

# Moral Panic, Social Exclusion and The Human Rights of Same-Sex Partners in Ghana

Dr. Neha Jain

Research faculty & supervisor (English), Shri Venkateshwara University, UP.

## Abstract

At the core of this chapter is a thematic analysis of media portrayal of same-sex partnership in the Ghanaian public sphere. The chapter ponders how media products affect societal framing and (mis)understanding of homosexual identity and activities. It interrogates the function the Ghanaian media plays in the framing of same-sex activities and the notion (misperception) people have about same-sex partners. The chapter thus situates the exclusion of same-sex partners within the context of mediatization of their sexual lifestyles. What appears as stigmatized and discriminative treatment as well as social exclusion of same-sex partners, the chapter contends, is partly a result of the fear that same-sex lifestyles will lead to the destruction of heterosexual relationship and the eventual disintegration of society.

**Keywords:** Ghana, Moral Panic, Same-Sex Partnership, Social Exclusion, Human Rights, Religion, Mediatization, Homosexuality

## INTRODUCTION

In Ghana, sexual orientation and gender equality are held as a protected category of rights under the Constitution of 1992. Partners of same-sex relationship, however, continue to be stigmatized and marginalized

and thereby excluded groups of society (Tettey, 2016; Tweneboah, 2020). They have been faulted in the media and popular discourses as causers of the many challenges the country faces. Their sexual lifestyles are discussed as a real and potential threat to the development of the country, raising

important moral panic in this society. As a result, individuals, religious leaders, traditional authorities, state actors as well as other organizations who Howard S. Becker (1963) refers to as moral entrepreneurs have taken it upon themselves as a moral and civic responsibility to confront, contain, and control homosexual activities for the public good (Tettey, 2016, p. 94). As a religion-dominated society, religious polemics have been deployed in several ways to describe homosexual lifestyles as “sinful and barbaric” that must therefore not be countenanced in the country (Gadugah, 2011). As a then Secretary of the Christian Council of Ghana has said, homosexuality is a “detestable and abominable act” and “if passed into law in the country it will lead to the visitation of the wrath of God upon the nation and the consequences will be unbearable (Gadugah, 2011). This situation highlights subsequent emotive responses that greeted the state’s attempt to introduce the Comprehensive Sexuality Education in 2019. Religious, traditional, and state actors as well as various stakeholders opposed this on grounds that if allowed it would lead to the moral corruption of the younger generation and the annihilation of the society (Akorsu, 2019; MyJoyOnline, 2019; Radioangelus,

2019). Intriguingly, the precise nature of this threat remains moot in both popular and academic analyses.

Notable attempts to regulate the activities of the LGBTQ communities in Ghana, to be sure, are informed by a host of general perceptions which are largely based on religious and cultural notions of sexuality. For this reason, partners of same-sex relationship are mislabeled and faulted on several grounds. Indeed, noteworthy researches have demonstrated the manner in which these categories of sexual minorities are portrayed in certain non-human terms (Tweneboah, 2020). In the mediascape, the LGBTQ community, quite frequently, has been stigmatized and faulted for the consequences of the actions and inactions of political leaders. The discourse of LGBTQ in Ghana and most of Africa is, therefore, engaged as an escapist route out of the failures of the decisions of state actors. Deploying the power of the media, the presence of the LGBTQ community is cast as raising substantial moral panic in society. Mediatization of same-sex encounters also plays a crucial function when it comes to the kind of treatment to be meted out to this category of sexual minorities and socially excluded members of the Ghanaian society.

The mediated identity of same-sex partners raises fundamental human rights consequences including, but not limited to threatened identity as well as negative social representation.

From this broader perspective, in this chapter, I propose to assess some significant issues related to Ghanaian media's alarmist and negative portrayal of partners of same-sex relationship. Importantly, I shall be demonstrating the role the media performs in framing same-sex relationship as a moral emergency that constitutes a threat to the Ghanaian society. I shall approach this by interrogating societal aversion for same-sex partners and the far-reaching human rights implications of using religious values and imagination to resist the public visibility of same-sex partners whom I frame as a significant portion of the socially excluded in society. Negative portrayal of the so-named widespread homosexuality, I contend, is a tacit social control mechanism advanced by the media. Drawing on information gathered from both traditional and social media, as well as existing scholarly works, I analyze the supposed threat posed by same-sex partnership under three broad themes: annihilation of societal sanctity, management of the vulnerability of younger generation,

and pathologizing of same-sex partnership. The chapter thereby seeks to offer a penetrating insight into a missing dimension of the intricate relationship between social exclusion, moral panic and the mediatization of the predicament of the LGBTQ community in Ghana. The chapter is organized as follows. Section 2 frames the plight of same-sex partnership within the context of social exclusion and moral panic. Section 3 interrogates same-sex activities and its institutional, structural and policy implications. Section 4 highlights the human rights implication of the media reporting of same-sex activities. The final section concludes the analysis.

## **SOCIAL EXCLUSION**

Social exclusion is simply defined as the denial or non-realization of civil, political, and social rights of citizenship (Room, 1995). It acknowledges a social reality that some people are more subject to certain advantages than others. A 2005 Department for International Development policy paper succinctly defines social exclusion as "a process by which certain groups are systematically disadvantaged because they are discriminated against on the basis of their ethnicity, race, religion, sexual orientation, caste, descent, gender, age, disability, HIV

status, migrant status or where they live” (Department for International Development, 2005, p. 3). The condition of the socially excluded is thus induced by the fact that they are denied access to fully participate in the economic, sociocultural, political and I dare say, religious life of the society in which they live (Young, 2013). Research has also shown the relationship between exclusion and the plight of LGBTQ people. Undeniably, the exclusion of LGBTQ people is about the absence of social recognition and integration. In most jurisdictions, discrimination in the legal system and the social institutions continue despite the presence of anti-discriminative guarantees (Falkof, 2019).

Related to social exclusion is the view that the LGBTQ community faces a number of challenges in society, including prejudice, social invisibility (Takács, Mocsonaki, & P.Tóth, 2008, pp. 33–34), bullying and victimization (Rivers & Carragher, 2003), fear of persecution, access to health and other service provisions. The LGBTQ community is believed to be prone to diverse levels of exclusion, stigma and discrimination which, according to, Salas and Sorn, in turn exacerbate the poverty and vulnerability rate of the group (Salas & Sorn, 2013). LGBTQ individuals, thereby live a life hidden from

the public view. Those who have lived openly, however, have had to deal with social, political, economic and religious condemnation, and as I demonstrate later, sometimes receiving the blame for acts or events that are unrelated to their sexual lifestyles (Takács et al., 2008, p. 33).

As a social minority group, same-sex partners demand a better social representation, in this sense, sexual interest. For example, in a study conducted by Takács et al (2008), the manner in which young lesbian, gay, bisexual and transgender people are excluded from mainstream society was demonstrated. This study reports that as a social and sexual minority group, same-sex partners experience estrangement from family, bullying and marginalization at school. They thus describe the LGBTQ people as “members of relatively powerless social groups” (Takács et al 2008, p.5).

For Nancy Fraser “gays and lesbian also suffer serious economic injustices; they can be summarily dismissed from paid work and are denied family-based social-welfare benefits. But far from being rooted directly in the economic structure, these derive instead from an unjust cultural-valuation structure” (Fraser, 1997, p. 18). Indeed, same-sex partnership is presented as not just a folk

devil but also a new sexual revolution. As Gregory Bredbeck, has said: “Gay is not a person, nor is it a thing; rather, “Gay is the revolution” (Bredbeck, 2008, p. 380). If it is a revolution, what kind of revolution is it? According to Bredwick (2008), it is a revolution that “symbolizes a process that works directly against the objectification and individuation of desire and identity. It is a form of revolution that can resist quantification into specific contests and that, thereby, could form a constellation of disparate revolution impulses” (Bredbeck, 2008, p. 380). Yet, because same-sex activities and lifestyles are held as raising anxieties over the annihilation of the societal moral foundation, the society often frowns on activists and sympathisers of same-sex partnership.

### MORAL PANIC AND HOMOSEXUALITY

Scholars of moral panic shed light on the intricate interactions of power, knowledge and social order in relations to a discourse of sexual deviation. In this sense, the contribution of Stanley Cohen’s *Folk Devil and Moral Panic* has been widely acknowledged in studies interested in the mediatization of social problems. Cohen introduced moral panic to assess the societal

concern over deviant behaviours and the manner in which these are heightened by the media. According to Cohen, at every epoch in life, society is beset with moments of moral panics.

“A condition, episode, person or a group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in stylised and stereotypical fashion by the mass media; the moral barricades are manned by the editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and become more visible” (Cohen, 2011, p. 1).

Moral panic, according to Cohen, results from the collective response to a few whose activities and behaviours are held as deviant and a threat to the moral order of society. Cohen identifies “socially accredited experts” – the mass media, religious groups, traditional authorities, and as will be seen, state law enforcement agencies – as working independently to achieve or sustain similar



results – moral panic. According to Cohen, rule-breakers are often cast as belonging to certain deviant groups and folk devils and the actions of such people – group members – are interpreted within the status allotted to them (Cohen, 2011, p. 4).

Following Cohen's seminal work, moral panic has become a useful tool in social constructionist study of deviant behaviour. In *The Ashgate Companion to Moral Panic*, the various contributors explored the diverse ways of interrogating moral panic, which according to Charles Krinsky, is defined as "an episode, often triggered by alarming media stories and reinforced by reactive laws and public policy, of exaggerated or misdirected public concern, anxiety, fear, or anger over a perceived threat to social order" (Krinsky, 2013, p. 1).

Sociologists have argued that deviance must not be taken for granted as a deliberate infraction of social norms. Rather, according to Becker (1963), for example, deviance has a transactional import in society. It is a social construction. Deviance, she said, is created by society by which she means that:

*social groups create deviance by making the rules whose infraction constitutes deviance and by applying*

those rules to particular persons and labelling them as outsiders. From this point of view, deviance is *not* a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an 'offender'. The deviant is one to whom the label has successfully been applied; deviant behaviour is behaviour that people so label (Becker, 1963, p. 9).

The effects of deviation from the norms of society have already been noted above. It is worthwhile to indicate that societal insistence on conforming to certain sexual standards is a means of controlling its members and institutions. As such, negative attitude towards homosexuals who are labelled as deviants are part of the social control mechanism – the means of the society to maintain its power. Indeed, current studies have sought to examine the role that power plays in the stigmatisation and negative perceptions against certain categories of people. Link and Phelan, for example, have found correlation between power and stigma noting that power is an essential means to social production of stigma. Yet, albeit the fact that it takes power to stigmatise, the role that power plays in stigma is often underplayed because, quite often than not,

power differences are so taken for granted that it becomes unproblematic (Link & Phelan, 2001).

While Cohen's moral panic does not help us trace the origin of deviant behaviour in society, it nonetheless broadens our understanding of how certain sexual activities and some behaviours suddenly receive social outbursts. The concept is useful in addressing concerns regarding societal treatment of homosexual activities, namely, at what point in the history of the society did the execution and maltreatment of homosexuals become problematic? And is the recent heightened stigmatisation, execution of and negative societal attitudes towards homosexuals a function of the media products? Moral panic offers an interpretation of the role moral entrepreneurs play in shaping societal (mis)understanding and (dis)approval of certain sexual practices. In the discourse of moral panic on deviant behaviour, as Becker argues, these institutions of society reinforce "the creation of a new fragment of the moral constitution of society" (Becker, 1963, p. 145). It is often said that our knowledge of the world in which we live in is credited to the mass media (Luhmann, 2000, p. 1). Studies have demonstrated the manner in which through

media products, the LGBTQ people are both silenced and given a voice in society (Campbell & Carilli, 2013)/. In particular, attention has been focused on how media products influence homosexual self-realization, their coming out, how providing role models are achieved and inspiration created (Gomillion & Giuliano, 2011).

Some of these studies report that the distorted image society has about the LGBTQ people often emanate from the media (Gonta, Hansen, Fagin, & Fong, 2017; Takács et al., 2008). In a survey conducted by Takács et al, for instance, 59% of respondents indicated that media products give rise to "prejudice, and/or included discriminative elements targeting LGBT people" (Takács et al., 2008). They observed that issues bothering on LGBTQ usually reveal a common "mainstream media fate" (Takács et al., 2008, p. 46). The stereotypical manner in which LGBTQ matters are reported fuel their discrimination and exclusion in society. Others also document the manner in which sensational media reportage of LGBTQ activities inflame passion by distorting reality and spreading stereotypes. Media accounts of homosexual activities have been identified as distorting reality through dissemination of stigmatized and stereotypical contents, time

and again, in a sensationalist manner. This situation is believed to give rise to the perpetuation of heteronormativity and homophobia mongering by serving as the voice of homophobic politicians, priests and other media icons or celebrities (Takács et al., 2008, p. 47).

In the ensuing, I demonstrate how the Ghanaian media, openly and tacitly, can and actually do, facilitate deviance amplification yielding itself to moral panic. I show how the media frames and amplify same-sex partnership as a social problem, how they can present them dramatically and overwhelmingly, and, most importantly, how this is suddenly done. I pay attention to the way in which the media can very quickly and effectively fan public indignation and engineer what is called “a moral panic about a certain type of deviancy” (Young, 1971, p. 182).

### **MORAL PANIC, THE MEDIA AND THE CULTURE OF BLAMING SAME-SEX PARTNERS**

That same-sex partnership is a perceived threat in Ghanaian society is a taken-for-granted concern. Besides the religious cultural dimension of the practice, its most recent manifestation as a perceived public threat can be argued to be a result of

hypermedia sensation leading to heightened social anxieties and state suppression of same-sex partnership. In the last two decades particularly, the alleged increasing rate of same-sex partnership has been decried by social, political, religious and cultural actors of society. For years, educational institutions were rumoured to be the hotbed of the practice. Specifically, same-sex schools have been suspected to be the nurturing sites of homosexuals. In 2011, the Ghana Education Service reportedly noted that same-sex schools in the country were turning into breeding grounds for gays and lesbians (Modernghana, 2011). Often times, social response to this seeming threat has been influenced by misconceptions; the prevalence of the practice, certainly, has not been established by any verifiable evidence (Bonsu, 2011). How then does such a pervasive public perception operate? In moral panic, the mass media, as an influential moral entrepreneur is mobilised to shape public opinion. Ghanaian radio and television panellists have often bemoaned the “increasing” rate of the practice without any official data or demonstratable basis to support this. While the practice has been engaged as a “silent trade” (Dankwa, 2009), the media have often passionately discussed



it in such a manner as to suggest a significant increase in the minds of the public. This sensation of homosexual activities and operations, indeed, raises moral panic in society. It is worthy to emphasise that while homosexual practices have always been assumed to be rampant especially in tertiary institutions and second circle boarding institutions, for example, no organised group of gays and lesbians was known at the beginning of the twenty first century (Ahinfu, 1998).

Before 2005, for instance, there were isolated cases of homosexual activities and the practice was not significantly felt. “Widespread homosexuality,” however, became a major public concern in Ghana in 2006. The timing is noteworthy here. This was when the first proposed gay and lesbian conference, scheduled to take place at the Accra International Conference Centre and at a location in the Eastern regional capital city of Koforidua, came to the public light (General News, 2010). Like all anxieties associated with folk devils, the religious, legal and political aftermath of this intended conference was problematic. This alleged planned conference generated news headlines and also gained attention in public debates and discussions. To be sure, the

editorial contents and interpretive framework of the media offered new models of appreciating same-sex partnership. In the following discussion, I look at this from three main angles: annihilation of societal sanctity, management of the vulnerability of younger generation and pathologizing of same-sex partnership.

*1. Annihilation of Societal Sanctity:* A primary reason for the mediatization of same-sex partnership, which gives rise to systematic or institutional discrimination of same-sex partners, is that the practice is presented as offensive to the spiritual agents who are held as the validating authorities of the society. As a result, efforts are made to avert the alleged impending danger that the practice is believed to bring to the sanctity of society.

For example, following the 2006 media reports and discussions on the planned homosexual conference many Ghanaians lamented that such a conference exemplifies the fact that the nation was “descending into the days of Sodom and Gomorrah” (Boateng, 2006). Indeed, frequently cited by religious and non-religious antigay activists in Ghana, is the biblical passage of Sodom and Gomorrah. Some Ghanaians opposed same-sex partnership on grounds that it would lead

to the disintegration of the moral fibre of society. It was also feared that allowing the conference was an affront to Ghanaian culture and belief (Boateng, 2006). But more importantly, the fear associated with the supposed threat of homosexuality became a recipe for individual, state and non-state action against same-sex partners and regulation of sexuality, that is, the regulation of the private lives of same-sex partners. A radio caller was reported to have warned thus: “Let us wait until they gather in Accra and we can cut them in pieces.”<sup>i</sup>

Pursuant to media reportage of the planned conference, the state quickly indicated its readiness to propel the movement and its activities. Kwamena Bartels, the then Minister of Information and National Orientation, for example, made the official statement regarding the conference indicating that “the government does not and shall not condone any activity which violently offends the culture, morality and heritage of the entire people of Ghana” (Sawatzky, 2006).

Unlike folk devils studied by previous scholars – whose existence is often short-lived – gay and lesbian community in Ghana, albeit lack of reliable data on them, is believed to continue to gain widespread

popularity and attention, thus challenging any supposition that homosexual culture is merely a folk devil. On 20<sup>th</sup> May, 2011, an independent presidential aspirant called for the need for a referendum to determine the extent to which Ghanaian’s were willing to accept homosexuality in the country (MyJoyOnline, 2011). He argued that existing national laws were weak and ambiguous and cannot withstand international pressure and demands to legalise the practice. This call, to be sure, was a smokescreen to bolster the already negative societal position on this practice. What this means is that since power, according to Article 1 of the Constitution of 1992 emanates from the people, an obvious “no” outcome from the referendum would help bolster the state’s repression of same-sex partnership.

Pro-gay campaigners are primarily labelled as collaborators of the wreckers of society, reasonably suggesting the low levels of pro-gay activism in Ghana. A prime example is taken from 2014 when a US based Ghanaian professor, who described himself as “a husband and father of two children” suggested the need for Ghana’s recognition of gay rights. Aggrieved members of society labelled him as either a gay himself or a

proponent of Americanism.<sup>ii</sup> It must be said that in both traditional, and incidentally, modern Ghanaian societies, Americanism – also Westernism – is often seen by a section of the population as identical with “satanic powers” (Atiemo, 2013, p. 106 and 249). As such propagating what is held as Western liberal ideals is, for many people, an invitation of satanic influences and curses upon the nation (Falkof, 2019). An informant commenting on the possibility of Parliament debating on a bill protecting same-sex partners argued thus: “If they go ahead and enact “this law,” then what recently happened in Burkina Faso that made all the parliamentarians ran away leaving behind their cars will surely happen here in Ghana. If this law comes into effect, what will happen in Ghana will not be good.”<sup>iii</sup> In 2013 similar concerns were raised by a section of the population over President John Mahama’s nomination of a female human rights lawyer for a ministerial position at the Gender, Children and Social Protection Ministry (Citifmonline, 2013). Religious groups opposing the nomination argued that a pro-gay activist being made a Minister of State would compromise the sanctity of the future of the nation (Citifmonline, 2013). The National Union of Ghana Students (NUGS)

and other individuals threatened protest and unrest if such presidential decision was not rescinded. The students’ union, for instance, raised concerns over the need for the protection of the “highly esteemed Ghanaian cultural values and customary laws” as a reason for this rejection. In a statement issued by the student union, they argued that Ghanaian societal values and norms:

are stronger than any constitutional clause, and at all times greater pains must be arrived at enriching and strengthening our cultural heritage... We would like to send out a word of caution that, should Nana Oye Lithur be approved, the Union would have no other option than to unleash the full force of Ghanaian students onto the streets such as not even the gates of hell can contain (Vibeghana, 2013).

Mediatization of the threat of homosexual activity has not only been carried out by anti-gay individuals, groups or the state but also pro-gay activists who have similarly relied on anxiety and public passion to garner social and political support for same-sex cause. While the media have hyped the perceived rise in the number of same-sex partners, pro-gay activists have also used the

same media platform to create awareness and panic about the plight of homosexuals. For example, while the media estimation of homosexuals in Ghana have been challenged (Bonsu, 2011), there is likewise no evidence of the exact number of people who have been violated on the basis of their sexual preferences, or their open confessions. There is no such reliable data on the number of those who have suffered one form of abuse/discrimination or the other owing to poor record keeping culture of society and also due to the fear of openly confessing to be a member of the LGBTQ community. This notwithstanding, pro-gay activists have often cited “tremendous,” “widespread” and “increasing” state of fear, abuse, violation and intimidation under which same-sex partners continue to live (*Outrightactioninternational*, 2006). Of course, this is not to deny any real or potential violations of the rights of same-sex partners in Ghana. What I rather seek to demonstrate here is the extent to which moral panic has usefully been deployed by both pro- and anti-gay activists to establish the legitimacy or otherwise of homosexual lifestyles in society.

It must be emphasised that a major reason for the lack of availability of reliable data on the number of people abused on the

basis of their sexual orientation is that because the practice is socially disapproved, same-sex partners who are stigmatised, discriminated or abused mainly lack the courage to report their conditions to state or non-state law enforcement agencies.

**2 Vulnerability Management:** A cardinal reason why same-sex partnership receives a high moral opprobrium is that homosexuals are presented not only as pedophiles but also as a threat to the future of society especially the vulnerable young ones. Dubbed as folk devils, same-sex partners are deemed as delinquents whose sexual lifestyles upset the social order creating fear and panic as well as public anxiety. Thus, on May 21 2010, *The Chronicle* newspaper headlined one of its editions: “Gays and lesbians invade Takoradi.” The newspaper reported of “a spectacle of disbelief when a group of gays and lesbians congregated on the soil of East Tanokrom, a suburb of Takoradi,” (Chronicle, 2010) the capital of Ghana’s Western region. The paper indicated the presence of children of junior high school going age, a situation fostering the condemnable response it received. As Wisdom J. Tettey notes, the report gave credence to how homosexual practices is problematized as an attack on the country’s

future, especially its youth. (Tettey, 2016, p. 91) As has been made clear up to this point, same-sex partnership is presented as inconsistent with heteronormative foundation of the traditional Ghanaian society. It is therefore held as an assault to the conventional sexual behaviours and a challenge to heterosexual procreative unit of society. Traditionally marriage and childbearing are held as a moral responsibility. In traditional Ghanaian society, marriage understood as a heterosexual procreative unit is said to be a social responsibility (Gyekye, 2003). The very existence of same-sex partners, in this sense, is thought as challenging the sacred nature of marriage and procreation (Mbiti, 1989, pp. 142–143). They largely suffer from heterosexism. As such, as Gyekye notes: “In the traditional Akan society of Ghana if a man is well-off and yet remains single, he will be considered irresponsible, even cruel, by his kinsmen or community, and perhaps as abnormal, for falling short of the ideals of manhood” (Gyekye, 2003, pp. 77–78). Their discrimination, thus, is based on the supposition that normalizes privileges in heterosexual relationships. The media relying on the religio-cultural revulsion for same-sex have in various ways framed and amplified

homosexual practices in society (Tettey, 2016).

For some, the alleged growth of the number of gays and lesbians is tantamount to committing genocide for which reason homosexuals must be arrested and punished as such. For example, in 2011, a public interest lawyer and former Deputy Minister of Environment, Science and Technology was reported to have argued that because two consenting homosexual partners cannot reproduce on their own, they contribute to the extermination of the society for which reason they must be charged with genocide (Ghanaweb, 2011).

Discrimination that homosexuals suffer in society is not only based on their sexual orientation but also on the media portrayal of homosexuals as to pedophiles. Children are feared to be especially vulnerable to homosexuals. This situation makes homosexuals vulnerable to social prejudice. As such there have been some groups and individuals who have risen against the LGBTQ people in Ghana. These groups see natural family particularly its younger ones as under attack and hence the need to manage its vulnerable rate. In Ghana, prominent among such organisations include the National Coalition for the Proper Human



Rights and Family Value (NCPHRV). Inaugurated in 2013, this movement aims at educating the youth particularly at the junior and senior high schools demystifying as falsehood the argument in support of homosexuality (Owusu-Akyaw, 2015).

### *Pathologizing Same-Sex*

Same-sex relationship in the Ghanaian society, like societies elsewhere, has been given etiological interpretation (Drescher, 2015; Krafft-Ebing, 1931; Osei, 2018; XYZ, 2014). The exhibition of homosexual tendencies is held to be a result of internal defects or the presence of some external pathological agents. Some have even labelled the practice as psychic masochistic (Bergler, 1956, pp. 28–29). For Kraft, homosexuality is a “degenerative disorder, a congenital disease (Krafft-Ebing, 1931). It has been formulated particularly in the media as a pathological condition that deviates from “normal” heterosexual development and social norm. Framed as a sexual pathology, the act has variously been blamed as a contributor to the spread of HIV/AIDS and other sexually transmissible diseases.

To date, no empirically-driven research has been conducted to ascertain the exact number of the gay and lesbian community in the country. Even so, by 2011,

the number of same-sex partnership was said to have increased dramatically. The media have provided the public with some figures fostering discussion on the threat that the growth of homosexuality poses to the country. In January 2011, for instance, it was reported that 1% of the Ghanaian population was said to be homosexuals.(GHS, 2011) In fact, one media account suggested that by November 2011, the numerical strength of homosexual community in Ghana had risen to 3% of the total national population.(Adom News, 2011) Sensational media report of May 31 of that year suggested that an NGO had registered 8,000 gays and lesbians in Ghana’s Western and Central regions alone most of whom, according to the report, were sufferers of HIV/AIDS thereby serving as a national threat (Aklorbortu, 2011, p. 1). A reasonable assumption can be made that the real members could be higher considering the fact that same-sex partnership is an underground enterprise in Ghana (Dankwa, 2009). Some concerns have been raised regarding this figure, however. It is suspected that the report was a panic news aimed at creating public awareness of the seriousness of the “increase” in homosexual practice and the possible causes of HIV/AIDS. Thus, a local radio station reported that more than

2,900 lesbians and gays were registered in two regions of Ghana in 2008, “the figure tripping as of 2010, with most of them testing not only positive for STDs but also for HIV/AIDS after they had undergone voluntary counselling and testing. The rise in STDs, including HIV, in the two regions, according to the NGOs, was due to the fact that almost all those registered were bisexual, with some having wives and girlfriends” (Peacefmonline, 2011). These anxieties illustrate the Millian argument on harm principle which enables the state to come in to prevent any harm that the actions of individuals cause to the larger society (Mill, 2008). In a society already devastated with this sexually transmissible deadly disease, a superficial assessment of this misconception would seem to justify any state intervention especially given the fact that same-sex partners have been historically faulted as major carriers of this devastating health problem (Kagan, 2018; Vandevyer, 1993; Wright, 2005). But such moves also raise a number of fundamental legal, moral and even empirical questions including the nature and the extent of harm that same-sex relationship causes to the Ghanaian society. Unsurprisingly, following this report, on July 20, 2011 the then Western regional minister

warned that state security agents would be used to suppress any further growth of the group, thus indicating the heightened moral panic over the future of public health status of Ghanaian society if the gay and lesbian community was allowed to operate.

### **HUMAN RIGHTS IMPLICATIONS**

From a human rights point of view, critics have noted that African political elites very often deploy the protection of local values as a smokescreen to violate their commitment to adhering to international human rights standards. On 31 January 2021, for example, the news media reported of the opening of the first LGBTQ advocacy community centre in Accra, Ghana’s capital. The occasion was attended by foreign diplomats from the Australian High Commission to Ghana, the Danish Embassy and the European Union to grace it. Following the news reports, significant moral panic was raised with a section of the population arguing that allowing LGBTQ activities in the country amounts to inviting spiritual and mundane chaos into the country. As a result of the general uproar that ensued particularly in the media and a series of press conferences by interest groups, political actors and religious leaders as well as traditional authorities called on the government to take steps for the

closure of the centre. Accordingly, Ghana security forces raided and shut down the office. This situation engendered the need for the current Anti LGBTQ Bill before Ghana's parliament seeking "to provide for proper human sexual rights and Ghanaian family values."<sup>iv</sup>

The bill has undoubtedly become a major topical issue at both national and international fronts. As noted, the question of marriage – its legal definition, whom to marry – has become a prime example of negotiating fundamental rights in society. In a secular state where the religious, legal, political and cultural realms are interconnected, same-sex partnership has become a hot button issue. The practice has occasioned diverse forms of emotive responses as well as abusive treatments of victims of same-sex relationships. The ongoing controversy over the proper place of same-sex partnership thereby pinpoints a struggle the modern state of Ghana has been confronted with in balancing its societal norms and ideals with international human rights laws and standards. To be sure, state adherence to good governance involves its commitment to enforcing and promoting both internal and external human rights and other legal norms. But the pressure on the

legalisation of same-sex partnership becomes a major test case for the state. It has been shown that often times, moral panic is employed as a mechanism for filling in the gap created by the decoupling of religious and customary laws and state law. For the state of Ghana to exercise its legal legitimacy and sovereignty over its societal norms and ideals, it has to demonstrate that indeed the supposed moral foundation of the society is at stake. Same-sex partnership has therefore been constructed in political discourses as an unfamiliar and imported lifestyle whose acceptance threatens the future and the sanctity of the society, hence the justification to regulate it despite the human rights concerns such attempts raise.

There are several ways in which the mediatization of LGBTQ people raises human rights concerns. From the foregone, it can be seen that albeit its constitutionally secular nature, owing to the strong influence of religion and custom, same-sex partnership has become part of the larger repertoire of "unmentionable" topics in the Ghanaian public domain. Article 7 of the International Covenant on Civil and Political Rights and Article 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment prohibits inhuman

or degrading treatment “interpreted as extending beyond acts causing physical pain to include mental suffering.” Article 17 of the International Covenant on Civil and Political Rights also guarantees the respect for individual existence and autonomy of the human being (Nowak, 2005, p. 378). It states that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home, or correspondence, nor to unlawful attacks on his honour and reputation.” At the national level, chapter five of Ghana’s Constitution of 1992 also awards a number of rights.

Irrespective of the increasing growth of people’s awareness of human rights, stigmatised attitudes same-sex partners continue in the public domain. The negative framing of homosexuals which is an active ingredient of stigmatisation, affects their social identity. Studies have shown the links between stigma and human rights framework (Albuquerque, 2012). Stigma, to be sure, leads to spoiled identity (Goffman, 1963, p. 5). Offensive and discriminative language against LGBTQ individuals, surely, constitute a series of breach on their fundamental rights. It has been found out that stigma, offensive name-calling etc. lie at the heart of many human rights violations a

situation which results in the likelihood of entire population groups being disadvantaged and excluded. (Albuquerque, 2012; paras 43). This includes access to social services.

As a human rights issue, the LGBTQ community essentially seek to demand a better social representation and more political support (Takács et al., 2008). It has already been noted because same-sex partnership is seen as an aberration, partners lack the courage to report their abuse to state law enforcement agencies. In some cases, state law enforcers have been implicated to have rather exacerbated the plights of homosexuals, who are sufferers of societal discrimination. This is evidenced, for example, in an online viral video in which a groups of police officers recorded how they humiliated a suspected gay prostitute who was taken into the police custody (Youtube 2013). The said video provides a convenient framework for understanding how the fear of the erosion of the religious cultural norms of society sometimes guide certain decisions of state legal machineries of control. Pathologising the practice has been the basis for some offensive calling.

Another key human rights challenge regarding the discourse of same-sex partnership is the ways in which



homosexuality has been pathologized in the public domain. Framed as a sexual pathology, the media has given a voice to health professionals whose expertise advice and opinions have been used to warn the society of the alleged dangers associated with the practice. Some of these experts have warned that same-sex partners are prone “to cancer and other chronic ailments which might lead to psychological trauma and death” (GNA, 2011). Some have described same-sex partnership as “a treatable psychiatric disorder” (Adam, 2011). According to Ghana’s Chief Psychiatrist, for example, the solution to addressing the challenge posed by homosexuality is “to let these people accept that they have a problem and that they can be treated, instead of calling them names which will not solve the situation” (Adam, 2011).

The LGBTQ individuals are frequently victims of domestic and other forms of violence in Ghana. Societal abhorrence of same-sex partnership has led to describing the LGBTQ community in diverse derogatory and expletive terms. A former Speaker of Ghana’s Parliament, Professor Mike Oquaye, for example, is noted for his attack on same-sex partners describing them as diaper wearers, “mentally deformed’

persons entangled in acts of homosexuality” (Ghanaweb , 2014; Ghanaweb, 2018). This leaves as just noted, them with little or no access to supportive system.

## **CONCLUSION**

The too enthusiastic media coverage of same-sex couples in Ghanaian society has been analysed in this chapter. This chapter has given particular emphasis to the way the media constructs the image of same-sex partners and the moral panic that goes along with it, with a focus on the ongoing debate over same-sex relationships. The chapter has highlighted the intricate connections between mediatization, moral panic, stigmatisation, exclusion, and related concerns for human rights. The chapter has presented same-sex partnership not only as a sexual lifestyle but also as a form of religious cultural resistance. Activists and partners of same-sex relationship bring on board a different mode of analysing social control based on religious cultural resources. They challenge the universalism of religious cultural conformism. Same-sex partners, the chapter has demonstrated, tacitly challenge the majoritarian rights. Their insistence on equal rights undoubtedly, challenges dominant modes of administering sexual and marriage rights in society. But more importantly and



yet seldom discussed is the fact that same-sex partners demand a right that is different, a right that is no longer a minority one but also majoritarian.

Closely related to this discussion is that the chapter has discussed human rights challenges of same-sex partnership not only in terms of the dominant analysis of how rights are “given.” Instead, I have suggested the need to look beyond the rhetoric of increasing same-sex partnership, an ideological construct which potentially and actually lend themselves to physical, psychological, and emotional abuses. The discourse of the precise number and threat posed by same-sex marriage must not be abstracted. I am quite aware of the challenge of obtaining information about same-sex partners in Ghana and elsewhere. Yet a

discussion on the threat posed by same-sex partnership be must be approached normatively and empirically. This claim opens the curtain for further research into the correlation between religious cultural notions, stigma and physical abuse. The chapter has, thus, raised a concern that needs urgent attention; namely that there is the need for a reliable data not only on same-sex partners but also on the number of victims of same-sex sanctions in society. The chapter’s useful contribution to the discourse of same-sex partnership lies in demonstrating how moral panic becomes not only an ideological mechanism employed by moral entrepreneurs, but also how it is usefully employed by the socially excluded – same-sex partners.

## NOTES

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<sup>i</sup> A comment said to have been made by a radio caller during a talk show on Joy FM, an Accra-based private radio station on August 31, 2006 quoted in (Essien & Aderinto, 2009)

ii In an open letter the professor letter wrote in response to a comment by the President of the Equatorial Guinea, published on Ghanaweb.com, commenters diversely described the professor in derogatory terms, arguing that his views are based on his encounter with, as one commenter said “the western world where there is no difference between good and evil.” See (XYZ, 2013).

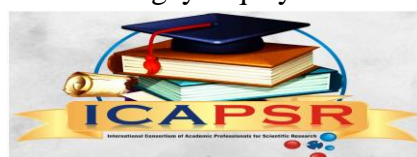
iii Interview with O.K. at Tanoboase on 18 March, 2015.

iv See the introductory section of *The Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021*.

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### **Correspondence Author**

**Dr. Neha Jain**

Research faculty & supervisor (English), Shri Venkateshwara University, UP.

[thegurukulamdelhi@gmail.com](mailto:thegurukulamdelhi@gmail.com)



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