis into Which Major Factors Led to the proposed anti-LGBTQ+ Bill in Ghana

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DEDICATION

I dedicate this work to God Almighty, for his Grace and Mercies which have seen me through my study.

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ABSTRACT

This study seeks to examine the proposed anti-LGBTQ+ Bill, introduced to the Ghanaian Parliament in 2021 entitled *Promotion of Proper Human Sexual Rights, and Ghanaian Family Values Bill, 2021*. The main objective of the study is to trace the reasons leading to the introduction of the proposed Bill and to propose recommendations, borrowing from Peace study approaches, to affecting the LGBTQ+ community rights in Ghana. To achieve its aim, the study used a Critical Discourse Analysis (CDA) method to draw out factors that led to the drafting of the Bill. The analysis also built on concepts such as *Human Rights, Othering* and *Democracy*.

Findings indicates that the causes that led to the formation of the proposed-Bill is rooted in a complex web of factors of which Religious and State Institutions seem to be the most prominent, as they currently pivot towards fueling othering and human rights abuses. Also, the study highlighted how formulators of the Bill introduced as part of their discourse a need to implement ‘medical treatment’ for LGBTQ+ persons. This is an indicator of a push to marginalize the LGBTQ+ minority. Such push represents a deep democratic problem, especially in emerging democracy such as Ghana.

The study suggests that peacebuilding processes such as ‘bottom-up peacebuilding’ and ‘sustaining peace processes’ can be tools to foster the creation of cross- organizational collaboration, where policy makers and local citizens work together to promote Human Rights advocacy and equality for all Ghanaians, including minorities such as LGBTQ+ persons.

LIST OF ABBREVIATIONS

CCG – Christian Council of Ghana

CDA – Critical Discourse Analyses

CDD-Ghana – Center for Democratic Development Ghana

CRC – Constitution Review Commission

CHRAJ - Commission on Human Rights and Administrative Justice

DOVVSU - Domestic Violence and Victims Support Unit

DVS - Domestic Violence Secretariat

GALAG - Gay and Lesbian Association of Ghana

LGBTQ+ - Lesbian, Gay, Bisexual, Transgender, Queer, +

MP - Member of Parliament Ghana

NESH - Central Body for Research Ethics in Norway

OSC – Orange Support Center

UN – United Nations

UNDP – United Nations Development Programme

UNESCO – United Nations Educational, Scientific and Cultural Organization

UNFPA – United Nations Population Fund

US – United States of America

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1 Introduction

1.1 Background

In recent years, the issue of LGBTQ+ in Ghana has received a lot of attention via media, cultural and traditional spheres, including religious, political, and academic organizations as well. This has led to a heated debate between opponents and supporters of homosexuality in Ghana. Against this backdrop, a bill was submitted to parliament under the title of (Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021), with the purpose of further criminalizing LGBTQ+ persons and its related activities. The purpose of this study is to use a Critical Discourse Analyses to reveal the factors that led to the proposed bill to gain a broad understanding as to why the drafters are pushing for the bill to pass into law.

The proposed legislation has been met with both support and criticisms from various groups within and outside the Ghanaian society. According to the formulators of the Bill, the objective of the Bill *“is to provide human sexual rights and Ghanaian family Values; proscribe LGBTQ+ and related activities; proscribe propaganda of, advocacy for, or promotion of LGBTTQQAAP+ and related activities; provide for the protection of and support for children, persons who are victims or accused of LGBTTQQAAP+ and related activities and other persons; and related matters”*(“Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill,2021.,” 2021).

A group of Academic elites in Ghana, in their bid to prohibit the legislature from passing the Bill into law, wrote a memorandum directed at the Committee on Constitutional, Legal, and Parliamentary Affairs encouraging an analytical look at the Bill before considering its passage into law. In the write up, they stated, *“...with all due respect, the provisions of the LGBTQ+ bill are not becoming of Parliament of our Republic. Our Parliament, celebrated rightfully as a critical player in Ghana’s much lauded constitutional democracy, ought not to become a party to a fanatical crusade of intolerance and extremism in the 21st century”*¹. As these

¹ Akoto Ampaw. et al. (2021). *Memorandum to select committee on the Constitutional, Legal, and Parliamentary Affairs on the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill,2021*. Retrieved 9th May, 2023 from <https://afrikpage.com/wp-content/uploads/2021/10/wp-1633330186330.pdf>

academics emphatically stated, the Bill ought to be firmly rejected by the Parliament and the people of Ghana as it violates the rights of inviolability of the persons concerned.

1.2 Criminalization of LGBTQ+ in Africa

In Africa, dislike for LGBTQ+ and its related activities is growing. In mapping out anti-gay laws in Africa as of 31st May 2018, Amnesty International indicated that “*33 countries in Africa still found same sex activities as illegal and 4 countries including Mauritania, Sudan, Northern Nigeria and Southern Somalia imposes the death penalty for sexual relations between people of the same sex*”(Amnesty International, 2018). In the early months of 2023, Human Rights Watch stated, Ugandan lawmakers approved new legislation that entrenches the criminalization of same sex conduct, and created new offenses that would curtail any activism on LGBTQ issues in the country(Oryem Nyeko, 2023). Uganda is the latest African country to pass a bill to criminalize LGBTQ+ on the continent. However, African countries such as Angola have, approved a new Penal code (in January 2019) in which consensual same sexual acts are not only decriminalized, but new anti-discrimination provision are also introduced(Dickson.A, 2021). Indeed, all previous Portuguese Colonies in Africa have now decriminalized same sex-conducts(Reid, 2022). Previous Portuguese Colonies including Cape Verde who is a member on the UN LGBTQ+ core group. A network of states that advocate for the rights of LGBTQ+ people within the United Nations, and Gabon who abandoned its experiment with criminalizing same same-sex relationships when its parliament reversed a 2019 law that had criminalized same-sex conduct previously(Reid, 2022). Many countries in Africa still have poor reputations when it comes to LGBTQ+ rights and Ghana is not an exception.

1.3 LGBTQ+ in Ghana

With much resilience and a firm grip to morality and culture, Ghana like most African countries still criminalizes consensual adult same-sex conduct (Atuguba, 2019). Jail terms, discriminations, and unfavorable living conditions have put constraints on the promotion and acceptance of homosexuality and of LGBTQ+ persons. The idea of majority of the citizenry accepting homosexuality seems to be a taboo. In a recent report, The International Lesbian, Gay, Bisexual, Trans, and Intersex Association, stated that *“LGBTQ+ individuals have been subjected to psychological abuse, damaging media exposure and medical examinations favoring 'conversion therapy' in Ghana. It also stated that the local police are reportedly, known to entrap and lure LGBTQ+ individuals (predominantly, gay men) through social media to be arrested (LR et al., 2020)”*. The US State Department 2020 country report on human rights practices also stated, *“Ghana faced a range of human rights issues especially in education and employment, extortion attempts and media coverage regarding homosexuality and its related topics were almost always negative”* (Dickson.A, 2021). The extent of the effect of stereotyping LGBTQ+ persons in the Ghanaian community has led to adverse problems including trauma, low self-esteem, hatred amongst peers, othering etc. it is established then that the acceptance of homosexuality and LGBTQ+ community in Ghana is a major issue, affecting many Ghanaians who identify as LGBTQ+ persons, their families and all who is associated with the community.

1.3.1 Existing Legal Framework in Ghana

The 1992 Constitution of Ghana guarantees a certain range of fundamental human rights found in Chapter 5 that is applicable to all, such as respect for human rights and dignity, *“Article 17(1) and (2) guarantees equality before the law and prohibits discrimination on grounds of 'gender, race, color, ethnic origin, religion, creed or social or economic status'.*

Article 12, which guarantees the protection of fundamental human rights of every person in Ghana, subject to Article 13; right to life for all persons, 14; Acknowledge of personal liberty, Article 15; the dignity of all persons be inviolable and Article 19; which is to the effect that any person who has been charged with a criminal offence shall be given a fair hearing within a reasonable time by a court” (“The 1992 Constitution of the Republic of Ghana,” 1992).

As the above excerpts show, equality and non-discrimination are core human rights principles embodied in Ghana's constitution, which ought to be respected and adhered to strictly. However, as is the case in most African countries and regardless of the provisions made by the Constitution, LGBTQ+ people are marginalized and generally live in fear of persecution in Ghana (Nartey, 2021). As noted by Human Rights Watch, Ghana has a protective framework enshrined in its Constitution. Yet, conservative religious and cultural ideals fuel homophobic reactions against people in the LGBTQI+ community.

"...In Ghana, religion and culture are the most dominant factors that fuel homophobia and stand in the way of progress. The law is quoted only in police stations; the general population quotes the bible and the Quran." (Isaack, 2018)

1.3.2 The Proposed bill

The Proposed Bill applies to a person who holds out to be a lesbian, gay, bisexual, transgender, transexual, queer, an ally, pansexual or a person of any other sociocultural notion of sex or sexual relationship that is contrary to the sociocultural notions of male and female or the relationship between male and female ("Promotion of Proper Human Sexual Rights, and Ghanaian Family Values Bill, 2021.", 2021).

The Bill states, ...*"a person who is involved in promotion of propagation of advocacy for or funding of LGBTQ+, a person who provides or participates in the provision of surgical services to enable gender reassignment or the creation of a sexual category other than the category of a person assigned at birth, except where the surgical procedure is to correct a biological anomaly including intersex, and any other person engaged in a sexual activity prohibited under the Bill shall also be prosecuted"*².

The proposed bill also admonishes the issue of advocacy and other promotional activities. Since there is currently no legislation that specifically criminalizes advocacy for funding, promotion of or encouragement of LGBTQ+ activities. The Bill also targets the legal gap that allows for support of LGBTQ+ communities. This proposed Bill, which is intended to strengthen the laws

² Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021., (2021).

<https://cdn.modernghana.com/files/722202192224-0h830n4ayt-lgbt-bill.pdf>

concerning homosexual activities is a bi-partisan one according to the bill's memorandum("Promotion of Proper Human Sexual Rights, and Ghanaian Family Values Bill,2021.," 2021). The drafters of the proposed bill, elaborate that they represent majority of Ghanaians as they feel LGBTQ+ activities threaten the concept of the Ghanian Family system, its structure, together with its ethnic groups. They state:

“The purpose is to strengthen our laws to make them more robust, more encompassing and more stringent in dealing with the LGBBTQ+ activities and also provide a framework for the promotion of desirable family values and social norms in the country.”(Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill,2021.," 2021)”

The United Nations Declaration on the rights of minorities describe first; that a minority group must be in the numerical minority. Thereafter, it specifies that States have an obligation to protect the rights of **all persons** subject to or under its jurisdiction³. Afrobarometer, together with, the Ghana Center for Democratic Development (CDD-Ghana) conducted a survey which showed that only about 7% of Ghanaians are tolerant of LGBTQ+ persons(Afrobarometer, 2021), which puts them in the minority bracket. The proposed Bill threatens to criminalize even further this minority group. UN experts clarified the concept of minorities to ensure their protection in international law. *“A minority’s existence does not depend on a State’s approval... and the objective existence of a minority is factual, not dependent on the ‘popularity’ of a minority or the whims of a government⁴”*-Fernand de Varennes, (UN Special Rapporteur on minority issues).

³ United Nations. (2010). *Minority Rights:International Standards and Guidance for Implementation*.

. United Nations, Human Rights. Office of the High Commissioner,. Retrieved 9th May, 2023 from https://www.ohchr.org/sites/default/files/Documents/Publications/MinorityRights_en.pdf

⁴ United Nations. (2020). *UN Expert clarifies concept of minorities to ensure their protection in International Law*. United Nations, Human Rights, Office of the Human Rights Commissioner. Retrieved 9th May, 2023 from <https://www.ohchr.org/en/press-releases/2020/10/un-expert-clarifies-concept-minorities-ensure-their-protection-international>

1.4 Related literature

A handful of reports and studies have depicted discrimination, human rights abuses, and othering on LGBTQ+ Ghanaians: international organizations such as Human Rights Watch, Amnesty International, The UK's Parliament Library, The State Department of the USA all have reports about problems LGBTQ+ Ghanaians continue to face⁵.

Some research has also been done on health-related issues. For instance, on LGBTQ+ and HIV aids testing in Ghana (Gyamerah et al., 2020) , on health disparities among LGBTQ+ population in Ghana with the tendency to self-harm(Quarshie et al., 2020) and on queer approaches to understanding LGBTQ+ vulnerability during the COVID-19 pandemic(Reid & Ritholtz, 2020).

In terms of media and political discourses, some studies have shown that media attention and politics around LGBTQ+ issues in Ghana have contributed to a biased discourse which leaves them at the periphery of society.(Nartey, 2022;Gore,2022).

Meijer (2022) has contributed research from the point of view from religion. In her findings, she found that Ghana has one of the highest percentages of religiously affiliated populations globally. Her argument was that religious discourses have led to the stigmatization of homosexuality and non-heteronormativity in Ghana.

⁵See: Human Rights Watch “No choice but to deny who I am” (2018), See Amnesty International’s report; Ghana: Anti-LGBTI bill stirs up hatred, persecution, and discrimination (2021); see: LGBTQ+ rights and issues in Sub-Saharan Africa (UK house of commons library); See: The US state department report,2022 country reports on Human Rights Practices: Ghana.

1.5 Problem Statement

This brief overview shows that there has been research on matters relating to LGBTQ+ and its advocacy in Ghana. However, and due to its recency, very little has been done to assess the Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021 and how this will affect the minority LGBTQ+ persons in the country. Although there have been several media reports on this issue both nationally and internationally, there has not been any substantive research done. This thesis addresses the gap through a critical in-depth study of the proposed Bill, beginning from the memorandum attached to the proposed Bill, to the contents of the Bill itself. This study focuses solely on the role played by the factors that led to the proposed anti-LGBTQ+ Bill in Ghana. This study will also give readers a broad understanding as to why the Ghanaian socio-political space wishes to criminalize LGBTQ+ related matters.

1.5.1 Research Question

The study is structured around two main research questions:

RQ1- Which major factors leading to the proposed anti-LGBTQ+ Bill in Ghana can be inferred from its current draft?

RQ2- How are these factors connected to the decision-making process that led to the proposed Bill's formulation?

RQ3- How do these factors, and the Bill itself, reflect or not a respect for the rights of LGBTQ+ minorities in Ghana?

1.5.2 Significance of the Study for Peace Research

This research can help improve our understanding of the proposed Bill, by exposing the reasons behind its formulation. It will also expose and help identify different stakeholders' perspectives about the Bill which reflects their individual or collective interests and concerns. It is my goal as a peace researcher, to undertake research that may help lawmaking bodies and policy makers in Ghana to be transparent and accountable, especially when it involves minority rights. The lens of peace research helps focus the thesis on proposing how drafting and implementation of Bills such as this should be based on the rights and concerns of **all** relevant stakeholders.

1.6 Structure of the Thesis

This thesis is organized into five chapters. The first chapter has provided a background to the study, introduced the main issues that inform the research and presented some literature related to the core issues of this study. It has also outlined the research problem, the research question, and the significance of this study. Chapter two lays out the conceptual framework used for this thesis, which involves a discussion of the concept of ‘othering’, the concept of Human Rights and albeit more briefly, the concept of Democracy in the context of the rights of minorities.

Chapter three is about the methodological and analytical strategy for this thesis, including data collection methods, reflexivity, positionality, and ethics. Chapter four presents an analysis and interpretation, revealing the factors that led to the formulation of the Bill by assessing the laws that existed prior to the bill’s emergence, as well as the Bill itself.

Chapter five is on Conclusion, gives a recommendation to address the LGBTQ+ conundrum in Ghana. I also discuss suggestions for further research and give concluding remarks.

2 Conceptual Framework

2.1 Introduction

This chapter presents conceptual issues that inform the study. The chapter will begin with the concept of ‘othering’ and discuss how it contributes to social exclusion and describe structures that are responsible for ‘othering’ in a social setting. Following this, the concept of Human Rights and the Human Rights conventions Ghana is a signatory of will be presented. Finally, the concept of democracy, narrowed down to the democracy of Ghana, will be briefly presented, and its relevance to this research explained. ‘Othering’ as a form of discrimination and of human rights in relation to democracy are the building blocks chosen to critically analyze the factors that led to the proposed anti-LGBTQ+ Bill in Ghana. I will later argue that the Ghanaian socio-political structures make use of dominant powerful strategies of othering through structures like religion, politics, and the media to ensure marginalization, segregation and fueling of homophobia, as LGBTQ+ communities continue to face discrimination rooted in homophobia across multiple areas including political, economic, and social contexts in the country.

2.2 The concept of ‘Othering’

In sociological terms, the concept of *othering* is about power, making the subordinate aware of who holds the power, and hence about the powerful producing ‘the other’ as subordinate (AbdulMagied, 2020). However, there are many ways of conceptualizing othering. Generally speaking, the definition of othering remains consistent and highlights processes that create divisions between individuals and groups, otherwise known as ‘us’ and ‘them’ phenomenon (Jacob et al., 2021). Simone de Beauvoir (1989) who is seen as pioneering the concept, used the term to explain how men have often initiated a process of othering by defining women as the other (Roberts & Schiavenato, 2017). Brons (2015) offers an in-depth definition of othering as follows: “*It has long been observed that people tend to positively differentiate themselves as the simultaneous construction of the self or in-group and the other or out-group in mutual and unequal opposition through identification of some desirable characteristic that the self/ in-group has and the other/out-group lacks and/or some under sizable characteristic*

that the other/out-group has and the self/ in-group in contrast to an inferior other/ out-group, but this superiority or inferiority is nearly always left implicit”(Brons, 2015, p. 70).

The *other* means different things to different people in different situations and settings , it is about a pattern of behavior that brings down different minority groups or communities(AbdulMagied, 2020). While there are multiple ways of understanding *othering* as a concept, for the purposes of this thesis, I view *othering* as *exclusion that is socially constructed*.

2.2.1 ‘Othering’ of minority groups

The social world is constructed in a way that is regulated by laws and policies that seem to make us equal, yet do not. An individual’s experience is different from that of another person. The behavior of a person could result in trauma and affect an individual’s positionality over their lifetime. Labels and stereotypes could result in positioning a person or group of persons as an outcast, excluding them from the society that they are living in(Gillespie, 2007). Social exclusion can be an effect of othering (and I will elaborate more on this with reference to the proposed Bill when I present the analysis of this thesis). In a social exclusion, the identity of a person is used as the excuse for that person to be *othered*. For example, if a person identifies as a male, he is othering himself from being a female or any other gender for that matter. The classification that individuals or groups use to identify one another are based on the different social groups they ascribe to(AbdulMagied, 2020). Although, the goal of social groups is to enhance self-esteem, they sometimes lead to discrimination against others, especially those who disagree. Thus a specific group may be ousted and considered ‘others’(AbdulMagied, 2020).

2.3 The Concept of Human Rights

Human Rights are about how every individual has legitimate claims upon his or her own society for certain freedoms and benefits(Henkin, 1989). The most common codified framework of Human Rights is the *Universal Declaration of Human Rights*. The General Assembly of the UN proclaims this declaration as a common standard of achievement for all people and all nations. The preamble states: “...to the end that , every individual and every organ of society, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the people of member states themselves and among

the peoples of territories under their jurisdiction⁶...”(Assembly, 1948). Article 2 states that “*Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other statuses*”(Assembly, 1948). Article 3 states that “*Everyone has the right to life, liberty and security of person*”.(Assembly, 1948).

Based on these provisions, one would imagine that should a country be signatory to these provisions it would ensure the rights and freedoms of **all** its citizens. However, most African countries (Ghana not being an exception) see Human Rights as subordinate to factors such as culture (the cultural relativist view of Human Rights).

2.3.1 A Cultural relativist view of Human Rights

All human beings are born free and equal, in dignity and rights(Chesterman, 1998). However, a cultural relativist account of Human Rights posits that human nature in itself is culturally relative and can significantly influence the presence and expression of aspects of human nature(Donnely, 1984), for example, by encouraging or discouraging the development of certain personality types. Traditional societies generally do not recognize rights simply because one is a ‘human being’. The strongest form of radical relativism according to Donnelly (1984) is that the concept of ‘human being’ has no moral significance. The mere fact that one is a human being is not relevant to one’s moral status. This is because, premodern societies typically have not recognized ‘human being’ as a descriptive category, but rather define persons based on social status or group membership(Donnely, 1984, p. 404). The impact of culture on the shaping of individuals is systematic and may lead to the predominance of distinctive social types in different cultures(Donnely, 1984). Donnelly (1984) argues that the cultural lack of consistency in human nature does not only permit but requires allowance for cultural variations in human rights. One can see this type of Human Rights relativism in the African Continent on the issue of Legalization of LGBTQ+ activities. Most of the rhetoric rejecting LGBTQ+ rights circles around morals, culture, and traditions. I will now narrow down on Ghana’s Human Rights relativism when it comes to the LGBTQ+ discussion.

⁶ Assembly, U. G. (1948). Universal declaration of human rights. *UN General Assembly*, 302(2), 14-25.

2.3.2 Ghana and Human Rights

The Republic of Ghana is a constitutional democracy. It is a signatory to several Human Rights conventions: It has ratified many United Nations Human Rights conventions and thus has made binding international commitments to adhere to the standards laid down in the various human right documents (National Commission for UNESCO of France and Germany, 2010). Article 2 of the African Charter on Human Rights states that *“Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status⁷”*.

Although subscribing to these Human Rights treaties, Ghana has refused to recognize the rights of LGBTQ+ persons because it is (for some) against the moral fabric of the Ghanaian society. A Constitution Review Commission (CRC) was set up in 2010 to consult with Ghanaians on reviewing and amending the 1992 Constitution. The Commission contemplated on whether or not the Constitution should recognize the LGBTQ+ minority. An overwhelming majority of the submissions called for not recognizing such rights, stating that; recognizing LGBTQ+ rights prevent procreation, and being homosexual is an abomination and it is culturally alien to Ghanaians (Anna et al., 2017).

The final concept Democracy will throw more light as to why this is the case, especially in a liberal society such as Ghana.

⁷ African Charter on Human And Peoples’ Rights, (1979). https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf

2.4 Democracy.

There are many types and definitions of democracy, and diverse practices produce a similarly varied set of effects. The specific form of democracy is contingent upon a country's socioeconomic condition (Schmitter & Karl, 1991). For the purposes of this thesis, I am using Lipset (1990:6-7) definition of democracy. According to Lipset (1990), Democracy is “*a system of government that meets three essential conditions: thus meaningful and extensive competition among individuals and organized groups (especially political parties) for all effective positions of governmental power, at regular intervals and excluding the use of force; a ‘highly inclusive’ level of political participation in the selections of leaders and policies, at least through regular and fair elections, such that no major (adult) social group is excluded; and a level of civil and political liberty such as freedom of expression, freedom of press, freedom to form organizations, sufficient to ensure the integrity of political competition and participation*”. (Lipset (1990:6-7), O’Donnell, 2001).

With the above definition, what this thesis intends to focus on is the regard for a highly participative society and for civil and political liberties in a society, which is integral for having a ‘good democracy’. The term ‘good’ is used to describe a democracy that is functioning but that is still a fledging one.

2.4.1 What constitutes a ‘good democracy’.

A ‘good’ democracy can be said to be one that presents a stable institutional structure that realizes the liberty and equality of citizens through the legitimate and correct functioning of its institutions and mechanisms (Morlino, 2004). It is one that is broadly legitimated by **all** citizenries. A democracy should not only require, universal adult suffrage, or recurring free competitive and fair elections - it should also have more than one political party and further ensure freedom and political equality (Morlino, 2004).

2.4.2 Democracy in Ghana.

Although Ghana fits into this democratic framework, Ghanaian democracy is still a fledging one: it lacks certain democratic abilities, especially when it comes to ensuring minority rights (as illustrated by the issues faced by the LGBTQ+ community).

Ghana has been a constitutional democracy since the birth and implementation of the 1992 Fourth Republican Constitution. Since then, there have been many successful elections and democratic regime changes (Akagbor et al., 2022). Championed as a beacon of democratic hope on the African continent, Ghana's record for good governance and respect for human rights have been key pillars of its democracy over the years (Sithole, 2012).

The democratic system in Ghana is highly a winner-takes-all system in terms of monopolization of state resources, facilities and opportunities, as well as the exclusion of political opponents (Gyampo, 2015). This form of majoritarianism, which as *'as a political philosophy emphasizes the conservative notion that the collated views of the majority have primacy in decision making and in directing the affairs of the state'* (Akagbor et al., 2022), usually regulates the minority to the periphery. This calls into question the rights and freedoms of the minority and how they are respected in such an existing framework. Even though much success has ensued on the political front, Ghana's democracy shows deficiencies when it comes to the issue of minority rights. (Akagbor et al., 2022).

Within the Ghanaian democratic space, the trappings of majoritarianism have transformed into a regulatory force outside of the political space that now seeks to direct and regulate the identity and rights of LGBTQ+ persons (Akagbor et al., 2022). The majority's collective heteronormative interest and dominance in the political and social space is shaping how the Ghanaian society views LGBTQ+ minority. Bullying, homophobia, systematic exclusion from socio-cultural and religious plus political spaces are some of the many ways the LGBTQ+ community have been marginalized in this democratic system.

A main argument in this thesis will be that Ghana's democratic system is failing to recognize and protect the LGBTQ+ community by introducing a bill to criminalize LGBTQ+ activities and their advocacy in the country. The assumption to the thought that LGBTQ+ minority groups are entitled to fundamental human rights has been dismissed within the majoritarian condition. This produces a repressive and resistant human rights ideology around LGBTQ+ community (Akagbor et al., 2022) leading to 'othering'.

3 Methodology and Methods.

Examining the major factors that led to the proposed Proper Human Sexual Rights and Ghanaian Values Bill, within the conceptual frameworks of *othering*, *democracy*, and *human rights*, led to the methodological choices described in this chapter.

The study seeks to examine the proposed anti-LGBTQ+ bill introduced to the Ghanaian Parliament in 2021, tracing the events leading to the introduction of the Bill as well as examining the consequences to LGBTQ+ persons in Ghana. To do so, the study was grounded in the philosophical frameworks of interpretivism, social constructivism, decolonial perspectives, and gender research approaches.

In this chapter, I first describe the methodological foundations for the chosen research design (constructivist, decolonial, and queer theory approaches). I then describe the research design itself, considering data collection and analysis methods. Finally, I also address in this chapter ethical considerations related to the chosen research design and methods.

3.1 Analytical Approaches

Kraus (2005) explains that the researcher's philosophical paradigm as a summary of their claims about the nature of knowledge (ontology), the basis of knowledge (epistemology), the importance of knowledge (axiology), the way to write about knowledge (rhetoric), and the way to research knowledge (methodology). The purpose of the thesis is to investigate the circumstances surrounding the introduction of the proposed anti-LGBTQ+ bill to foresee any future conflicts and propose conflict transformation mechanism that is appropriate for this case by analyzing the social construction of the causes and implications. The perspectives of the issues examined are suitable for a social constructivist approach, since social constructivism places emphasis on capturing how people give events different meanings based on their own views and perspectives (Creswell et al., 2007).

Constructivism, sometimes referred to as social constructivism, is frequently fused with interpretivism, based on the idea that people want to learn more about the world around them. Manheim, Berger, and Luckman (1967), and Lincoln and Guba (1985), were among the first to advocate for social constructivist perspective (Krauss, 2005). This philosophical point of view asks researchers to consider different points of views before they can come to any solid conclusions. One of the primary goals of constructivism is to provide a democratic and critical learning experience, through the realization that knowledge is never neutral, that the ways in which it is created and mediated is very dynamic and crucial as knowledge itself.

For its part, **interpretivism** recognizes the subjectivity of knowledge and more broadly, the subjectivity of the people involved. These presumptions are pertinent to this research because the interest is in the factors that influence the choices that led to the bill, in terms of both stability and flux, are essential to the topic being explored. They are tied to one's social, cultural, and historical milieu in explaining one's behavior.

Using constructivism and interpretivism, I attempted to find the links between what we see in the proposed draft and making meaning around it (Creswell et al., 2007). In the case of this study, this concerns the causes that led to the Bill's introduction to the floor of parliament and the arguments made by individual stakeholders who aided in the Bill's formulation. Therefore, this research focuses on constructing an in depth meaning into the proposed anti-LGBTQ+ draft by exposing the major causes that led to it.

3.2 Methodologies of the marginalized

In addition to a constructivist and interpretivist approach, I include as point of departure decolonial perspectives from the methodologies of the marginalized. This is because considerations about who is allowed to construct or interpret meaning are of fundamental importance when dealing with issues concerning minorities.

In the Ghanaian community the LGBTQ+ minority have had people define their place in society, because homophobia thrives in the country and violence against homosexuals is ubiquitously engrained in the Ghanaian society (Atuguba, 2019). Therefore, I introduce in this thesis the terms 'subaltern' and 'marginalized community' to give the reader a broad understanding of what the situation has been and from what perspective this thesis is written.

Leaning on bell hooks (1990) in her examination of symbolic violence of the academy, she elaborated about the marginalized community:

“No need to hear your voice when I can talk about you better than you can speak about yourself. No need to hear your voice, only tell me about your pain, I want to know your story and then I will tell it back to you in a new way. Tell it back to you in such a way that it becomes mine, my own. Therefore, recruiting you, I write myself anew. I am still author, I am still colonizer, the speaking subject and you are now at the center of my talk(Hooks, 1990, p. 343).

Within the academic space, and in fact in everyday interactions, it is crucial that our support for others is critical(Pearce, 2020). Thus, we must challenge prejudice and work to confront our own assumptions and privileges, however marginalized we may feel. The support and pursuit of critical oppositional scholarship that pushes the boundaries of institutional gatekeeping is vital(Pearce, 2020). One major colonial task of social science research is to pose as a voice box, ventriloquist, interpreter of the subaltern voice(Spivak, 2015). According to Spivak’s (2015) definition of a subaltern, it is the structured place from which the capacity to access power is radically obstructed, to the extent that should anyone escape the muting of subalternity she ceases to be a subaltern. I introduced the term subaltern to consider the LGBTQ+ Ghanaian minority who have faced the constant struggle in getting their voices heard as evident in the emergence of the proposed bill.

3.3 Queer theory perspectives

To understand the primary subjects (LGBTQ+ Persons) being discussed in this thesis I used the Queer theory as a prism because they codify all the ‘alphabets’.

Queer theory is particularly useful for this study as the research ought to understand the primary subjects thus, individuals who self-identify as having different genders and/or sexual orientations, rather than just two fixed genders or genders constructed by mainstream Ghanaian culture⁸. Originally adopted to mark the appearance of something "odd" or "strange" and later exercised as a slur for gay men, the term queer has been reclaimed in recent decades with anger and pride to signal an activist insurgence against homophobia and other forms of

⁸ It should be mentioned that according to the Center for Democratic Development (CDD-Ghana), a survey released in July 2021 showed about only 7% of Ghanaians are tolerant of people with the same sex relationships.

oppression(Wadiwel & Giffney, 2009). The term queer can be used as a synonym for lesbian and gay, or shortened for members of the lesbian-gay, bisexual, and transgender (LGBTQ+) community. It also works to denote a political belief that aggressively challenges hegemony, exclusion, norms, and assumptions. Queer often has a normative stance of an unabashed anti-assimilationist pose, it uplifts those who refuse to be defined in the terms and by (moral) codes of conduct and identification imposed by the dominant society (Wadiwel & Giffney, 2009). For this reason, I chose to use this theory other than theories like, the Gender and Feminist theories, to reiterate the fact that it is not easy to box a person under a specific social identity or sexuality in society, because they go against the norm. For example, it makes a difference how one is treated when you are judged as a woman. So, it is common to hear from some quarters that women should get married, take care of children, stay at home and so on, especially in many African settings. This is a particularly conservative view of the obligations that come with being a woman(Morland & Willox, 2005). Likewise, it is common to hear that gay men and lesbians should not have children - in the case of the Bill, The Honorable Member of Parliament Sam George said this in the wake of introducing the anti-LGBT to parliament: “*If your way of life does not support procreation, who should procreate for you to come and adopt*”⁹. Again, this is a conservative view of the type of scripts associated with gay and lesbian identities.

Queer theory, which was coined by Teresa de Lauretis in 1990, has been used as an analytical tool for unpacking the ways in which the identities of lesbians and gays are formed, from both hostile thus people not aligned with the community and self-identified lesbians and gays(Wadiwel & Giffney, 2009). The theory has pitted itself against heteronormativity which is a broad-based system privileging heterosexuality. Its main benefactors of that system “straight” on one hand, (de Lauretis,1990) while critiquing homonormativity, lesbian and gay assimilation to the so-called heteronormativity of the other(Wadiwel & Giffney, 2009).

⁹ The Ghana Report. (2021). *Who Should Procreate For You to Adopt?- Sam George Asks Gays*. The Ghana Report. Retrieved 9th May, 2023 from <https://www.theghanareport.com/who-should-procreate-for-you-to-adopt-sam-george-asks-gays/>

The uneasiness and discomfort with identities is widespread among people in the LGBTQ+ community. Many individuals take their sexual orientation to be a feature which plays a key role in the person of who one is. This is because they may not be the same person if their sexual orientation were to change (Morland & Willox, 2005).

Foucault's ideas about power and discourse are integral to the reason I employ queer theory, as they provide a way of understanding how identities and subjectivities are produced and regulated through discourses that mold and control the ways we think and act (Green, 2010). A Foucauldian historical perspective sees 'heterosexual' and 'homosexual' to be the invention of 'expert' knowledge disseminated through medical texts, law, education system amongst others (Green, 2010). Therefore, sexual orientation has a stronghold in societal relations, individuals were charged to comply with the norms of heterosexuality and homosexuality to obtain social intelligibility (Green, 2010). This thesis builds on these ideas to explore the social construction of how Ghanaians define people in the LGBTQ+ community, as well as how the LGBTQ+ negotiate such ideas.

3.4 Research Design

Research is crucial in the pursuit of knowledge because it provides a thorough process of gaining knowledge. The choice of research design often falls within methods of social science research such as quantitative, qualitative, and mixed methods¹⁰. Knowledge claims, tactics, and methodologies all add up to make research more quantitative, qualitative, or mixed as further noted by (Creswell & Creswell, 2017). For this study, the qualitative approach to research was preferred. Qualitative research methods include designs like case studies, grounded theory, ethnographies, phenomenology, discourse analysis amongst others (I use the critical discourse analysis method which I will discuss further below). Qualitative research, like other types of scientific research, tries to find out more about a subject by gathering evidence and answering important questions (Creswell et al., 2007). It does so through interpretation and close contact with the social world, as opposed to the perhaps more distant 'view from above' present in quantitative research. Researchers who use qualitative methods employ a variety of methodologies including in-depth quantitative interviews, fieldnotes, document analysis, and participant and non-participant observations. Qualitative research is conducted to investigate,

¹⁰ I will not discuss each of these approaches in detail, as I assume they are well known to the reader.

comprehend, and analyze a social phenomenon more thoroughly (Creswell et al., 2007). In this thesis, closeness to the source of data, and a preference for the interpretive view, are reflected in my choice of using Critical Discourse Analysis.

3.4.1 Data Collection

In this section, I present the choice of corpus and analytical strategy. For transparency, it should be noted that the process of attaining some relevant documents from state institutions proved challenging. I reckoned that I would require the services of a gatekeeper, thus an individual who is the researchers initial contact, who can facilitate admittance to participants, in this case organizations, by endorsing or advocating for the researcher and his work (May 2011; McGiven 2006; Buchanan & Bryman, 2007). Due to the sensitive nature of my research, I employed a gatekeeper who knew his bearings around most of the Ghanaian organizations' operational hierarchy and rules regarding accessing official data. However, his involvement proved futile as we were unable to gather some documents, I hoped would have thrown light on this research. Institutions like the High Courts of Ghana, The Parliament House, and the Domestic Violence and Victims Support Unit's Office all retorted the same thing: *"we do not have any official records on such a topic, maybe because it's still new or fresh in the Ghanaian system"*.

3.4.2 Data Corpus

Qualitative research can be enriched by careful and critical attention to the gathering and analysis of documents. Therefore, this thesis made a critical use of documents such as the 1992 Constitution of Ghana, The Domestic Violence Act 2007 (Act 732), The Criminal Act 1960 of the Republic of Ghana and the proposed anti-LGBTQ+ Bill.

The 4th republican constitution of Ghana makes provision for a certain range of fundamental human rights that is applicable to all. In respect of human rights and dignity in Chapter 5; (Article 17 (1) and (2)) of the constitution, which guarantees equality before the law and prohibits discrimination on grounds of "gender", race, color, ethnic origin, religion, creed, or social economic status. Additionally, (Article 13, 14, 15 and 19) concentrate on enhancing the rights and freedoms of everyone who is a citizen of Ghana ("The 1992 Constitution of the Republic of Ghana," 1992). However, the proposed bill seeks to discriminate against the LGBTQ+ Ghanaian community. Therefore, the 1992 constitution of Ghana which is a relevant

reference document that will inform the analysis of data to ensure the successful outcome of this research.

The Domestic Violence Act 2007, ACT 732 is an act to provide protection for women and children and other related issues of violence within family circles. The Act makes detailed provision of what constitutes Domestic violence, which is an act under the Ghanaian Criminal Code 1960 (Act 29) which constitutes a threat or harm to a person, including physical, sexual, or economic abuse. As I point out later, it is the aim of this thesis to use this Act to shine plausible perspectives of conflict transformation measures, some of which this act provides since its aim is to protect all victims under its jurisdiction. Although, the act does not explicitly defend people in LGBTQ+ minority it is in fact staunchly against domestic violence hence its usage especially in the concluding chapter (5), of this research("The Domestic Violence Act 2007.," 2007).

Chapter 6, section (104) of the **Criminal Act 1960 of the Republic of Ghana**, serves as the precedent the formulators of the proposed Bill which seeks to further criminalize the LGBTQ+ minority. In their view, the act does not make specific reference to LGBTQ+ persons since it was promulgated about sixty years ago. The passage of the Bill should address this gap("The Criminal Act 1960 of the Republic of Ghana," 1960).

The Proposed bill: (Proper Human Sexual Rights and Ghanaian Family Values), is the most integral component of this thesis. It was the primary document assessed and reviewed to problematize its content, to understand better from its lens the factors that led to its emergence("Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill,2021.," 2021).

3.5 Data Analysis Strategy

Critical Discourse Analysis (CDA) studies the way social-power, abuse and inequality are enacted, reproduced, legitimated, and resisted by text and talk in the social and political context(Van Dijk, 2015). CDA as an analytical practice is multidisciplinary and can be used to study discourse grammar, conversation analysis, discourse pragmatics, rhetoric, narrative analysis, argumentation analysis among others(Van Dijk, 2015). It focuses primarily on social

problems and political issues, it critically analysis social problems which are usually multi-disciplinary and focuses more on the ways discourse structures enact, confirm, legitimate, reproduce or challenge relations of power abuse (dominance) in society(Fairclough and Wodak 1997;Van Dijk, 2015).

Within the general goals stated above, that CDA tends to achieve, there are many types, and these may be theoretically and analytically diverse(Van Dijk, 2015). However, the typical vocabulary of CDA features notions such as power, dominance, hegemony, ideology, class, gender, race, discrimination, interest, reproduction, social structure, and social order. On this backdrop, this thesis will be espoused based on two main dimensions to CDA according to Van Dijk (2015). Thus the “Macro versus Micro” and “Power as Control.”

Power and dominance are usually terms belonging to the macro-level of analysis in CDA. This means that CDA ought to bridge the well-known “gap” between **micro** (agency, subaltern, interactional) and **macro** (structural, institutional, organization) approaches(Van Dijk, 2015). There are several ways to analyze and attempt to bridge the gap between macro-micro. Some of which involve understanding how language users engage in discourse as members from a particular social group, organization, or institution as an action-process where actors are part of group and social processes, such as legislation (proposing of the anti-LGBTQ+ bill for, example), news making or reproduction of homophobia(Van Dijk, 2015). The “Macro and Micro” aspect of CDA enables the researcher to properly scrutinize the proposed Bill to notice patterns that breed inequality and homophobia.

3.5.1 Power as control

Van Dijk (2008) describes power in terms of control as groups having the power to control acts and minds of members of other groups. Usually, the tool this sought of power wields is force, money, status, fame, knowledge, information, culture, or various forms of public discourse and communication(Mayr, 2003). From reading the proposed Bill one could tell that the Bill has a power connotation to it, where it dictates what ought to happen to people who engage in homosexual activities and its advocacy. It is important to note that these types of power are seldom absolute, because dominated groups may resist, accept, condone, collude, or battle with the legitimacy of such power(Van Dijk, 2015). The power of dominant groups can be embedded in laws, rules, norms, habits and even a culture which it values as hegemonistic(Gramsci, 1971). CDA informs this research by helping elaborate on the power- dynamics at play and focusing on the minority group being dominated.

CDA ought to act as a force against the discursive abuse of power (Van Dijk, 2015). Therefore, as a researcher I delve into the causes that led to the proposed bill, the powers conferred on the activist against the LGBTQ+ minority, the violation of human rights and the disregard for democratic norms and values which ought to enhance equality and justice in the country. My research centers on how these dynamics affect the production of the proposed Bill and what it will mean for the LGBTQ+ minority in the country.

3.6 Reflexivity, Positionality and Ethics

Reflexivity requires continual scrutiny to develop ideas from new experiences and understand relations between the production transmission and reception of knowledge derived from research (May & Perry, 2010). Reflexivity relies on how we think and act in our social and cultural milieus, which in turn produces knowledge that informs and is informed by actions oriented to our practices (May & Perry, 2010). Peace and Conflict researchers strive to find cures for broken societies and to provide amicable solutions to social problems: *“It is our role as human rights defenders to ensure that the rights of national or ethnic, religious, and linguistic minorities are highlighted and considered¹¹”* - (Navi Pillay; United Nations High Commissioner for Human Rights). As researchers we have the fundamental responsibility to do no harm, we must reflect upon what we do and how we do it. Otherwise, our research may cause social, psychological, or physical harm (Brounéus et al., 2022). Therefore, I considered the researchers’ steps to prevent harm to participants and LGBTQ+ minority groups which cannot be understated. Many gay men and lesbians may feel uncomfortable about participating in research, especially when investigators are unknown or external to their community. Especially, if they still consider themselves to be in “the closet” (Barton, 2010). Since I am only focused on the Bill, I decided to rely solely on document analysis of this and other secondary texts (as mentioned in the data corpus), instead of interviewing LGBTQ+ minorities. The capacity of a researcher to position himself along the dimension of belonging has to do with

¹¹ United Nations. (2012). *Promoting and Protecting Minority Rights. A guide for advocates*. United Nations, Human Rights Office of the High Commissioner. . https://www.ohchr.org/Documents/Publications/HR-PUB-12-07_en.pdf

cultural views(Barton, 2010). Therefore, in everyday life, both the ability and capability to conform and think and act differently arises. This explains why people react in diverse ways to the same solution(Foucault (1988:14) ;May & Perry, 2010).

Positionality deals with how a person experiences their own identity, through practical efforts of social engagements and times of abrupt changes in social conditions(May & Perry, 2010). Butler (2004) views the equation of LGBTQ+ rights with human rights thus, a modified way of reality and a reconstruction of human(Janoff, 2022). However, this is not the case clearly according to the Center for Democratic Development (CDD-Ghana) and the proposed Bill as they portray that majority of Ghanaians are intolerant of LGBTQ+ persons. I have been inculcated since birth, into Christian values and norms, where they find LGBTQ+ activities to be sinful and, I am also part of a Ghanaian community that is strongly against the freedoms of expression of LGBTQ+ persons in the country. However, I am also a Peace Researcher, and hold the values shared by the International Human Rights Convention. The International Covenant on Economic, Social and Cultural Rights Part 2; Article 3 is clear: “*The States Parties undertake covenants to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant*”(Degener & Koster-Dreese, 1995). I believe the rights of every human matters even if they are in the minority. However, as a Christian I may have certain views on LGBTQ+ matters that could potentially influence this research. As a Peace and Conflict researcher as well, from a Norwegian based university, I may also have some inculcated ideals about how things ought to be. Therefore, to minimize the impact of bias, it was important to be aware of my own beliefs and biases and to strive to remain neutral in my analysis and interpretation of my data. I also considered feedback from my supervisor, to enable my research to be objective as possible.

When it comes to the issues of **Ethics**, Social Science, is not conducted in isolation(Nachmias & Nachmias, 1976). Researchers continually interact with a complex sociopolitical environment that formally and informally influences their research decisions. A central aspect of such an environment is the ethics of research (May & Perry, 2010).

The research process is the overall scheme of activities in which scientists engage to produce systematic and verifiable knowledge(Nachmias & Nachmias, 1976). Such styles of the research process must involve ethical considerations. Regulations guiding social science research exist at several levels, Legal statutes, ethics review committees in research universities and institutions amongst others constitute relevant regulatory mechanisms.

Since this dissertation uses a non-intrusive design, basing its results on ethical considerations such as anonymity, confidentiality, and privacy between the researcher and interviewees can be considered but not overriding. However, I knew the integrity of the project is of paramount importance therefore, most public figures mentioned in this study are already known activists who have addressed the issue of homosexuality in Ghana or otherwise.

Therefore, limited harm was done by including their names and situations in this study. This research has been conducted in a manner that maintains integrity and quality, therefore all references are readily available for verification. It is important to consider that since all research should be conducted in a competent manner as an objective scientific project, the potential for others who intend to conduct research in the future is not compromised (Nachmias & Nachmias, 1976). Consequently, using documents, articles and the public media brought other considerations, such as the need to use a gatekeeper to secure official documents from state institutions such as the legislature and the High Courts of Ghana, which was challenging due to the strict bureaucracies we went through to obtain the desired document in Ghana such as minutes of Parliamentary proceedings on the introduction of the Bill and some court case materials on LGBTQ+ related issues.

Data selection was done with intent to find relevant material that suited the topic. According to the Central body for research ethics in Norway (N.E.S.H), there are a set of guidelines to follow, especially when one deals with documents and internet materials. For instance, all research ought to follow good citation practice, guidelines on plagiarism, fabrication and falsification is to be avoided and considered incompatible with good scientific research practice and also, researchers have a responsibility towards persons who are directly or indirectly affected by the research amongst other set of guidelines¹². Since there can be conflict between the individual researcher's interest in gathering publications and intellectual honesty. Thus, the problem of plagiarism and fraud is an ethical consideration that must not be overlooked (Elgesem, 2002).

¹² The National Committee for Research Ethics in the Social Sciences and the Humanities. (2022). *Guidelines For Research Ethics in the Social Sciences and The Humanities*. National Research Ethics Committee.

Retrieved 9th May 2023 from <https://www.forskningsetikk.no/en/about-us/our-committees-and-commission/nesh/guidelines-nesh/guidelines-for-research-ethics-in-the-social-sciences-humanities-law-and-theology/>

Another consideration for the researcher is the communication of research through the media. It is about protecting the integrity of research when encountering the mass media. Newspapers, articles, media reports often have a different agenda than the research project. Therefore, a researcher is employed to seek the greatest possible clarity of language to avoid misunderstandings and misinterpretations(Elgesem, 2002).

The European Directive for example, states that, information shall only be collected for a specific purpose, that it shall not be reused in ways that are incompatible with the original purpose and that information preferably shall be collected based on an informed consent by the research subject(Elgesem, 2002). Against this backdrop, guideline documents retrieved from relevant institutions were handled appropriately.

Conducting research by using the internet as a source for dominant data collection raises specific issues(Bryman, 2012). As an internet user for this research, the researcher must be governed by Netiquette. Properly referencing articles, journals, e-books, and online documents proved useful for this project(Bryman, 2012).

The most important ethical aspect of research was to make sure the research did not negatively affect those being studied. The work done should maximize benefits and not aggravate physical, emotional, economic, and environmental harm and discomfort(Hay, 2016). Advocate and not exacerbate sensitized issues related to LGBTQ+ minority groups. Therefore, the do-no-harm principle must be applied conscientiously. Frameworks for working with children, minorities and vulnerable groups are strictly used as a guide during this project. The November (1995) UNESCO Declaration on Education for Peace, Human Rights and Democracy was also a prism guiding this research for instance. It encourages us to be *“mindful of our responsibility for education of citizens, committed to the promotion of peace, human rights and democracy in accordance with the letter and spirit of the charter of the United Nations, the Constitution of UNESCO and the Universal Declaration of Human Rights plus other relevant instruments”*(*“Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy,,”* 1995).

4 Key Findings from Critical Discourse Analysis (CDA)

4.1 Using Fairclough's dialectical-relational approach in presenting CDA

Building on the conceptual framework and methodological discussions above, a dialectical-relational approach was applied to the data corpus, with emphasis on semiosis, which is an element of the social process which relates to others (Wodak & Meyer, 2009). Relations between elements are dialectical in the sense of being different but not discrete (Wodak & Meyer, 2009). Social relations, power, institutions, beliefs, and cultural values are all part of the semiotic. This approach requires Critical Discourse Analysis (CDA) to be integrated with frameworks and theories (Fairclough 2006; Jessop, 2004 in Wodak & Meyer, 2009), in this case, within the framework of *Human Rights, Democracy and Othering*.

CDA focuses not just upon semiosis as such, but on the relations between semiotic and other social elements (Foucault p. 167 in Wodak & Meyer, 2009). An important CDA aim is to unmask and delineate taken-for-granted common sense understandings, transforming them into potential objects for discussion and criticism, thus opening for a change (Jørgensen & Phillips, 2002). Discourse and practice are constrained not by various independent types of discourse and practice, but by interdependent networks which can be known as 'orders' (Bacchini, 2018).

CDA brings disciplines and theories together to address research issues, seeing it as a 'dialogue' that is meant for theoretical and methodological development (Wodak & Meyer, 2009, p. 163). CDA's goal is to contribute to addressing social 'wrongs' of the day, such as injustice, inequality, lack of freedom amongst others, by analyzing their sources and causes, resistance to them and possibilities of overcoming them (Wodak & Meyer, 2009). Discourses may under certain conditions be operationalized or 'put into practice,' which is a dialectical process involving three aspects: new ways of acting or interacting, new ways of being (identities) or new ways of organizing space such as architecture (Wodak & Meyer, 2009).

This version of CDA used in this thesis follows a general method of analysis that is linguistic and interdiscursive. Fairclough(Wodak & Meyer, 2009), suggests selecting research that provides a rich basis for critical and emancipatory study, followed by “identifying obstacles to addressing social wrongs”. ‘Social wrongs’ are aspects of social systems, forms or orders which are detrimental to human well-being, and which could be in principle ameliorated, if not eliminated. Examples of this can be poverty, lack of freedom or racism. Following the identification of such social wrongs, one should discuss whether the social order ‘needs’ the social wrong, to finally point out ways past these obstacles(Wodak & Meyer, 2009, p. 167). To achieve this, Fairclough and Wodak further suggest semiotic strategies that involve critiquing dominant and unequal power structures. The identification of social wrongs and semiotic analysis of dominant power structures are the strategies followed in the analysis below.

The aim of CDA is to shed light on the linguistic discourse dimension of social and cultural phenomena(Jørgensen & Phillips, 2002). In CDA, language is both a form of action through which people can change the world, and a form of action which is socially and historically situated and in a dialectical relationship with other aspects of the social(Jørgensen & Phillips, 2002), Fairclough (1992b) points to the family as an example of how social structure influences discourse practices. The relationship between parents and children is partly discursively constituted and at the same time it is an institution with concrete practices, pre-existing relationships, and identities(Jørgensen & Phillips, 2002).

4.2 Analysis.

On January 31, 2021, an LGBTQ+ community center in Ghana was closed after a wave of protests. An opening ceremony was held prior to the closure, attended by international dignitaries including delegates from the European Union, the Australian High Commissioner, and the Danish Ambassador to Ghana. After the ceremony, stakeholders including ministers of state, religious leaders, traditional rulers, and others called for the center to be closed and condemned everything it stood for¹³. The center should be a haven for LGBTQ+ minorities in

¹³ Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill,2021., (2021).

<https://cdn.modernghana.com/files/722202192224-0h830n4ayt-lgbt-bill.pdf>

the country, so its closure sparked a nationwide row and a series of debates and interviews. This also included the launch of the anti-LGBTQ+ Bill: Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021, co-sponsored by multiple stakeholders and some members of Parliament. The Bill was submitted to parliament as a private members' Bill in July 2021.

4.3 Prescribers of the Bill (Private Members Bill)

Article (106) of the Ghanaian constitution conveys the mode of exercising legislative power. It stipulates that the power given to Parliament is to make laws that shall be exercised by bills passed by parliament and assented to by the President ("The 1992 Constitution of the Republic of Ghana," 1992). It is on this ground that Honorable Member Sam George, a member of Parliament for Ningo-Prampram, and his colleagues presented the Bill on the floor of parliament as a Private Members' Bill. Private Members' Bills are Bills introduced by MPs and peers who are not Government ministers. They provide parliamentarians with an opportunity to address public concerns and to set a policy agenda that is not determined by the executive¹⁴.

I tried to attain the minutes of Parliamentary proceedings, but my efforts proved futile. However, I found comments and interviews made by the Honorable Member to the press in both national and international media after the submission. In his own words he said the Bill was *"a landmark legislation that has taken the last 14 weeks working with a fantastic team of professionals to put together. It is in my humble opinion that this is a world-class piece of legislation which should be reference material for other Parliaments seeking to pass similar legislation¹⁵"*.

¹⁴ Hansard Society. (2022). *Guide to Private Members' Bills*. Hansard Society:London. Retrieved 10th May,2023 from <https://www.hansardsociety.org.uk/publications/guides/what-is-a-private-members-bill>

¹⁵ Nyabor Jonas. (2021). *Sam George; 7 other MPs sponsor bill for criminalization of LGBTQ+ activities*. Citinews. Retrieved 10th May,2023 from <https://citinewsroom.com/2021/06/sam-george-7-other-mps-sponsor-bill-for-criminalization-lgbtqi-activities/>

According to parliament, the committee scheduled to undertake public hearings said, it had received more than 150 memoranda from individuals, groups and faith-based organizations on the Bill and it was expected to hear petitions in a series of public sessions before the Bill was put to a vote at the plenary (Parliament of Ghana 2021). On 30th March, 2023. The Honorable Member Sam George via his official twitter page, posted with copies, the order paper of the report of the committee on Constitutional, Legal and Parliamentary Affairs on the “anti-LGBTQ+ bill and suggested that debates were to soon commence. Upon submission of the Bill, the Speaker of Ghana’s Parliament Honorable Alban Bagbin called for an expedite process by the committee handling the Bill. According to him, *“the bill was causing global waves and finality needed to be brought to the issue before the 2024 general elections”*. He added.

“When we talk about sexual rights, we are talking about things that will add value to human beings by way of creating opportunities and equal playing ground in giving privileges and rights to everyone and removing all the restrictions and hurdles to make people freer. That is what we call human rights, whatever negates this is not a human right”, the Speaker of Parliament added¹⁶

According to the memorandum, this is a bi-partisan bill, and members of parliament from both sides of the political divides are in favor of the Bill passing into law. Prescribers of the proposed legislation find LGBTQ+ persons and their activities ‘unnatural’, ‘inhumane’ and alien to the Ghanaian society. A minority of Ghanaians who are advocates for the LGBTQ+ community want their voices heard and their rights respected.

¹⁶ Nettey Nerteley. (2022). *Anti-LGBT Bill Will Be Passed Before 2024 Elections -Bagbin*. Citinews. Retrieved 10th May, 2023 from <https://citinewsroom.com/2022/10/anti-lgbt-bill-will-be-passed-before-2024-elections-bagbin/>

4.4 Semiosis: The Criminal Code, 1960 (Act 29) of the Republic of Ghana Chapter 6 (sexual offence, section 102)

The criminalization of LGBTQ+ activities can be considered a ‘social wrong’ in that it questions and undermines the rights of minorities. The Ghanaian Criminal Code 1960 was introduced and enacted in conjunction with the criminal procedure code (Act 80) with which is intended to be read and applied (Read, 1962). A result of the consolidation of the code is that it includes some definitions of offences formerly found only in separate local enactments or introduced in the United Kingdom statutes (Read, 1962). Deduced from this reason, an article by Human Rights watch suggests that Ghana is one of several dozen former British colonies that inherited the Victorian Laws which prohibit “unnatural offences” (Isaack, 2018). Chapter 6 of the Criminal Code which falls on sexual offences criminalizes “unnatural Carnal Knowledge” in section 102. The offences read as follows:

“(1) Whoever has unnatural carnal knowledge—

(a) of any person of the age of sixteen years or over without his consent shall be guilty of degree felony and shall be liable on conviction to imprisonment for a term of not less than five and not more than twenty-five years; or

(b) of any person of sixteen years or over with his consent is guilty of a misdemeanor; or

(c) of any animal is guilty of a misdemeanor.

(2) Unnatural carnal knowledge is sexual intercourse with a person in an unnatural manner or with an animal”. (“The Criminal Act 1960 of the Republic of Ghana,” 1960)

For the purposes of this research, the semiotic dimension of the term “unnatural carnal knowledge” is a vital component in answering the research question. From the perspective of CDA, laws, just like any form of language, carry ideas and values. The language of the law classifies the world and represents identities and human agency. It shapes, legitimizes, and naturalizes practices (Cheng & Machin, 2022). “Unnatural carnal knowledge” enhances the criminalization of intercourse between men, although does not explicitly give recognition to women and other LGBTQ+ related activities, which are nonetheless also criminalized and frowned upon in the Ghanaian society (Guida, 2021).

The Committee on Constitutional, Legal, and Parliamentary Affairs produced a report on the proposed Bill in March 2023, after their extensive deliberations they noted “*the current law appears to be discriminatory towards males because unnatural carnal knowledge between or among persons of the female sex appears not to be contemplated by Act 29 and therefore not criminalized*”. Therefore, it is an objective of the bill to state a broader prohibition on unnatural carnal knowledge between the same sex in general¹⁷. The term ‘unnatural carnal knowledge’ can be given room for multiple interpretations. This is one of the reasons I found for a strong push for the emergence of the proposed bill to encompass all LGBTQ+ related activities and its advocacy as well.

As stated earlier, majority of Ghanaians are not in favor of the LGBTQ+ community and its related activities according to CDD-Ghana, therefore a further clamping down on them with an even severe punishment suggests the enhancement of an already existing “otherness” in the Ghanaian system, thus an “us” vs “them” narrative. “othering” produces marginality and inequality: the individual or social group being ‘othered’, experiences it as a process of social exclusion, marginalization, and disempowerment (Nartey, 2021). Many Ghanaians have referred to this law to promote homophobia towards LGBTQ+ because one group is thereby deemed unnatural in the social order. Nartey (2021) also documented how Mr. Moses Foh

¹⁷ Anyimadu-Antwi, K. (2023). *Report of the Committee on Constitutional, Legal and Parliamentary Affairs on the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021*. Parliament of Ghana.

Retrieved 10th May, 2023. from <http://ir.parliament.gh/handle/123456789/3055>

Amoaning, who serves as one of the pioneers of the anti-LGBTQ+ Bill said that homosexuals do not have any rights, insisting that the act is a criminal offense.

4.5 Using CDA to Analyze the Proposed-Legislation (anti-LGBTQ+ Bill)

Through a CDA of the anti-LGBTQ+ Bill, two sections were developed as ways to analyze the text and to generate the factors that led to it. **The Language in Action section** is about examining the lexical choice and placement of the text to depict priorities in the proposed legislation, and the **Rhetoric vs Reality** section is about assessing the impact the Bill has on the LGBTQ+ minorities that are part of the Ghanaian Society. Critically looking at the language of action I chose to look at some aspects of the memorandum attached to the Bill. They were chosen because of the emphasis and justification indicated by the proponents of the Bill.

4.5.1 Language in Action

Fairclough admits that texts can never be understood or analyzed in isolation but can only be understood in relation to webs of other texts and in relation to social contexts (Jørgensen & Phillips, 2002). A discussive practice looks at the intended recipient of a text by examining the “intertextual chain,” or the many versions of the text that have existed and led to its current state (Jørgensen & Phillips, 2002). In so doing, it makes it plausible to view the proposed anti-LGBTQ+ bill and how it has been framed by privileged members of society for the view of the general population intended to consume it.

Some of the words that have been chosen and placed in the memorandum attached to the Bill are a huge indication that drafters of the bill find homosexual activities appalling. The choice of words and ethos depict how identities are constructed through language and aspects of the body (Jørgensen & Phillips, 2002).

An example of a word used in the memorandum that has the potential to cause ‘othering’ and further human rights abuses is the word ‘proper.’ This can be found in the bill's title as at the time this research was undertaken. “Promotion of ‘**Proper**’ Human Sexual Rights and Ghanaian Values Bill, 2021”. One would infer that, the term ‘proper’ was placed in the title to show what the majority of Ghanaians (according to the drafters of the Bill) see as sexual rights. This falls under a branch of Sexual Citizenship. Sexual Citizenship refers to a status entailing a number of different rights claims, some of which are recognized as legitimate by the state while others are sanctioned (Richardson, 2000). In the Ghanaian society, most of the elites are amongst those who advocate for the legislation where sexual activity that is natural should lead to sexual reproduction. The view of sexuality is seen as a naturally given series of rights that God created. This is reflected in Former President Kuffuor’s opinion on the LGBTQ+ community, mentioned in discussion about the legalization of LGBTQ+ in the country: *“I rejected LGBT legislation when I was President because it baffled me. It still baffles me because the practice is against our culture, religion and defies nature.”¹⁸*

The Report of the committee on Constitutional, legal, and Parliamentary Affairs in March 2023, suggested a short title of the Bill. They noted that the use of the word “proper” in the title did raise some subjectivity issues. The committee agreed with the sponsors of the Bill to amend it to a short title of the Bill to read as “Human Sexual Rights and Family Values Bill, 2021”. However, the public is yet to receive a copy of the new changes and recommendations of the Bill as at the time this thesis was written.

From the Analysis above we can deduce how the use of language can be integral into framing sentencing to the benefit of the proponents of the proposed legislation. In CDA, there is a relationship between discourse and hegemony. The concept of hegemony implies development in various domains of civil society. (For example, work, education, leisure activities etc.) which naturalizes relations and ideologies. The relationship of discourse to hegemony is that discourse itself is a sphere of cultural hegemony- the hegemony of a class group over the whole society or sections of it (Fairclough, 2013, pp. 94-95). In the next section, I will use CDA methods to

¹⁸ Promotion of Proper Human Sexual Rights, and Ghanaian Family Values Bill, 2021., (2021).

<https://cdn.modernghana.com/files/722202192224-0h830n4ayt-lgbt-bill.pdf>

move away from the intrinsic language element to discuss how structures of government are huge contributors to the emergence of the proposed Bill.

4.5.2 Layout.

The way that a particular text is laid out takes intertextual control into consideration, which is the way the text interacts, compliments, and contradicts with other parts of the document (Jørgensen & Phillips, 2002). In section 3 of the Bill, Duty to Promote Human Sexual Rights and Ghanaian Family Values, sub section 2 outlines all the possible institutions urged to promote and protect the bill.

3. (1) Each citizen shall promote and protect the proper human sexual rights and Ghanaian Family Values.

(2). Without limiting subsection (1), the following persons or institutions shall, within the jurisdiction of the persons or institutions, promote and protect the proper human sexual rights and Ghanaian family values specified in section 2 of this Act:

(a) a Parent;

(b) a guardian;

(c) A teacher or any other educational or religious instructor;

(d) a church, a mosque or other. Any other religious or traditional institutions or organization

(e) the Executive;

(f) the Legislature;

(g) the judiciary.

(h) relevant independent constitutional bodies including the Commission of Human Rights and Administrative Justice and the National Commission for Civic Education; and

(i) the media and creative arts industry.

(3) The institutions referred to in subsection (2) shall collectively,

(a) ensure that the proper human sexual rights and Ghanaian Family Values are integrated into the fabric of national life;

(b) make conscious effort to introduce the proper human sexual rights and Ghanaian family Values perspectives to relevant aspects of national planning.

(C) ensure that the proper human sexual rights and Ghanaian Family Values are adopted and developed as an integral part of the growing needs of society.

Discursive work in CDA also relies upon ‘background knowledge,’ local explanatory model of the researcher (Fairclough, 2013, p. 43). Through my background knowledge, I argue that the social institutions mentioned in the above clause have played a huge role leading up to the emergence of the Bill. These can be grouped into two main institutions: Religious bodies and State institutions. These social institutions in charge of promoting and protecting the Bill are hegemonic structures in Ghana. They have a strong foothold on the country’s identity and culture. Under the above-described section of the Bill, the powers instilled into these institutions to enforce the Bill show how deeply rooted the notion of ‘othering’ is entrenched in the Ghanaian system.

4.5.3 Religious institutions

In Ghana, Christianity and Islam are the two most significant religious bodies, with African indigenous religion being the third most significant religious tradition. Ghana has one of the highest percentages of religiously affiliated populations, only around six percent of the population describe themselves as having ‘no religion’(GSS 2012;Pero-Templeton 2010;Meijer, 2022). However, the 2021 population and housing census in Ghana revealed that Pentecostal/Charismatic Christians were the largest religious group in Ghana, reaching a share of 31.6 percent. This translated into over 9.7 million of the country's population, an increase compared to the 2010 census year. The Islamic region followed with a nation-wide coverage of 20 percent. Moreover, only 1.1 percent of the country's population had no religion, which was a decrease from the 5.3 percent in the previous census year(Statista, 2021).Most Ghanaians view homosexuality to be a colonial import in Africa and it is seen as ‘Un-African’ and non-religious. Despite the fact that sexual orientation in Ghana have been redefined due to colonialism, as well as due to the arrival of Christianity and Islam, non-heteronormative relations are still viewed as an import not in line with Christian and Islamic or Traditional values(Meijer, 2022).

The Christian Council of Ghana, which is an amalgamation of Christian bodies, sent out a communique after claiming to have followed with concern and keen interest, the recent developments in the country regarding the ‘supposed rights’ of LGBTQ+ community. They go on to state that, *“as a Christian majority nation, the Council has a mandate to espouse the position of the Christian faith on homosexuality to all citizens. They explained the Bible’s position on marriage, homosexuality and family values Ghanaians ought to uphold¹⁹”*. Furthermore, they describe homosexuality as a *“‘sinful,’ ‘perversion,’ ‘abominable,’ ‘vile passion,’ unnatural relation that is contrary to nature, a shameful act and an error that attracts penalty from God and should be condemned from the Bible’s point of view²⁰”*. Interestingly, they went on to state their position different from the Bible, thus, *“homosexuality is not a human right, and they reject all uncertain terms as a council. The family system in Ghana has no place to accommodate homosexual unions in the country”*. Amongst other strong positions of the CCG, they also encouraged people not to put the law into their own hands by molesting and attacking persons known to be homosexuals and encouraged the government to ensure that the laws of the nation concern homosexuality is enforced²¹. ”

Much like the Christian Leadership, On 24th February,2021. Ghana web, which is one of the leading official websites in Ghana, published an article involving the highest-ranking member Sheik Dr. Usumanu Nuhu Shaributu, the National Chief Imam, who urged the Government to consider the immediate review of the country’s laws to criminalize homosexuality. The statement said: *“going strictly by Qur’anic teachings and the traditions of the Holy Prophet Mohammed (S.A.W), regarding the non-negotiable prohibition of same sex, the Muslim community in Ghana remained resolutely opposed to any attempt to legalize homosexuality as*

¹⁹ Christian Council of Ghana. (2021). *For Immediate Release:CCG Statement On LGBTQI+*. Christian Council Ghana. Retrieved 10th March,2023. from <https://www.christiancouncilofghana.org/NewsPages/For-Immediate-Release-CCG-Statement-On-LGBTQI.php>

²⁰ Ibid.

²¹ Ibid.

*a way of life and asked the government to criminalize the practice*²².” He also held the position that: *“Islamic religion stood vehemently opposed to homosexual inclinations because it constituted a dangerous threat to the existence and sanctity of human family values. The statement then called on all citizens to engage in serious prayers for God’s interventions to free the proponent of the LGBTQ+ activities from their sinful and deviant worldview”*²³.

Much like the two dominant religious institutions, the traditional indigenous religion ascribes to enforcement of the proposed anti-LGBTQ+ legislation. However, they have been more radical in their pursuit. On 24th January, 2023, Ghana web published an op-ed about how a section of traditional leaders threatened to organize a nationwide demonstration if Parliament failed to pass the proposed bill in the first quarter of 2023. They warned that: *“all chiefs across the country will be forced to hit the streets with their citizenry to demand immediate passage of the bill into law”*²⁴. In 2021, the Kwabenya traditional council in the Ga East Municipality of the Greater Accra Region threatened to burn a house at Ashongman, where alleged LGBTQ+ individuals held their meetings. Nii Mensah Dza Nyomo 1, the Public Relations officer at the time described the development as unacceptable. *“We would not sit down for Kwabenya to gain a bad name, that the LGBTQ+ meeting ground or office is in Kwabenya Ashongman. No way!! He warned”*²⁵.

²² Ghana Web. (2021b). *Review Laws To Criminalize Homosexuality*. Ghana Web. Retrieved 10th May, 2023 from <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Review-laws-to-criminalise-homosexuality-Chief-Imam-1187860>

²³ Ibid.

²⁴ Ghana Web. (2023a). *Traditional Leaders to demonstrate over delay in the passage of the anti-LGBTQ+ bill*. Ghana web. Retrieved 10 May, 2023 from <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Traditional-leaders-to-demonstrate-over-delay-in-the-passage-of-anti-LGBTQ-bill-1700456>

²⁵ Ghana Web. (2021a). *LGBTQ office identified at Ashongman; Kwabenya Traditional Council vows to set it ablaze*. Ghana Web. Retrieved 10th May, 2023. from

Given the above examples, it is no surprise that all three of these religious institutions are signatories to the proposed anti-LGBTQ legislation. In the memorandum attached to the Bill on page 3, an amalgamation of Christian and para-Christian bodies, Muslim Organizations' including the National Chief Imam's Office, National House of Chiefs and opinion leaders called on the government to strengthen the laws and resist attempts by any entity to disregard the cherished culture and social values of Ghanaians²⁶. Unfortunately, this means a zero tolerance for LGBTQ+ Ghanaians who may find themselves attached to these organizations by way of association.

4.5.4 State institutions (Political Actors and the Media)

The State has succumbed to the public pressure to manage the risk of homosexuality through policies and legislation aimed at the threat it poses (Meijer, 2022). I argue that in so doing, the State uses moral panic to serve direct economic or professional interest. Office holders and candidates can use moral panic to their political advantage by taking or promising action that will appear decisive to calm the fears of the populace (Hammond, 2011). Moreover, politicians can take advantage of moral panics to expand their power. A frightened public calls for severe measures and may tolerate abuse of power (Hammond, 2011). The Ghanaian experience shows that moral panics feed off deep-seated and dominant narratives fears and vulnerabilities that are cultivated and mobilized by moral entrepreneurs (Tettey, 2016).

State institutions such as the media amplify concerns about "folk devils". They feed stereotypes through the discursive practice of framing (Tettey, 2016). Ghanaians have had thirty years democratic governance since the start of 1993 after emergence of the 1992 constitution (Akagbor et al., 2022). However, minority rights infringements such as in the case of LGBTQ+ communities leave so much to be desired of Ghana's democracy.

<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/LGBTQ-office-identified-at-Ashongman-Kwabenya-Traditional-Council-vows-to-set-it-ablaze-1186336>

²⁶ Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021., (2021).

<https://cdn.modernghana.com/files/722202192224-0h830n4ayt-lgbt-bill.pdf>

As mentioned previously, majoritarianism as a political philosophy gives prominence to the notion that collated views of the majority have primary in decision making and in directing the affairs of the state. It is important to note that the drafters of the proposed Bill are on the side of most of the Ghanaian population, and the Bill is a bi-partisan one. The drafters of the proposed legislation state that they are acting in the interest of majority Ghanaian population. However, this is to the detriment of the LGBTQ+ community who are clearly in the minority. There seem to be a symbiotic relationship between the dominant rationality of the majoritarian feature of Ghana's democracy that minoritizes political opponents including minorities such as LGBTQ+ citizens from the country's socio-political space(Akagbor et al., 2022). A sense of Winner-takes-all (WTA), which can be explained in terms of partisan monopolization of State resources, facilities and opportunities leads to the exclusion of political opponents from national governance. This manifests a zero-sum tendency in politics, that is characterized by marginalization and exclusion of actors in opposing groups from access to resources and other entitlements and incentives.(Abotsi 2013;Gyampo, 2015).

4.5.5 Political actors

As already stated, the crackdown of LGBTQ+ activities in the country have been a bi-partisan one thus far. Political figureheads have not shied away from their uttermost disdain of LGBTQ+ activities and their willingness to further criminalize these minorities. The memorandum attached to the Bill made use of several examples where prominent figure heads, such as former heads of State, spoke out against the LGBTQ+ minority in the country.

A famous quote which has been used as a point of justification repeatedly in the Ghanaian political circles, was from the Late former President John Evans Atta Mills, who in addressing concerns that the United Kingdom's threats of halting donor funding if Ghana, if it did not soften its stance on LGBTQ+ related matters would only serve to strengthen the political will to not decriminalize homosexuality.

“Let me make one thing very clear: no one can deny Prime Minister Cameron his right to make policies, take initiatives or make statements that reflect his societal norms and ideals, but he does not have the right to direct other sovereign nations as to what they should do especially where their societal norms and ideals are different from those which exist in Prime Minister Cameron's society. I as president of this nation will never initiate or support any attempts to legalize homosexuality in Ghana. As a government, we will abide by the principles enshrined in our Constitution which is supreme. Let me also say that, while we acknowledge all the

financial assistance and all the aid which has been given to us by our development partners, we will not accept any aid with strings attached if that will not inure to our interests or the implementation or the utilization of that aid with strings attached would rather worsen our plight as a nation or destroy the very society we want to use the money to improve”²⁷.

The Speaker of Ghana’s current Parliament Hon. Alban Kingsford Bagbin is one of the prominent opposition leaders who has shown a staunch commitment to the passing of the Bill. He has spoken out several times against LGBTQ+ persons in the country and remains resolute of the passing of the Bill into Law during his tenure as Speaker of Parliament. He also issues statements to the public that may be seen as derogatory. For example, *“I can tell you that LGBTQ+ is more than COVID-19, and I am happy, that our beloved country, Ghana is together in this”²⁸*.

The visit of the 49th Vice President of the United States, Kamala Harris to Ghana as part of a tour of the African Region in 2023, sparked some conundrum in the Ghanaian society as she made her and the USA’s stance on LGBTQ+ clear and considered it a Human Rights issue. However, speaking at a breakfast meeting with the clergy, Hon. Bagbin responded to the Vice Presidents thoughts and noted:

“As Vice President of the U.S.A, Kamala Harris did yesterday, these things should not be tolerated, that is undemocratic. What is democracy? That someone should have to dictate to me what is good and what is bad? Unheard off!... he then went on to address the President of the nation: “A word to the President, Nana-Addo Dankwa Akufo-Addo. There is no way he can intervene. That answer he gave, wait until we pass it, and we will direct you to execute it, that

²⁷ Ibid.

²⁸ Milton Josh. (2021). *Ghana’s Speaker of Parliament says the ‘LGBT pandemic is worse than COVID-19’*.

The Pink News. Retrieved 11th May,2023. from <https://www.thepinknews.com/2021/07/01/ghana-alban-bagbin-lgbt-covid-19/>

is where you come in. In terms of law, which is part of the policy, we will finalize it, then the executive has authority to implement it. Let us get it clear²⁹” he stated.

Furthermore, a leading voice for the push for the LGBTQ+ bill in the person of Sam Nartey George who also serves as a member of parliament for the Ningo-Prampram constituency, again sent a rebuttal to Kamala Harris and the United States about the criminalization of LGBTQ+ activities in Ghana. According to the member of Parliament, *“the United States and Kamala Harris should be the last person to educate Ghana on human rights because in her country the lives of people are taken for no reason... Kamala Harris is not the S.I unit for Human Rights, she is actually one of the last people in the world who should be talking about human rights...³⁰”*.

These are but a few examples of Ghanaian political figure heads representing various part of government, that have sparked public debates with their sentiments and serve as a fueling factor to the passing of the bill. The conundrum is that public opinion and imagination is fueled in context by the heteronormative majoritarian Ghanaian society, and it is problematic to the small minority LGBTQ+ group in the country. Political figureheads who wield a lot of power, especially in the prism of public opinion, may cause hate, bigotry, discrimination and enhance human rights abuses. Unsurprisingly, these political figures contribute to the push for passing the Bill into law.

²⁹ Okine Ayikwei Nii. (2023). *Your comments on anti-gay bill undemocratic- Bagbin to Kamala Harris*. Citi News. Retrieved 11th May, 2023. from <https://citinewsroom.com/2023/03/your-comments-on-anti-gay-bill-undemocratic-bagbin-to-kamala-harris/>

³⁰ Ghana Web. (2023b). *You're the last person who should talk about human rights- Sam George to Kamala Harris*. Ghana Web. <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/You-re-the-last-person-who-should-talk-about-human-rights-Sam-George-to-Kamala-Harris-1739555>

4.5.6 The media

Ghana's young democracy has been helped by the activities of the media, especially over 300 newspapers and 147 private FM stations operating throughout the country (Arthur, 2010). The media has been an instrumental tool in safeguarding many of the country's democratic principles by performing 'watchdog' and monitoring functions (Arthur, 2010). However, through topic selection and the concealing of the agency of LGBTQ+ people and silencing of their voice, the media constructs LGBTQ+ issues as a threat to the moral fabric of Ghanaian society (Nartey, 2021). For instance:

"Homosexuals deserve no rights, they are deviants-Speaker Roars"- (Ghana web 30/10/2019).

"Stop the Foolishness"- Actor David Osei slams homosexuals (Starr FM Online 24/04/2019)

"Most homosexuals are satanists"- Prof Martey. (Adom Online 05/03/2018). (Nartey, 2021).

On August 31, 2006, Prince Kwaku McDonald, the then President of the Gay and Lesbian Association of Ghana (GALAG) went on Joy Fm (a radio station located in Accra) to echo the rights of gays and lesbians and announced a proposed international conference that was to be held in Accra and other locations. This unleashed an unprecedented atmosphere of hatred for homosexuals (Essien & Aderinto, 2009). This was apparent in the walls of the government, churches, mosques, university campuses, and larger public conversations. The president of the (GALAG) then, thought that the most pressing battle to be fought was in the court of Public Opinion and the Media (Essien & Aderinto, 2009). At the time, print media was especially keen on producing controversial homosexuality stories to improve sales and readership (Essien & Aderinto, 2009). The media played a large part resulting in threats on McDonald's life- the pressure became so intense that he had to flee the country to an undisclosed location in West Africa (Quaye, 2006; Essien & Aderinto, 2009).

Some media houses in Ghana have recently tried to listen to debates from both sides of the divide. A fiery debate over the passage of the Bill took place on a live broadcast, when the executive secretary of the coalition of Proper Human Sexual Rights and Ghanaian Family Values, Mr. Moses Foh-Amoaning met with Professor Emerita Takyiwaa Manoh of the concerned Ghanaian Citizens opposing the passage of the anti-LGBTQ+ Bill. Professor Manoh argued for the Bill to be abolished describing it as *"horrible' and 'hate promoting' and ought*

*to be thrown out in its entirety*³¹.” The debate got personal at times, and she was attacked by other panelists on the show by urging her to reveal her sexuality and her response was “*You are asking me for a lawyer, am I gay or lesbian myself. This is really for a lawyer very unimaginable, it is illogical. Whatever I am has nothing to do with the positions that I am making, I am making it as a human rights issue*³²”.

Ghana’s media landscape is considered to be among the freest on the African continent with deliberate actions taken to protect and promote media freedoms, such as the 2001 repealing of the criminal Libel law which served as precedent to incarcerate journalist unnecessarily (Cohen, 2022). However, much work is needed to raise awareness amongst media houses of the need for advocating for the basic rights and freedoms of LGBTQ+ individuals. These minorities are still usually vilified in Ghana’s media spaces, which helps in making them targets of violence, discrimination, and hatred.

4.6 Rhetoric vs. Reality

People use discourse rhetorically in order to accomplish forms of social action in particular contexts of interaction (Jørgensen & Phillips, 2002, p. 119). Language use is, in this sense, “occasioned”. The focus of analysis here is not on the linguistic organization of text and talk as in CDA, but on the rhetorical organization of ‘text’ and ‘talk’ which may undermine alternative versions (Jørgensen & Phillips, 2002). When assessing a document of legislation, it is paramount to examine the rhetoric outlines, versus what is reasonably realistic for the populations impacted by the language (Hewkin, 2015).

In this case, I will look at how “realistic” section 20 and 21 of the proposed Bill are, in terms of what is proposed under the heading: ‘Access to medical help or treatment by the accused’.

³¹ Graphic Online. (2023). *LGBTQI debate: Moses Foh-Amoaning clashes with Professor Emerita Takyiwaa Manu on Live TV*. Graphic Online. Retrieved 11th May, 2023 from <https://www.graphic.com.gh/news/general-news/lgbtqi-debate-moses-foh-amoaning-clashes-with-professor-emerita-takyiwaa-manu-on-live-tv.html>

³² Ibid.

“Access to medical help or treatment by accused:

20. (1) A person who

(a) upon arrest;

(b) during police investigations.

(c) upon arraignment before court;

(d) in the course of trial; or

(e) at any time during incarceration

For the commission of an offence under this Act recants and makes a voluntarily request to access an approved medical help or an approved medical treatment, shall be granted access to the approved medical treatment.

(2) The cost for an approved medical help or medical treatment under subsection (1) shall be borne by the person or any other person, including an approved service provider, on behalf of the person.

Flexible sentencing.

21. The Court, in addition to imposing a sentence under this Act, may make such orders as appropriate to serve the interest of justice or secure the welfare or well-being of the convicted person if

(a) The person convicted openly recants and requests access to an approved medical help or approved medical treatment, and

(b) The Court is satisfied that the request of the convicted person is genuine. ("Promotion of Proper Human Sexual Rights, and Ghanaian Family Values Bill, 2021., " 2021)

The language used above, demonstrates that a person can be forgiven and granted leniency if that person openly recants (which means when one no longer holds an opinion or belief) and requests access to an approved medical help or treatment. This can be seen as factor that has led to the formulation of the Bill, because most Ghanaians see LGBTQ+ related activities as ‘abnormal’. Hence, the need to fix these abnormalities through medical means. Should the Bill pass, it will serve as a legitimate justification for the rendering of ‘medical help’ to LGBTQ+

members who recant their stance. In the Ghanaian context, leaders in the socio-political space view homosexuality as abnormal and therefore seek to use the Bill as a legitimate means to entrench treatment options which will involve conversion therapy. However, this has been met with much criticism both nationally and internationally.

For over twenty years, homosexuality was classified by the American Psychiatric Association as a psychological disorder and it was understood as a psychological illness stemming from early childhood trauma (Barounis, 2017). In the U.S., gay activists embarked on a multitude of protests in 1970 and 1971 which targeted the American Psychiatric Association. They used guerilla performance and other confrontational tactics, and called attention to the value judgement biases that underpinned the supposedly objective criteria for diagnosing mental illness (Barounis, 2017). Despite changes in classifications, conversion therapy and associations of homosexuality with mental health issues are still alive and well in many countries in the world, including Ghana.

Since the beginning of the modern era, individuals or their families wishing to ‘cure’ homosexuality have sought sexual conversion therapies from physicians and mental health professionals (Drescher, 2002). The underlining premise of conversion therapy also known as reparative therapy is that, LGBTQ+ individuals have a mental illness that needs to be cured, and the underlying objective is to change the sexual orientation or gender identity of that person (Campbell & Rodgers, 2023). The most common technique now is known as ‘talk therapy’, but earlier forms of therapy included “aversive techniques” that comprised of electrical shocks, nausea-inducing substances, paralysis, prompts to inflict self-harm and orgasmic reconditioning (Glassgold, 2009; Campbell & Rodgers, 2023). Complaints about poor outcomes have led to a wide range of scrutiny.

In the case of sexual orientation, a systematic review of peer-reviewed articles on conversion therapy found 13 studies containing primary research. 12 out of 13 of results found conversion therapy for sexual orientation ineffective or harmful. The 13th study results were deemed implausible due to problematic research design issues (Campbell & Rodgers, 2023).

Major medical associations around the world have discredited conversion therapy. For instance, in its 2018 policy statement on care for transgender and gender-diverse youth, the American Academy of Pediatrics wrote that conversion therapy is not only unsuccessful but also inappropriate, unfair, and deceptive (Rafferty et al; 2018 Campbell & Rodgers, 2023).

In Ghana, doctors provided an anti-LGBTQ+ health misinformation and promoted practices that could be categorized as ‘conversion therapy’. This promotion of health misinformation has occurred through events organized by the National Coalition for Proper Human Rights and Family Values, the anti-LGBTQ+ campaign group that is said to have been behind the proposed Bill³³. “*We have created a holistic sexual therapy system*”- General secretary of the National Coalition for Proper Human Rights and Family Values³⁴.

The Human Rights Coalition in the Country has issued a press statement condemning activities that promote ‘conversion therapy’ in Ghana and called on Health Authorities to intervene or stop them. “*The coalition regrets and condemns attempt by the anti-LGBTQ+ movement to classify homosexuality as a ‘disorder’ for which treatment ought to be sought. Any such classification is unscientific and goes to entrench the deep seated and widespread discrimination to which members of the LGBTQ+ community are already subjected*”³⁵ the report stated. Health-related discourses are undoubtedly important factors around the formulation of the Bill.

³³ Khatondi Soitu Wepukhulu. (2022). *Top Ghanaian doctors use misinformation to train nurses in ‘Conversion Therapy’*. Open Democracy. Retrieved 11th May,2023 from <https://www.opendemocracy.net/en/5050/ghana-anti-lgbtq-bill-conversion-therapy-training-doctors/>

³⁴ Ibid.

³⁵ Human Rights Coalition. (2022). *Condemnation of Activites Promoting ‘Conversion Therapy’ In Ghana and Call on Health Authorities to Intervene/Stop Them*. Ghana, Center for Democratic Development. Retrieved 11th May,2023 from https://cddgh.org/wp-content/uploads/2022/06/Press-Statement-Human-Rights-Coalition_-Condemns-Activities-Promoting-Conversion-Therapy-1.pdf

4.7 Does the Social Order ‘need’ the social wrong?

4.7.1 Provision of Human Rights and Freedoms (The 1992 Constitution of Ghana.)

Fairclough’s dialectical-relational approach to CDA leads us to consider whether the ‘social wrong’ in focus is inherent to the social order, whether it can be addressed within it, or only by changing it (Wodak & Meyer, 2009, p. 170). If a social order can be shown to give rise to major social wrongs, then that is a reason for thinking that perhaps it should be changed (Wodak & Meyer, 2009, p. 171).

Chapter 5 of the 1992 Constitution, which is based on the fundamental Human Rights and Freedoms of every Ghanaian ensures that every person in Ghana, “*whatever his race, place of origin, political opinion, color, religion, creed, or gender shall be entitled to the fundamental human rights and freedoms contained in the chapter, but subject to the respects for the rights and freedoms of others and for public interests*” (“*The 1992 Constitution of the Republic of Ghana*,” 1992).” In plain context, the inclusion of gender in the above clause ought to have covered individuals from the LGBTQ+ minority by virtue of them being Ghanaian alone. However, it has had the opposite effect. The strong will of socio-political figures, coupled with the quest to pass the proposed Bill, is enough evidence to show that LGBTQ+ minority are not protected nor accepted under the constitution. Unlike other African countries until now, Ghana had not taken steps to stiffen penalties against consensual same sex conduct or especially criminalize sexual relations between women³⁶, and it is pitiful that the country chooses to do so now.

Clause 15 under chapter 5 of the 1992 constitution ensures respect for human dignity, which is inviolable. However, the clause has been violated with impunity and without fear of prosecution on LGBTQ+ minorities. Sub-clause (2) says: “*No person shall, whether or not he is arrested, restricted or detained be subjected to torture, cruelty, or inhuman degrading treatment or punishment*” (“*The 1992 Constitution of the Republic of Ghana*,” 1992). Yet there are several

³⁶ Human Rights Watch. (2018). *Ghana: Discrimination, Violence against LGBT people*. Human Rights Watch. Retrieved 10th May, 2023 from <https://www.hrw.org/report/2018/01/08/no-choice-deny-who-i-am/violence-and-discrimination-against-lgbt-people-ghana>

exemplarily cases which go contrary to this provision in the case of LGBTQ+ persons. Human Rights Watch over the years has been able to document several of these cases, despite the fact that sometimes when LGBTQ+ people report crimes, they are either threatened with arrest or are in fact arrested, even though they are the victim of assault or theft.

“Brian, a 28-year-old man from Takoradi, told Human Rights Watch: On August 20, 2016, my friend was having a birthday celebration attended by more than 50 people in Tanokrom. He is also a baker, so he had four- layer cake. About 20 to 25 area boys invaded the party, saw the cake, and assumed it was a gay wedding. They started beating people and stole our phones and other valuable items. My friend immediately reported the incident to the police at Takoradi Market Circle Police Station. But the police turned around and arrested him instead.” – (Human Rights Watch Isaack, 2018).

According to Fairclough, it is about ideology which contributes to power relations and domination(Wodak & Meyer, 2009). The social ideals of Ghana do not permit for the LGBTQ+ activities to be liberalized. In 2021, The Commission on Human Rights and Administrative Justice (CHRAJ) called for tolerance in the discussion of LGBTQ+ issues. In a signed statement, the commissioner, Joseph Whittal said: *“Members of the LGBTQ+ community being human are equally entitled to protection of their human dignity as expressed in article 15 of the 1992 constitution. While their sexual orientation may not conform to the prevailing Ghanaian values and norms, it does not cast a doubt on their humanity and therefore, entitled to equal protection under the laws of Ghana³⁷”*.

³⁷ Modern Ghana. (2021). *CHRAJ calls for tolerance in LGBT debate*. Modern Ghana. Retrieved 11th May,2023 from <https://www.modernghana.com/news/1065706/chraj-calls-for-tolerance-in-lgbt-debate.html>.

Returning to Fairclough's dialectical relational approach, the proposed Bill can be categorized as a 'social wrong' which ought to be fixed. Provisions made for all Ghanaians in chapter 5 of the 1992 Constitution should have featured in the Bill addressing LGBTQ+ minorities, but this seems to have an opposite effect.

In the Conclusion Chapter, I will propose peace-building processes which may help majority of Ghanaians to accommodate a minority group (LGBTQ+ people) in a majoritarian Democracy.

5 Conclusion

This research examined the major factors that led to the emergence of the proposed bill, Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021, using the frameworks of ‘othering’, ‘Democracy’ and ‘Human Rights’. The analysis (Chapter 4) demonstrated that these concepts were helpful in exploring the major factors that led to the proposed anti-LGBTQ+ legislation in Ghana. It became apparent that there is no single factor that led to the emergence of the proposed bill, but multiple factors such as religious institutions, political actors, the media, and the quest by the Bill’s formulators to implement ‘medical treatments’ are huge contributors to the birth of the proposed bill.

In Chapter 2, I made use of this definition ‘othering’ “as the simultaneous construction of the self or in-group and the other or out-group in mutual and unequal opposition through identification of some desirable characteristic that the self/in-group has and the other/out-group lacks and/or some undesirable characteristic that the other/out-group has and the self/in-group lacks. This sets up a superior self/in-group in contrast to an inferior other/out-group, but this superiority/inferiority is nearly always left implicit”(Brons, 2015, p. 70). The push for the proposed legislation has furthered the ‘othering’ of the LGBTQ+ minority in the country. This has been aided by the majoritarian Ghanaian democratic system which favors heterosexual ideals over homosexuality. This leads to the marginalization of the LGBTQ+ minority, despite the calls for respect of the human rights of all persons in Ghana by both National and International Organizations such as CHRAJ and Human Rights Watch.

In Ghana, the LGBTQ+ minority is continually marginalized and discriminated against by the socio-political institutions mentioned in Chapter 4. These institutions serve as chief drivers for the promotion of the proposed legislation. ‘Othering’ in the Ghanaian system has been weaponized to push the LGBTQ+ minority further into the periphery. Nartey (2021) has discussed extensively otherness in the media and how the media’s constructs LGBTQ+ people as expendables and undesirables in the Ghanaian society.

Through my analyses and existing legal framework in Chapter 1, I established that all Ghanaians have been guaranteed fundamental human rights and freedoms. Divisions like the Commission on Human Rights and Administrative Justice (CHRAJ) and the Domestic Violence and Victims Support Unit (DOVVSU) in Ghana were established to curb violations and abuses against all persons. Ghana is also a signatory of several Human Rights ratifications, both regionally and internationally. Human Rights Watch found out that despite positive

initiatives by CHRAJ and some individual members in the Ghana Police Service, the government so far is failing to adequately protect LGBTQ+ persons from violence and abuses(Isaack, 2018). My analysis in the previous chapter demonstrated that some active political figures in government are drivers in the quest to criminalize LGBTQ+ activities in the country.

The conceptual framework of Human Rights was introduced to depict the contradictory features of a country that prides itself a liberal democracy (although a fledging one) with a constitution that guarantees fundamental human rights(Isaack, 2018). In a liberal Democracy such as Ghana, The 1992 constitution promised a governance system that could guarantee the rule of law and safeguard human rights of minorities from majoritarian excesses(Akagbor et al., 2022). However, the democratic system is what the majority attempts to weaponize against the small LGBTQ+ minority in the country. In my analysis, I established that some representatives of the Ghanaian socio-political ethos, in the form of religious and some state institutions (Political and Media institutions), are drivers in the charge to criminalize LGBTQ+ related activities in the country. The lack of protection and intolerance of divergent views shows that the beneficial effects of deliberative democracy, which is pegged on communicative rationality, is yet to be realized in Ghana(Akagbor et al., 2022). The analysis shows the failures of the Ghanaian democratic system, which has furthered the criminalization of LGBTQ+ activities in the country-the country can use the tenets of Democracy against people who are in the minority.

Despite all this, since Ghana is a democracy, there should be room for recommendations and propositions to solve the LGBTQ+ conundrum in the country. In the last section, I provide my recommendations, which are based on the preceding discussion of the proposed bill through the prism of CDA.

5.1 Recommendations for policy

At the time of writing, the report of the Committee on Constitutional, Legal, and Parliamentary Affairs, having reviewed thoroughly on the proposed bill, has recommended to Parliament to pass the bill into law (Anyimadu-Antwi, 2023).

The final stages of Fairclough's dialectical-relational approach are to identify possible ways past obstacles. This stage moves the analysis from a negative to a positive critique, by focusing on dialectical relations within the existing social process for overcoming obstacles to addressing the social wrong in question (Wodak & Meyer, 2009). Despite the negativity surrounding the LGBTQ+ minority in the country, there have been positive signs from institutions to rectify issues of domestic violence and gender abuses. CHRAJ have tried to reach out to the LGBTQ+ minority to ensure their protection and educate them on their rights (Isaack, 2018).

The Domestic Violence Act 2007 provides protection from domestic violence. It is mainly aimed at women and children and does not recognize other genders of the LGBTQ+ community. However, together with the UNFPA Ghana, the Domestic Violence Secretariat (DVS) of the Ministry of Gender, Children and Social Protection, established a comprehensive and coordinated approach to address the needs of domestic violence survivors, which may include LGBTQ+ members who face violence. The Orange Support Centre (OSC) was established to mainly address the needs of survivors of Sexual, Gender Based Violence in the country. As Head of UN systems at the Ministry of Finance Ms. Gladys Osabutey said at the inauguration, *"The aim is to help clients to access fast and effective legal assistance, referrals to SGBV shelters and all other services without a struggle and this is very critical if Ghana wants to achieve Sustainable Development Goals"*³⁸.

³⁸ Niyi Ojuolape. (2021). *Launch of Orange Support Centre and Boame App; Remedy to SGBV cases in Ghana*.

Niyi Ojuolape. Retrieved 10th May, 2023 from <https://niyiojuolape.com/2021/03/19/launch-of-orange-support-centre-and-boame-app-remedy-to-sgbv-cases-in-ghana/>

One remarkable aspect of the Bill is that it also considers the protection of LGBTQ+ minority, as expressed in clause 22 subs section (1) and (2):

“Protection and Support for Victims, Accused and other Persons” 22.

(1) which states: ‘A person commits a misdemeanor if the person, whether verbally or physically, abuses, assaults, or harasses a person

(a) accused of an offence under this Act; or

(b) suffering from any gender or sexuality identity challenge including LGBTTQQAAP+ or any other variant of a sexual identity challenge,

(2) A person who commits a misdemeanor under subsection (1) is liable to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than six months and not more than three years’ (“Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021,” 2021)³⁹.

The provisions made in the Bill give a sense of protection from ‘mob justice’ and other forms of abuse from the public, yet LGBTQ+ related activities will still be criminalized and seen as “abnormal”. The fact that the community is still criminalized still puts them at risk, irrespective of this provision.

From the above discussion, one can argue that the participation and communication between the majority and minority citizens of Ghana, should be the first consideration before any bill is proposed to be assented into a law. A bottom-up approach to peacebuilding, where communication is the main instrument to broker tolerance and co-existence, could help ensure that the LGBTQ+ minority group is heard, and their rights are considered. This is because through participatory communication and a tailored use of the government resources, communication can create new platforms and channels for **all** citizens to be agents in the national reconstruction (Baú, 2016). An active engagement with the LGBTQ+ community can

³⁹ It is interesting to note that, the maximum jail term for an individual who has been convicted of LGBTQ+ related offences, according to the Bill, could be three to five years or both. However, a person who commits an offence by abusing an LGBTQ+ individual be it physically, or verbally is subjected to a maximum of three years Jail term.

promote peacebuilding measures. Using CDA, I discovered the level of power of the top-down structures, along with the deep indignation of the LGBTQ+ community. Local LGBTQ+ members ought to have a say concerning their fundamental human rights and freedoms as Ghanaians. Nowhere in the proposed Bill or the memorandum attached was there any form of consultation talks to attempt to listen to the minority group being criminalized and to consider their voices. While the committee that reviewed the Bill argued that it had received multiple entries from both sides⁴⁰, LGBTQ+ individuals were not consulted.

To decriminalize LGBTQ+ activities may be utopian in Ghana. However, future laws and policies could take steps to better engage with minorities to form policies that are beneficial and inclusive for all. My research reveals the one-sidedness of the Bill, which was deliberately intended to further criminalize the LGBTQ+ minority. The LGBTQ+ minority have rights and they contribute to the development of Ghana with their taxes, skilled and unskilled labor. By virtue of being Ghanaian, these minorities ought to be protected from being marginalized, discriminated against, or pushed to the periphery through criminalization⁴¹. Going forward, policies formulated ought to guarantee the human rights and dignities as provided by the 1992 constitution of Ghana and Human Rights ratification Ghana is a signatory of.

5.2 Advocating For Peace Education

Borrowing from Peace Studies, Johan Galtung's work on 'Positive Peace' which requires building and strengthening the factors that foster peace, includes building a structure based on reciprocity, equal rights, benefits, and dignity which is integral to sustaining peace processes amongst any factions that disagree (Galtung; Mahmoud, 2017). Sustaining Peace tendencies such as well functioning institutions, tolerance for diversity, respect for the rights of others and security from physical harm are approaches that could fit perfectly in this context (Mahmoud, 2017). Sustaining Peace process, seeks to place greater emphasis on detecting and strengthening what is already working, not only what is in disrepair and needs fixing (Mahmoud, 2017). This concept attempts to broaden the peace agenda, to include proactive measures aimed at building

⁴⁰ Parliament of Ghana News. (2022). *Promotion of Proper Human Sexual Rights And Ghanaian Family Values Bill, Goes Through Third Public Hearing*. Parliament of Ghana. <https://www.parliament.gh/news?CO=172>

⁴¹ Yeboa-Mensa, S. (2017). Rights of LGBT People in Ghana: Perceptions of Ghanaians Living in Finland.

on peace where it already exist by building on already existing structures, attitudes, and institutions that underpin it(Mahmoud, 2017).

In Ghana, there are both National and International Organizations including Civil Society organizations, such as: CHRAJ, CDD-Ghana, National Peace Council (NPC), The Orange Support Center (OSC) under the Domestic Violence and Victims Support Unit, United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Development Programme (UNDP), amongst others, who have as part of their objective; is to promote peace, tolerance, and ensure Human Rights Freedoms. Most also facilitate and develop mechanisms for preventing, managing, and resolving conflict and building sustainable peace.

Based on my Analysis, I recommend that these institutions already set up, can work in tandem to develop educational policies and strategies, designed with the aim to promote tolerance, and promote non-discrimination against **all** people, not just persons who ascribe to different sexual orientations. While the majority of the Ghanaian socio-political hierarchy, are very blunt and straight forward in their condemnation of homosexuality, there are a few voices advocating for compassion, and the rights of LGBTQ+ persons in the country(Anna et al., 2017). In Chapter 1, reference was given to a group of renowned individuals which included Legal Practitioners, and Professors who advocated that the proposed-Bill “*violated the right to inviolability of the person*” and also recognizes that the Bill violates, a number of International Human Rights instruments and norms, Ghana has assented to(Akoto Ampaw. et al, 2021). Furthermore, Archbishop Charles Palmer-Buckle of the Archdiocese of Accra, although spoke against marriage equality, stated: “*some countries needed time to deal with homosexuality and other issues from their own cultural perspectives (Anna et al., 2017).*” He went on to criticize human rights abuses of homosexuals and called for the Church to respect homosexuals, but not the practice of homosexuality(Anna et al., 2017).

Therefore, local organizations could partner with international organizations and individuals who advocate for equality and human rights for all persons, to design an educational policy to propagate human rights advocacy for **all**. The initiative could draw upon the guide used by the United Nations for promoting and protecting the rights of minorities. The guide proposes for organizations to coordinate minority rights education, play active roles in removing obstacles to the realization of human rights, engage in dialogue with Government to negotiate better policies for minority rights which will include LGBTQ+ community in Ghana, and to enhance the role of citizen participation to ensure the success of the initiative(United Nations, 2012).

It is important to state, that these recommendations come with its own challenges. Unfortunately, the Bill states, as part of its objective is “*to proscribe propaganda of, advocacy for, or the promotion of LGBTTQQIAAP+ and its related activities.*”⁴² It also incriminates an ‘ally’ thus, any non-queer person who supports or advocates for the queer community or is an individual within the LGBTQ+ community and identifies with another member of the community. The Bill states: “*On the issue of advocacy and other promotional activities that, there is currently no legislation that specifically criminalizes advocacy for, funding of, promotion of or encouragement of LGBTTQQIAAP+... This gap in the law creates opportunities for advocates of LGBTTQQIAAP+ to sponsor and promote the proliferation of those sexual activities*”⁴³...” Therefore, they deem it fit to enact legislation that prohibits this.

Furthermore, evidence from the Afrobarometer public attitude survey in partner with CDD-Ghana, showed that most Ghanaians do not want people in same-sex relationship as neighbors, co-workers, supervisors, or members of their religious community. They elaborated that, Ghanaians would be inclined to report any individual they know to be involved in a same-sex relationship to the police or authorities, and would willingly support a government decision to promulgate a law criminalizing same sex-relationships (Attoh-Armah Daniel, 2020).

Although not an easy task, education, and sensitization by Sustaining Peace Approaches, calls on actors to engage **all**. This should include local societies to clearly understand needs, that will be developed to enhance a peaceful dialogue (Mac Ginty & Richmond, 2013). The Organizational actors can involve all factions including local heterosexual and LGBTQ+ individuals in all spheres of the projects process, by using a participatory approach to enhance the exclusion of prejudice (Sending, 2010). Building trust between States and citizens, and fostering peace education needs to be nurtured through dialogue and open, safe channels of education (Mahmoud, 2017). Sustaining Peace approaches ought not to be the burden of outsiders (Mahmoud, 2017). Ghanaians, through these existing organizations mentioned above can inform deliberative ways to foster a peaceful co-existence amongst LGBTQ+ minority and

⁴² Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021., (2021).

<https://cdn.modernghana.com/files/722202192224-0h830n4ayt-lgbt-bill.pdf>

⁴³ Ibid.

the majority in the country. Then, external collaborators can help build on these structures put in place(Mahmoud, 2017).

5.3 Suggestions for Further Research

Although my Analysis (Chapter 4) reveals some major factors that birthed the Proposed Bill in the prism of CDA, much work remains to be done before a full understanding of the extent the implications of the Bill will have on Ghanaians.

In chapter 3, reference to analytical approaches of Constructivism and Interpretivism were highlighted. These approaches recognizes the subjectivity of research knowledge that is tied to one's social, cultural and historical milieu(Creswell et al., 2007). Therefore, the potential of a subjective perspective of some major factors that led to the Bill is evident. Further research could employ the use of a different approach to add to existing findings of this study, and possibly generate additional factors that led to the Bill. Through my analysis, I became aware of discourse surrounding Ghanaian Marriages and Family Values plus the will of the formulators of the Bill to protect children from LGBTQ+ minorities. It will be beneficial for future research to investigate these avenues further.

Future Research could also employ qualitative interviews, to gain a first-hand perspective of both the LGBTQ+ minorities and to provide perspective on hegemonic structures that are willing to ensure the passage of the Bill. Through interviews, understandings could be accessed from all the communities that the Bill concerns.

Finally, it seems the proposed bill is going to be passed. Should that happen, there is a need for research on the effects the provisions in the proposed legislation will have, not only on the minority LGBTQ+ community, but for other small minority groups in the country. This is similar to the questions raised when looking at effects of LGBTQ+ legislation in other countries considering their psychosocial well-being, rights and freedoms and general security threats.

5.4 Concluding remarks

A “culture of peace” reflects active, positive, participatory process where diversity is respected, difference is tolerated, dialogue is encouraged, and conflicts which is solved in a spirit of mutual understanding and co-operation’(UNESCO, 2004). Therefore, a culture of peace is by necessity a long-term, multidimensional process, a process of transformation of values, attitudes, behaviors, and ways of life in favor of peaceful living together in an increasingly interdependent world(UNESCO, 2004). Although the proposed Bill may be implemented, concerned citizens and organizations should continue to lobby by peaceful means to ensure that LGBTQ+ minority rights are at least considered in the Ghanaian society.

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6 APPENDIX

EXCERPTS OF THE BILL (Promotion of Proper Human Sexual Rights and Ghanaian Family, Values Bill,2021).

Duty to promote human sexual rights and Ghanaian Family Values.

3. (1) Each citizen shall promote and protect the proper human sexual rights and Ghanaian Family Values specified in section 2 of this Act.

(2) Without limiting subsection (1), the following persons or institutions shall, within the jurisdiction of the persons or institutions, promote and protect the proper human sexual rights and Ghanaian family values specified in section 2 of this Act:

(a) a Parent;

(b) a guardian;

(c) a teacher or any other educational or religious instructor;

(d) a church, a mosque or any other religious or traditional institution or organization

(e) the Executive;

(f) the legislature;

(g) the Judiciary;

(h) relevant independent constitutional bodies including the Commission for Human Rights and Administrative Justice and the National Commission for Civic Education; and

(i) the media and the creative arts industry;

(3) The institutions referred to in subsection (2) shall collectively,

(a) ensure that the proper human sexual rights and Ghanaian family values are integrated into the fabric of national life;

(b) make conscious effort to introduce the proper human sexual rights and Ghanaian Family values perspectives to relevant aspects of national planning;

(c) ensure that the proper human sexual rights and Ghanaian family values are adopted as an integral part of the growing needs of society.

Application

1. This Act applies to a person

(a) Who holds out as

(i) a lesbian;

(ii) a gay;

(iii) a bisexual;

(iv) a transgender;

(v) a queer;

(vi) an ally;

(vii) a pansexual

(viii) a person of any other sociocultural notion of sex or sexual relationship that is contrary to the sociocultural notions of male and female or the relationship between males and females;

(b) questioning the sexuality of that person;

- (c) who has a biological anomaly including a person who is intersex;*
- (d) involved in the promotion of, propagation of, advocacy for, support or funding of
LGBTQIAAP+;*
- (e) who provides or participates in the provision of sex or gender reassignment,
surgical procedure or any other category other than sexual category of a person
assigned at birth except where is intended to correct a biological anomaly
including intersex; or*
- (f) who engages in a sexual activity prohibited under this Act.*

