

Conceptualization of Trans Sexuality in Ghana: Implications for Minority Inclusion in Africa

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Abstract

Although LGBTQI+ (Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex) discourse is politically and negatively charged in most parts of Africa, with different perspectives leading to discussion of an anti-homosexuality bill, we actually know very little about people's understanding of the LGBTQI+ umbrella term. This study engages young people's understanding of one of the umbrella groups, transgender people, as an important space for minority inclusion. Specifically, I provide an overview of the regional context around sex negativity/sex positivity in terms of regulation and attitudes towards queer sexualities using a literature review on the one hand and in-depth interviews with 20 purposively sampled young educated adults to explore their knowledge and perceptions of transgender people, the factors that influence such understanding, and how these work to influence an understanding of the distinctiveness of queerness in Africa, focusing on one of the umbrella groups, transgender people, as an important space for minority inclusion.

Keywords: LGBTQI+, sexual minority, transgender, gender, sexuality, Ghana

Introduction

Our core aim of the study is to provide a method analysis of LGBTQI+ studies in Africa, drawing on the perspectives of both existing literature and small data on young people's understanding of transsexuality from Ghana. More specifically, I quizzed: What are some of the regional contexts around sex in which queer sexuality has been viewed across parts of Africa? What are some of the policy

dynamics used to criminalise and/or promote individual liberties relating to LGBT sexuality, and how can we understand the dynamics of queer sexuality, drawing useful lessons from some qualitative experiences from a West African country with a good history of individual liberties that has recently received several local and international criticism due to the imbedding of laws to proscribe and legislate gender identity and orientation? The findings and analysis from the study have far-reaching implications for contributing to ongoing discourses, offering some suggestions for LGBTQ/queer studies within the academy, and engaging more thoroughly with issues of cultural identity, human rights, and recognition. The term queer functions as an inclusive umbrella term for individuals within the LGBTQ+ community. It challenges binary perspectives and recognises the potential fluidity in both sexual orientation and gender identity (Murray, 2018). Normally, queer people challenge heteronormativity or gender binaries. People who are referred to as queer are non-heterosexual and non-gender binary individuals who identify as lesbian, gay, bisexual, transgender, or queer (LGBTQ+).

Queer individuals in Africa continue to struggle for acceptance and face rejection from African countries. Most queer laws in Africa prohibit homosexual activity and promote heteronormativity. Laws prohibiting homosexual activity trace their origins to colonial times, including the anti-sodomy section in Britain's penal code. Many colonies had gained their independence during the time the United Kingdom legalised homosexuality in 1967. Consequently, numerous countries have maintained these colonial-era laws, and others have developed their own variations of anti-queer legislation (Kretz, 2013). A study by Kretz (2013) asserts that 34 African countries criminalise all aspects of queer identity and behavior. Additionally, six other countries specifically outlaw male same-sex activity while tolerating female same-sex activity. Most people in Sub-Saharan African countries such as Ghana, Botswana, Burkina Faso, Burundi,

Kenya, and Lesotho have negative views about homosexuality. In Nigeria, Senegal, Ghana, Uganda, and Kenya, at least 90% of the population believes society should not accept queer people (Kretz, 2013). Even in South Africa, where same-sex relationships are legal and protected, more than half (61%) oppose societal acceptance (PEW Research Centre, 2013).

A study by De Vos (2008) reveals that in Africa, South Africa is one of the most advanced when it comes to the recognition of queer rights. Also, South Africa was the first country in Africa to extend full marriage rights to same-sex couples, which was instituted in 2006, giving room for same-sex partners to enjoy the same benefits as heterosexual spouses (National Coalition for Gay and Lesbian Equality, 1999). Adoption of children by same-sex couples was legalised, and the Children's Status Act that classified children born to same-sex couples through insemination as illegitimate was repealed (National Coalition for Gay and Lesbian Equality, 1999). These rights were attained by the queer community under the South African equality provision. Furthermore, the constitutional court interpreted the term sexual orientation as an erotic attraction for both the same sex and the opposite sex (National Coalition for Gay and Lesbian Equality, 1999).

Devji (2016) asserts that the primary danger to the LGBTQ+ community in South Africa stems from a counter-movement led by civil society groups supporting homophobic ideologies. Professor Neville Hoad from the University of Texas outlines three key political perspectives revolving around the queer and anti-queer rights movements in South Africa. These include the corruption framework, where queerness is portrayed as un-African. Secondly, the preservation framework challenges colonial norms and embraces sexual

diversity as inherently African. Lastly, Professor Neville Hoad also outlined the universalist framework recognising sexual orientation as a human right transcending specific cultural or temporal contexts (Devji, 2016).

The Coalition of African Lesbians (CAL), which is based in South Africa, advocates for the freedom, autonomy, dignity, and equality of lesbians across Africa (FEMNET & Civil Society, 2018). One of their key goals is to shape and influence discussions about gender and sexual identity within the African Commission on Human and Peoples' Rights (ACHPR). The ACHPR was established in 1987 with its headquarters in Gambia. The role of the ACHPR is to protect, promote, and interpret human rights on the continent. CAL seeks to ensure that lesbian rights are addressed within the ACHPR's framework (FEMNET & Civil Society, 2018).

. The bill criminalising same-sex conduct in Uganda had popularity among the Ugandan public and received support from the Ugandan parliament; it was temporarily set aside and modified in response to significant international pressure (Devji, 2016). James Nsabo Buturo, Uganda's minister of ethics and integrity, asserted that the nation maintains its perspective that queerness is a moral perversion that should not be permitted to spread. The bill was reintroduced in 2011 and was discussed in the Ugandan Cabinet. In May 2011, the Cabinet concluded that existing laws in the Penal Code Act were adequate to oppose queer rights. In December 2013, Parliament approved the bill, and on February 14, 2014, Ugandan President Yoweri Museveni signed a bill into law criminalising same-sex conduct, including the death penalty for those convicted of homosexuality (Budoo-Scholtz, 2023).

Despite the presence of anti-queer regulations in pre-colonial Uganda, the contemporary anti-queer law in the country originated during the British Imperial era (Budoo-Scholtz, 2023). These colonial laws have been incorporated into the Ugandan Penal Code Act of 1950. Although these laws do not explicitly mention queerness, they are commonly utilized to restrict both queer identity and behavior (Budoo-Scholtz, 2023). The key provisions include Section 145, which criminalises the carnal knowledge of any person against the order of nature. The penalty for breaking that law is potential life imprisonment. Also, Section 146 prescribes a seven-year prison term for an attempt to commit unnatural offences. Additionally, Section 148 prohibits acts of gross indecency, which are punishable by seven years of imprisonment (Budoo-Scholtz, 2023). Subsequently, the Anti-Homosexuality Act faced legal challenges in the Constitutional Court because petitioners asserted that the law was passed without a sufficient parliamentary quorum, violated equality, and imposed disproportionate penalties (Devji, 2016).

Queer people in Uganda are prone to violence and discrimination. A study by Budoo-Scholtz (2023) indicates that over the years, the Ugandan police have carried out mass arrests of LGBTQ+ people in speculated areas where they could be found. Also, on August 3, 2022, a prominent LGBTQ+ rights organization known as Sexual Minorities Uganda (SMUG) was banned from operating (Budoo-Scholtz, 2023). Malawi and Namibia have chosen to retain colonial-era anti-LGBTQ+ laws. Namibia's anti-LGBTQ+ law, rooted in Roman-Dutch common law and dating back to 1927, was inherited after independence and reinforced by the Combating of Immoral Practices Act of 1980. The Namibian government has no plans to revoke the common law regarding sodomy, and there is no perceived necessity to legalise gay relationships as it is not considered an issue for attention. In contemporary Namibia, this common-law crime

pertains to anal sex between men, while "unnatural sexual offences" include mutual masturbation and other unspecified sexual activities between men. The law excluded sex between women, hence exempting lesbian and bisexual women. (Frank and Khazas, 1996).

A study by Ontebetse (2023) revealed that queer people in Botswana have faced significant struggles in their fight for recognition. They have been inflicted with a lot of damage due to the initial brutality against the queer community. The Botswana High Court repealed a legal provision that imposed up to seven years in prison for homosexuality. Botswana's penal code outlaws the carnal knowledge of any person against the order of nature, with those found guilty facing seven years in prison. Also, indecent practices, whether publicly or privately, were punishable by two years in prison. After several counteractions by queer activists, the high court ruled that the criminalization of same-sex sexual activity cannot be enshrined in the Botswanan law in 2019 and 2021, respectively (Ontebetse, 2023). The Court of Appeals upheld this decision two years later. Subsequently, discussions have been held to repeal the brutal law against the queer community. Botswana's government announced its intent to enforce a court decision that will repeal the nation's sodomy laws that were initially implemented. This initiative would commence with the Minister of Justice, Ronald Shamukuni, drafting a bill during the winter season to decriminalise homosexuality. The initial movement by some of these African states, like South Africa and Botswana, is likely to give hope to queer people in other African states (Ontebetse, 2023).

Ghanaian and queer sexuality

In Ghana, most people who find themselves questioning their sexuality are considered vulnerable groups and victims being exploited by a powerful source. Being queer in Ghana is not only against the law but also poses significant risks and threats to the individual.

Advocacy for queer rights often faces violence and restraints. Ghanaians believe it is un-African and alien to our culture. Attitudes towards people who belong to the lesbian, gay, bisexual, and transgender (LGBT) community in Ghana are mostly negative.

The Ghanaian Parliament is currently considering the passage of a law to criminalise private consensual same-sex conduct between adults. The bill proposing proper human sexual rights and Ghanaian family values was passed to provide proper human sexual rights in Ghana, condemn LGBT and its related activities, and protect and support victims or those accused of LGBT and its related activities. If passed into law, the Anti-LGBTQ+ Bill will criminalise lesbian, gay, bisexual, transgender, intersex, queer (LGBTIQ+) conduct, and related activity. Section 104(1)(b) of the Criminal Offences Act of Ghana already criminalises ‘unnatural carnal knowledge’, which targets sexual conduct between persons of the same sex. The purpose of the bill is to uphold human sexual rights and Ghanaian family values. The concept of Ghanaian family values involves the recognition of the sanctity of marriage as a lifelong commitment between a man and a woman, with each gender being assigned at birth. Ghanaian family values also recognise gender as a social construct between a male and a female. The bill identifies gender as the binary sex categories of male and female assigned at birth, together with behavioural and cultural traits associated with either sex, but does not include transgender, gender non-conformity, or non-binary categories. As per the bill, engaging in sexual intercourse with individuals of the same sex, animals, or objects constitutes a criminal offence (Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021).

The LGBTQ activities threaten the concept of family relevant to ethnic groups in Ghana. It is keen on marriage between a man and a woman and procreation within the marriage. The Criminal Offences Act of 1960 is the principal legislation on criminal offences in

Ghana, and it prohibits sexual intercourse with a person in an unnatural manner or with an animal. (Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021). Anyone witnessing an act prohibited by the bill must report the incident to a police officer, a political leader, or customary authorities in the respective area where the offense occurred. (Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021).

When it comes to the advocacy of LGBTQ activities, there is no legislation that criminalises them. However, the news about the opening of the LGBT advocacy resource was met with a lot of criticism from Ghanaians because it goes against the socio-cultural norms of any ethnic group in Ghana. The National House of Chiefs viewed LGBTQ as taboo, inhuman, and alien to our society (Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021). The Coalition for Proper Human Sexual Rights and Family Values gave instances where young people who indulge in LGBTQ activities are promised travel opportunities, allowances, and other financial promises. Also, people are awarded commissions for introducing others to the LGBTQ community (Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021). Most leaders in Ghana adhere to the Ghanaian culture of being pro-natalist and valuing family and marriage between a man and woman. Hence, rejecting LGBT people is a proud thing to do under their reign. It is relevant to bring to light how former presidents of Ghana rejected LGBT people. For instance, President John Agyekum Kuffuor recounted on the Accra FM radio station on March 3, 2021, emphatically his rejection of the LGBT legislation during his tenure of office because it was against Ghanaian culture, religion, and even defies nature (Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021). Also, the late president J. E. A. Mills was credited for his stance on not legalising homosexuality in Ghana but rather abiding

by the principles enshrined in the constitution. During the tenure of President Kufuor in 2006 and President Akufo-Addo's time in 2021, they publicly condemned homosexuality. The proposed anti-LGBTI bill was to protect Ghana's cultural and religious values. (Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021)

In Ghana, homosexuality is viewed not as a human rights issue but as something society must fight against. Most Ghanaians dislike queer people and would not entertain the idea of accepting the queer community. This has rendered the campaign for legal rights for LGBTQ+ in Ghana and many other African countries ineffective. The advocacy for legal rights for LGBTQ+ would be most effective and operational after public tension and hostility towards homosexuality reduce. Subsequently, change is occurring, and some African countries are becoming more accepting of queer people and amending their laws. This is a form of hope for other African countries.

METHODOLOGY

RESULTS

DISCUSSION

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APPENDIXES

Selected studies in Africa on LGBTQ

Author(s) Year	Country	Study Aim	Study Design/ Population	Main Findings
Crandall, A., Phaleng, H., Dacus, J. D., Bista, O., Brouard, P., Nel, D., ... & Knox, J. (2022).	South Africa	To better understand the social and sexual lives of older Black South African sexual minority men (SMM).	A convenience sample of 37 SMM ages 30 and older and partnering with an LGBTQ+ organization	Participants discussed the impact of disclosing their sexual identities on their comfort levels, addressing cultural and social implications.
McAdams-Mahmoud, A., Stephenson, R., Rentsch, C., Cooper, H., Arriola, K. J., Jobson, G., ... & McIntyre, J. (2014).	South Africa	To examine the occurrence and mental health effects of minority stress among men who have sex with men (MSM).	Twenty-two MSM living in Cape Town took part in exploratory qualitative in-depth interviews and completed mental health questionnaires.	Participants faced minority stress, impacting their sexual relationships and coping strategies. High levels of concealment behaviors and perceived discrimination were linked to factors such as race, religion, socioeconomic status, and geographical location.
Butler, A. H., Alpaslan, A. H., Strümpher, J., & Astbury, G. (2003)	South Africa	Examines homophobic incidents faced by sexual minority youths.	Non-purposive sampling 18 South African gay and lesbian youth.	Sexual minorities had all experienced discrimination, isolation, and nontolerance within their high school contexts.
Breshears, D., & Beer, C. L. D. (2016)	South Africa	To explore same-sex parented families' interpretations of social attitudes toward gay/lesbian sexual orientation and the ways in which they negotiate their minority social identity status in their daily lives.	In-depth interviews with 21 parents and 12 children in South Africa	Despite societal nonacceptance towards gay/lesbian orientation, White and middle-class participants generally expressed positive perceptions and attitudes however, non-White and non-middle-class sexual minorities did not share these positive experiences. Sexual minorities employed strategies such as ignoring, creating safe spaces, and modifying behavior in public to navigate social attitudes.
Livingston, J., & Fourie, E. (2016).	South Africa	To explore the experiences and meanings that shape heterosexual fathers'	In-depth interview six Afrikaans-speaking White fathers, between the ages of 53 and 61 years	Most parents of gay sons typically fall between complete rejection and total acceptance. While some fathers may

		relationships with their gay sons		reach a state of "loving denial," many still grapple with understanding and embracing the concept and expression of same-sex sexuality.
Gyamerah, A. O., Collier, K. L., Reddy, V., & Sandfort, T. G. (2019)	South Africa	This study explored diverse factors that influenced whether Black South African MSM disclosed their sexual practices and identities to their families, how their families responded, and how family responses affected them	In-depth interviews were conducted with 81 Black MSM from four Tshwane townships about their sexual and gender identities, sexual practices, social networks, and familial relationships	Families' reactions to disclosure varied, ranging from support and denial to confusion or lack of support. Regardless of the nature of the response, a common thread was the prevalence of silence surrounding participants' same-sex sexualities within families. These diverse family responses significantly influenced participants' perception of their sexuality and confidence levels.
Mayeza, E. (2021)	South Africa	To explore the perceptions of lesbians, gays, bisexuals, transgender, pansexual and queer (LGBTPO) and their realities regarding coming out to their parents and parental reactions	In-depth interviews of 17 participants, aged 19 to 32 years old	The study revealed that the choice of whether or not to come out, when to come out, and which parent to come out to, is dependent on the nature of the relationship the participants have with their parents, and perceived parental reactions. Analysis reveals how religion, gender norms based on heteronormativity, and parent-child relationship dynamics intersect to shape participants' perceptions regarding parental reactions. This intersectionality also shaped the realities of coming out.
Graziano, K. J. (2004).	South Africa	To examine the opinions and beliefs of 20 gay and lesbian students and the relationship between their social support networks, their involvement in a gay and lesbian Society at Stellenbosch University, and their experiences and interactions with others in college and their community		Findings reveal that some gay and lesbian students remain silent about their sexual orientation due to hostile campus environments and fear of discrimination and victimization.

Mahomed, F., & Trangoš, G. (2016)	South Africa	To explore of Public Attitudes Toward LGBTI Rights in the Gauteng City-Region of South Africa	Using large-scale survey data gathered in the Gauteng City-Region	Most respondents to the survey felt that sexual minorities should have equal rights. However, a considerable proportion of respondents also held negative views toward gay and lesbian individuals, with close to two fifths of respondents believing that homosexuality is against the values of their community, and over 12% of participants holding the view that it is acceptable to be violent toward gays and lesbians.
Amoah, P. A., & Gyasi, R. M. (2016).	Ghana	To explore public opinion on how religious and cultural precepts inform attitudes and perception on same-sex sexuality.	In-depth interviews and a focus group discussion of 20 people aged 19 to 60 years	Same-sex sexuality was considered as something orchestrated by the “devil” and a cultural taboo. Participants either directly being friends, or by inference living in the same house, generally detested association with non-heterosexuals.
Anarfi, J. K., & Gyasi-Gyamerah, A. A. (2014).	Ghana	To understand the attitudes of Ghanaian university students towards homosexuality.	A mixed method study of 1,258 respondents from the three leading public universities in the country, including both males and females.	Religiosity and religious affiliation of students significantly affected their attitudes. Highly religious respondents expressed more negative attitudes than the not very religious.
Gyasi-Gyamerah, A. A., Amissah, C. M., & Danquah, S. A. (2019).	Ghana	To examine the effectiveness of using attributional discourse to change attitudes toward homosexuals in Ghana	Using a pretest–posttest group design of 143 university students randomly assigned into four experimental conditions (i.e., biological, choice, biological transgender, and choice transgender) with informative vignettes serving as the intervention.	The findings suggest the need to encourage healthy attributional discourse over the rationality in homosexual decisions and behaviors. Particularly, educating the public on the probable reasons behind homosexuality can potentially reduce negative attitudes toward homosexuals and impact legislative policies in Ghana.
Okanlawon, K. (2020).	Nigeria	To explore perceptions and attitudes towards homosexuality and LGB persons.	This study utilized primary data through a focus group discussion (FGD) with undergraduate students of OAU, Ile-Ife between ages 19 and 24.	The study identifies perceptions, attitudes and microaggressions of heterosexual students towards LGB persons and the implications on safe schools and the well-being of LGB students.

George, E. O., & Ekoh, P. C. (2020).	Nigeria	To explore the views of social workers on social work practice with LGBs in Nigeria,	Qualitative in-depth interviews of 12 professional social workers.	Findings show that social workers' perception of practice with LGBs in Nigeria is influenced by existing policies in the country, in addition to cultural and religious beliefs. Some social workers also view LGBs through a medical perspective of homosexuality being an illness.
Mtemeri, J. (2015).	Zimbabwe	To assess the attitude and perceptions of university students in Zimbabwe towards homosexuality	Stratified sampling of 153 students made up of 52% males and 48% drawn from the faculty of social sciences	The results showed that students were hostile towards those who practice homosexuality. However quite a substantial number of participants indicated that they tolerated to some extent those who practice homosexuality. The study also revealed that homosexuality was viewed as a choice.
Mucherah, W., Owino, E., & McCoy, K. (2016).	Kenya	To examine high school students' perceptions of homosexuality in Kenya.	The participants included 1,250 high school students who completed a questionnaire on perceptions of homosexuality.	The findings indicate that 41% perceive homosexuality as prevalent in schools, with 61% associating it mostly with single-sex boarding schools. Additionally, 52% attribute homosexuality to sexual deprivation. Notably, 95% view homosexuality as abnormal, 60% doubt a shift to heterosexuality post-school for students engaged in homosexuality, 64% think prayers can halt it, and 86% believe counseling can alter students' sexual orientation.
Mbote, D. K., Sandfort, T. G., Waweru, E., & Zapfel, A. (2018).	Kenya	To explore the perspectives of Kenyan religious leaders on sexual and gender diversity in their country's specific context.	A total of 212 Catholic, Islamic, and Protestant leaders from urban centers and rural townships completed a self-administered questionnaire.	The findings revealed that limited acceptance for sexual minorities was contingent on abstaining from same-sex practices and refraining from viewing such practices as sinful. A notable minority (37%) supported the use of violence to uphold societal values, particularly concerning homosexuality and gender nonconformity. However, a majority of

				religious leaders acknowledged the distinction between civil law and religious doctrine.
Gitau, A. (2021).	Kenya	To determine how church leaders felt about gay relationships and whether they were acceptable in the church.	A cross-sectional study design using questionnaires, interviews, and focus groups	The study showed that church leaders' attitudes influenced the acceptance of gay relationships within the church. Despite a generally negative stance on gay relationships in African culture, the presence of supportive or complicit church leaders could impact the community's perception, potentially influencing the inclusion of gay individuals in society.
Mbote, D. K., Mombo, E., Mutongu, Z. B., Alaro, C., Mkutu, A., & Sandfort, T. G. (2021).	Kenya	To examine the experiences of stigma and violence at the interpersonal and institutional levels.	A phenomenological study using qualitative in-depth interviews of 60 gay and bisexual men in western and central Kenya.	Participants reported experiencing stigma and violence at both interpersonal and institutional levels. Interpersonally, they faced challenges from family, friends, and romantic/sexual partners, including instances of gay-baiting violence, blackmail, intimate partner violence, and commitment phobia. Institutionally, stigma and violence were encountered in religious, employment, educational, and healthcare settings. These experiences significantly affected participants' mental health, physical health, sexual health, socioeconomic status, and access to health-promoting services.
Acquah, F., Botchwey, C. O. A., Adoma, P. O., & Kumah, E. (2023)	Ghana	To examine the perspective of tertiary-level students on the passage of anti-LGBTI legislation, as well as the non-physical factors that influence support for the passage of anti-LGBTI and related legislation in Ghana.	The study employed a quantitative cross-sectional design using 1,001 tertiary-level students using convenience sampling technique with an online closed-ended structured survey questionnaire.	The study revealed that 81% of respondents supported anti-LGBTI legislation, citing reasons such as health concerns (63%), cultural and societal values (62%), religious beliefs (54%), and opposition to Western culture (25%).

Countries that have criminalized homosexuality

Country	Bill/Act/Law	Content	Sanctions
Uganda	Anti-Homosexuality Act (2023) chapterfouruganda.org/The-Anti-Homosexuality-Bill-2023	The Act prohibits any form of sexual relations between same sex persons; prohibits the promotion or recognition of same sex sexual; and for related matters	Death penalty for homosexuality; Imprisonment, targeting activities such as advertising, financing, providing spaces, and operating organizations promoting homosexuality, and criminalization of medical care and legal representation of homosexuals.
Kenya	The Family Protection Bill (2023)	The Act prohibits homosexuality and same sex marriage, unnatural sexual acts and related activities and proscribes activities that seek to advance, advocate, promote or fund homosexuality.	Imprisonment for a minimum of 10 years and a maximum of 50 years; and fines for individuals who allow their premises to be used for same-sex relations.
Ghana	Proper Human Sexual Rights and Family Values Bill (2021) www.parliament.gh/Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021 .	An act to provide for proper human sexual rights and Ghanaian family values; proscribe LGBTQ+ and related activities; proscribe propaganda of, advocacy for, or promotion of LGBTQQAAP+ and related activities; provide for the protection of, and support, for children, persons who are victims or accused of LGBTQQAAP+ and related activities and other persons; and related matters.	The bill seeks to impose prison sentence on individuals who identify as LGBT, engage in same sex relations, and person providing support or funding or publicly advocating for sexual and gender minorities rights.
Namibia	Definition of Spouse Act (2023) & Marriage Amendment Bill (2023)	The bill seeks to reverse a Supreme Court judgment regarding the solemnization of same-sex marriages performed abroad between a Namibian citizen and a foreign spouse as legal, and criminalizes the participation in, promotion, or advertisement of same-sex marriage in Namibia.	A criminal offense punishable by up to six years imprisonment and a fine of up to \$5,500.
Nigeria	Same-Sex Marriage (Prohibition) Bill (2014)	An Act to prohibit a marriage contract or civil union entered into between persons of same sex, solemnization of same; and for related matters.	The law imposes a 14-year prison sentence on individuals who engage in same-sex marriage contract or civil union,” and a 10-year sentence on individuals who “witness, abet, and aid the solemnization of a same-sex marriage or union.” It imposes a 10-year prison sentence on those who “directly or indirectly make [a] public show of [a] same-sex amorous relationship” and anyone who “registers, operates, or participates in gay clubs,

			societies, and organizations," including supporters of those groups.
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Countries that have decriminalized homosexuality

Country	Bill/Act/Law	Year Amended	Content
Angola	Vices Against Nature	2020	The law prohibits discrimination against people on the basis of sexual orientation.
Mauritius	Penal Code Section 250	2023	Mauritius Supreme Court found the prohibition on consensual sex between consenting adults to be unconstitutional and discriminatory.
Mozambique	Penal Code	2015	New penal code explicitly removed "crimes against nature", making homosexuality legal.
Guinea Bissau	Penal Code (Law-decree No. 4/93)	1993	
Botswana	Penal Code Act 164	2019	The High Court ruled that Botswana's law and policies need to protect the rights of all, regardless of sexual orientation
Lesotho	Penal Code Act of 2010	2013	
Cape Verde	Penal Code, Article 71	2004	Penal Code amended to remove all provisions relating to consensual homosexual sex, and discrimination based on sexual orientation
South Africa	Civil Union Act	2006	The Constitutional Court amended the definition of marriage to include same-sex spouses and protection of all persons regardless of sexual orientation.
Seychelles	Penal Code (Amendment) Bill: Section 151	2016	Penal Code amended to remove sodomy as a felony offence punishable by imprisonment