

## Original Papers

*Polish Psychological Bulletin*  
 2018, vol. 49(4) 416–423  
 DOI - 10.24425/119510

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### Examining attitudes and the law on homosexuality in non-Western Societies: The example of Ghana in West Africa

**Abstract:** *The discourse on homosexuality has largely remained Euro-American with a focus on human right of African homosexuals residing in Africa. However, current debates in Africa have centered on the cultural acceptability, legality as well as mental health concerns presumed to be associated with homosexuality. The paper approaches the issue of homosexuality from a perspective that is sensitive to the cultural context of Ghana and also through a non-Euro-American lens. The author attempts to address some of the misunderstanding about the legal status of homosexuals and the negative attitudes in Ghana. The paper concludes that Ghanaians face a paradox of accepting homosexuality because it cannot be understood to further growth of human society from their perspective. Similarly, if Ghanaians view homosexuality as a mental health issue, then it is more appropriate to decriminalize it as it is not appropriate to criminalize mental disorders. Reconceptualizing the issue as a human rights one in which both anti- and pro-homosexual religious and sexual rights respectively are accommodated may be more progressive than promoting one set of rights at the expense of the other. Though Ghana is the focus of this paper, it is believed that the discussions presented are applicable to the rest of Africa and other non-Western societies.*

**Keywords:** *LGBTs, sexual orientation disturbance, attitude towards homosexuality, Ghana*

*“We cannot expect to get into the way of continuous development while we are following a system of education which depends on the borrowing of an alien physiology, psychology and sociology, a system of education which is based on eschewing by us of the social institutions of our ancestors on the ground merely that our ancestors were uncivilised for just as a condition of health in the individual is health in the society in which he is born, so a condition of self-respect in the individual is reverence for the institutions of his social grouping”*

(March 1920, a statement made at the inauguration of the Gold Coast Chapter of the National Congress of British West Africa, the forerunner of political parties in the Gold Coast/Republic of Ghana).

Kobina Sekyi (1892–1956),  
 a Gold Coast freedom fighter and a nationalist

#### Introduction

Recent discourse on homosexuality has focused on the social and legal conditions within which gays, lesbians, transgendered, and bisexuals live in non-Western

societies. The discourse has largely remained a ‘one-way traffic’ with Western advocates appearing to tell African governments and peoples what to do. Simply put, most discussions regarding homosexuality come from a Western liberal tradition but other voices need to be heard. Though this paper seeks to express an African voice, it focuses largely on Ghana. This is because Ghana has one of the most enviable records of peace, stability, economic growth and friendly business environment (Oppong, Arora, Sachs, & Seidu, 2016; Oppong, 2013a). Taylor (2014, para. 2) expresses this more succinctly when she said that “In Ghana, a country often regarded as among the most progressively democratic nations in Africa, homosexuality remains illegal, punishable by up to three years imprisonment.”

Besides, non-Ghanaians writing about homosexuality in Ghana tend to misinform the world about the state of affairs. For instance, Beyrer (2014) erroneously informed the world that restrictive laws had been drafted or are under consideration in 2014 in African countries including Ghana. Beyrer’s (2014) statement is a complete falsehood.

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The only law concerning homosexuality in Ghana is the Criminal Code of 1960 (ACT 29) passed in 1960. There has not been any recent laws or any bill under consideration in the Parliament of Ghana. Similarly, both Taylor (2014) and Kretz (2013) claim that Ghana is one of the countries in Africa where homosexual activity is punished by a penalty of prison sentence. This is also another falsehood. Of all the homosexual activities include kissing, caressing, holding of hands, and intercourse, it is only the latter that is considered a misdemeanour under the Criminal Code of 1960 of the Republic of Ghana. Thus, this paper seeks to directly address these and other such misinformation about the state of affairs relating to homosexuality in Ghana. In fact, homosexual marriage is neither illegal nor legal in Ghana as the law concerns only homosexual intercourse and nothing more. Muth (2013) also lamented about the misrepresentation of the myth of African homophobia and the overblown case of Uganda. Muth (2013, para. 2) argues that describing Africans homophobic “mirrors the underestimation of the American black community’s acceptance of homosexuality” in the US which is proportionately greater than their white counterparts.

Indeed, there is a lot of anti-homosexuality attitude expressed in Ghana through various media. For instance, Essien and Aderinto (2009, p. 122) reviewed various newspaper articles (both print and online) and concluded that homosexuals living in Ghana encounter a “generally tense homophobic environment and the fear of prosecution.” Other social commentators have argued that homosexuality is at variance with the very existence of Ghanaians as humans and Africans (Ayisah, February 2013; Azabre, February 2013; Hanson, February 2013). Ghana as a state is believed to hold a view that homosexuality is illegal and this obviously reflects the views of numerous Ghanaians; homosexual act is described as having “unnatural carnal knowledge” (Okertchiri, March 2012; Essien & Aderinto, 2009; “Ndebugri”, February 2013). However, there are others who express the view that homosexuality should be decriminalized in Ghana as such a public and official anti-homosexuality attitude is equally at variance with the democratic credentials of Ghana. Thus, the pro-homosexuality advocates argue that homosexuality is a human right issue which any liberal democracy accepts. Insofar as Ghana is a respected liberal democracy with free press in the world, she has to promote positive attitudes towards gay and lesbian persons by way of eliminating the legal barriers (see Essien & Aderinto, 2009; Taylor, 2014).

This paper responds to the call for African social scientists to exercise their epistemic agency (Oppong, 2017) and to indigenize psychology research and practice in Africa (Oppong, 2018, 2017, 2016, 2013b). Oppong (2017, p. 9) defines epistemic agency as “the ability to engage in and to create for oneself systematic knowledge to meet one’s needs.” It is, however, important to state, at this point, that it is not the position of this paper to label homosexuality as a psychiatric disorder. Its purpose is to merely examine the law and attitude of Ghanaians towards homosexuality.

## The Law on Homosexuality in Ghana

The §104 of the Criminal Code, 1960 (ACT 29) of the Republic of Ghana criminalizes, among other things, homosexual intercourse but not the status of homosexuality. Despite this, Kretz (2013) claimed that Ghana is one of the African countries that criminalizes the status of homosexuality. As stated earlier, pro-homosexual advocates have questioned the democratic credentials of Ghana in the light of the public and official anti-homosexuality attitude. Further, concerns have been raised about why Ghana is not promoting positive attitudes towards gay and lesbian persons by way of eliminating the legal barriers (see Essien & Aderinto, 2009; Kretz, 2013; Taylor, 2014). This view of the pro-homosexual advocates on the law may not or does not even reflect letters and spirit of the law. For emphasis, I will state the §104 of the Criminal Code, 1960 (ACT 29) here:

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

This §104 (2) of ACT 29 defines unnatural carnal knowledge broadly to include anal and oral heterosexual intercourse as well as “blowjobs” and sexual intercourse using sex objects on one’s partner. ACT 29 also defines misdemeanour in terms of provisions of §296 which provides that an offender of the class of crime labelled as misdemeanour shall be liable to pay a fine not exceeding GHC 20.00 or USD 4.53 in today’s monetary value (per exchange rate in September 2017). However, it is important to note that fines are now determined under Fines (Penalty Units) Act, 2000 (ACT 572). Thus, legally, the law does not persecute only homosexuals but also heterosexuals as well. However, Ghana has not recorded convictions under the §104 (1b) of ACT 29 in its recent postcolonial history.

The most recent attempt to even convict someone under §104 (1a) of ACT 29 failed. Citifmonline (2015) reported that one Dr. Ali Gabass was jailed 25 years for defilement instead of ‘unnatural carnal knowledge’, though the prosecutor presented a case under the provision of §104 (1a) of ACT 29. Citifmonline (2015, para. 3) further reported that the “judge however discharged Dr. Gabass of the charge of unnatural carnal knowledge which she described as ‘bad in law’.” This even implies that this precedent has raised the quality of evidence required to successfully prosecute under §104 (1a) of ACT 29 in Ghana. Thus, §104 (1a) of ACT 29 may be in the law books but ineffective in practice.

Another interpretation of Dr. Gabass’ case could be that his discharge of the unnatural carnal knowledge and sentencing due to defilement case imply anti-homosexual

sentiment disguised. This is because should he have been found guilty of unnatural carnal knowledge, he would have been guilty of misdemeanour with lower degree of punishment; by finding him guilty of defilement he received a higher degree of punishment. However, it is important to note that we cannot know the motive of the Judge without a critical discourse analysis of her judgement as well as other sources of discourse generated by her before, during and after the conclusion of the case.

Indeed, Taylor's (2014, para. 2) comment that homosexuality is illegal and "punishable by up to three years imprisonment" appears to be a wrong notion or belief uninformed by actual understanding of the laws of the country. Kretz (2013) even puts the prison sentence up to ten years. What both Taylor (2014) and Kretz (2013) refer to is the provision of §104 (1a) of ACT 29. It is criminal to have sexual intercourse with someone without the person's consent, whether it is a homosexual or heterosexual one. The case of Dr. Gabass is one that is criminal even in the absence of 'unnatural carnal knowledge'. It is even more serious when the sexual intercourse is with a minor or persons less than sixteen years. Thus, consensual homosexual intercourse is only considered a misdemeanour under §104 (1b) of ACT 29. The potential legal punishment is not great enough to make the law an effective one. This means repealing such a law will be less of a burden than an attempt to make it more effective.

Despite the current state of the law, there may be a need to reconsider decriminalizing homosexuality in Ghana even if it is only regarded as a misdemeanour. To illustrate this point, lessons are drawn from the research and advocacy work on decriminalization of suicide in Ghana, another issue criminal under ACT 29. Psychologists in Ghana have been advocating for the decriminalization of suicidal behaviour since early 2012 (Osafo, Knizek, Akotia, & Hjelmeland, 2012; Khan & Lester, 2013). The Centre for Suicide and Violence Research (CSVR) at the Department of Psychology has been organizing advocacy training for the Ghana Police Service, Judiciary (judges and magistrates), medical practitioners (nurses and physicians), university students, churches, queen mothers, and the media as part of the effort to canvass for support towards decriminalizing suicidal behaviour in Ghana (J. Osafo, Executive Director of CSVR, personal communication, August 18, 2017). According to the Executive Director of CSVR, decriminalizing suicide will make it easier for suicidal persons to seek and obtain help. It stands to reason that decriminalizing homosexuality in Ghana will, perhaps, make it easier for mental health professionals to provide assistance whenever needed. This is to say that instead of arresting and punishing homosexuals, they can be referred to clinical psychologists for assessment and if possible treatment. This might be a better alternative to the current situation in which homosexuality is criminal. A mental health professional who asks about the sexual orientation of a client may be required by law to report same to the appropriate authority while homosexuals with sexual orientation disturbances will refuse to

disclose his or her status for fear of stigmatization and prosecution.

However, decriminalization does not imply legalization in any sense. Decriminalizing homosexuality means that nobody will face criminal prosecution when found to have engaged in consenting homosexual sexual intercourse or had unnatural carnal knowledge of persons aged sixteen years or above. Despite this, it will not mean homosexual partners will be accorded rights to marriage, adoption of children, and others normally accorded to generally accepted marriage forms in Ghana. As stated earlier, the decriminalization is to resolve the incongruence in holding homosexuality to be mental health problem and simultaneously treating it as a crime. Decriminalizing it will allow mental health professionals to even specialize in the provision of mental healthcare to LGBTs. This is because most mental health professionals are trained to manage mental healthcare of the cisgendered.

### Attitude towards Homosexuality in Ghana

Though the legal posture on homosexuality is not as clear as has been suggested, powerful Ghanaian institutions such as religious institutions have pronounced an unambiguously anti-homosexual position (Okertchiri, March 2012). For instance, the Christian Council of Ghana [CCG] (July 2011, p. 4) issued a statement to the effect that homosexuality is a "detestable and abominable act" that when decriminalized in Ghana will bring the "wrath of God upon the nation and the consequences will be unbearable". Again, CCG (July 2011, p. 5) concluded that:

In humility, we reiterate what has always been the message of the Christian faith everywhere: God loves the sinner including the homosexual but he hates sin including homosexuality.

Similarly, the National Chief Imam of Ghana, Sheik Osman Nuhu Sharubutu, issued a statement, on behalf of the Muslim community in Ghana, also condemning homosexuality as detestable in the sight of Allah (Okertchiri, March 2012). Thus, the religious position on this issue is one that discourages the act of homosexuality but does not necessarily encourage discrimination against gays and lesbians per se. Notwithstanding this religious position, an interesting proposition with mental health implication by the CCG is that the call on health services and other professionals to offer help to "practicing homosexuals who have been forced into this act to receive help in order to eschew the practice" (CCG, July 2011, p. 4).

However, a section of the Ghanaian population also holds a different view, one that leads to demonstrations and even violence. For instance, on June 4, 2006, thousands of angry residents in the Sekondi-Takoradi Metropolis staged a massive anti-gay demonstration in respect of the reports about gay and lesbian parties in the metropolis ("Thousands Attend First Anti-gay Protests", June 2010).

In a related event, members of the *Ga-Mashie Youth for Change* were reported to have chased lesbians and gays out of a party the latter organized in a suburb of Accra; the youth were reported to have chased them with canes, cutlasses, stones, and bottles (Okertchiri, March 2012). In fact, there were even reports that “a public demonstration of a national magnitude was planned to register the public disdain for homosexuals by the then Vice President of Ghana, Alhaji Aliu Mahama, the National Chief Imam, Sheikh Osman Nuru Sharubutu and a traditional chief of the Ga, an ethnic group in Accra” (Essien & Aderinto, 2009, p. 128). Late Alhaji Aliu Mahama was the Vice President of the Republic of Ghana from 2001 to 2008. In reaction to these events and as an indication of the global nature of this issue, a group of lesbians and gays in Seoul, South Korea, and Ouagadougou, Burkina Faso, were reported to have held separate demonstrations against the Government of Ghana regarding its anti-homosexuality position and posture (“Gays Demonstrate Against Ghana”, October 2006). Similarly, in August 2011, the British Prime Minister, David Cameron, was reported to have threatened to cut aid to countries with anti-gay legislations. In response, the late President of Ghana, John Evan Atta-Mills was documented to have said the following (Ghana Joy News, August 2011):

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’s society.

This implies that the local controversy about homosexuality has assumed a global perspective with implications for international relations and development partnership. Thus, generally, there is a negative attitude towards homosexuality in Ghana. Empirically, Oti-Boadi, Agbakpe, and Dziwornu (2013) have documented evidence that Ghanaian university students show high levels of negative attitudes towards homosexuality. They further found that religion had significant influence on attitude towards homosexuality such that Christian and Muslim university students as well as those espousing Indigenous African beliefs showed higher levels of negative attitudes towards homosexuality.

Mental health professionals have not been left out of this national discourse. For instance, Dr Akwesi Osei, Chief Psychiatrist of the Ghana Health Service, is reported to have described the practice of homosexuality as a psychiatric problem that must be uprooted from Ghanaian society. He is quoted to have also argued that arguments advanced in support of homosexuality by many pro-homosexuality Western societies are due to political expediency and not a genuine belief that the sexual orientation is normal (Adam, July 2011; “Homosexuality Is A Mental Issue”, May 2012). Similarly, the President of Ghana Mental Health Association (GMHA), Rev. Godson King Akpalu, is also reported to have intimated that

lesbians and gays are suffering from severe mental problems and need early treatment before it degenerates into suicide (“President GMHA”, November 2011).

Dr Akwesi Osei, Chief Psychiatrist of the Ghana Health Service and Rev. Godson King Akpalu of GMHA referred to homosexuality as a psychiatric disorder in spite of the fact that the American Psychiatric Association (APSA, 1973) de-pathologised homosexuality and subsequently deleted it from diagnostic scheme or language. It is important to note that most of the views expressed so far by many Ghanaians appear not to be based on the understanding of the science of sexual orientation and largely reflect religious or cultural position. In a study among physicians in Ghana, it was reported that they have negative attitudes towards homosexuals and have less knowledge about same-sex orientation (Dickson, Agyemang, Afful, & Oppong, 2015).

Results of Pew Research Center’s 2013 Global Attitudes Survey speak volumes about the moral ‘temperature’ of Ghana (see Table 1). Most Ghanaians consider homosexuality to be morally unacceptable and as a result, the views expressed by Dr Akwesi Osei and Rev. Godson King Akpalu also reflected the societal attitudes. But do Ghanaians have a right to hold negative attitude towards homosexuality? Can a democratic government legislate against the attitude of the people? Why do Ghanaians and other Africans not direct the same moral distaste to homosexuality towards corruption?

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

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

Note. U = Unacceptable; A = Acceptable; N = Not a moral issue. Any total less than 100% has missing data.

Source: Adapted from Pew Research Centre’s 2013 Global Attitudes Survey (Available at <http://www.pewglobal.org/2014/04/15/global-morality/country/ghana/>).

Yes, every living human being has the right to hold any attitude towards others including racial attitudes, provided they do not act discriminately or violently towards the target of their negative attitude. In this sense, Africans have the right to hold such attitude and denying them



that right is not any better than the society also denying homosexuals of their right to live. Attempt at social reengineering will appear to constitute cultural genocide or cultural violence (I define that as a denial of the right to one's way of life) and will also appear to be similar to reenacting colonialism in the form of occupation of the mind (see Bulhan, 2015; Oppong, 2017, 2016, 2013b; Teo, 2010, 2008). Similar sentiments seem to be at play in the US as well. There is acknowledgement in the US that compelling people to act in support of LGBT rights against their religious or cultural beliefs constitutes violation of such freedoms as well. For instance, *The Guardian* (2017a, para. 1) reports that:

The [US] attorney general, Jeff Sessions, on Friday [October 6, 2017] issued a sweeping directive that undercuts federal protections for LGBT people, telling agencies to do as much as possible to accommodate those who claim their religious freedoms are violated.

Democracy is supposed to be the government of the people, for the people and by the people. As a result, no democratically elected government in Africa will sacrifice their political fortunes by legislating against the will of the people. If the will of the people changes, it is more likely that African governments will have fewer impediments on their way in decriminalizing homosexuality. The November 2017 Australian plebiscite on gay marriage rights is both illustrative and instructive. In Australia, the executive and legislature did not single-handedly legalize gay marriage without a national referendum (see Glover, 2017; *The Guardian*, 2017b). This is due to the realization that democratically elected governments and legislators cannot pass laws on delicate issues without the voice of the citizens. African politicians, apart from holding similar attitudes as the general public, are also worried about the chances of their re-elections and consolidation of power just like their Australian counterparts. Thus, the unwillingness of most African governments to decriminalize or legalize homosexuality represents a rational political choice.

In fact, there is this argument that democratic societies support LGBT rights (see Encarnación, 2017; Taylor, 2014). It follows that any country that claims to be democratic should also promote LGBT rights. However, such an argument seems merely like an emotional blackmail than a sound justification. For any progress to occur on the front of LGBT rights in Africa, it will be more appropriate for pro-LGBT rights activists residing in the West to listen more to Africans to appreciate their concerns. It also requires Western pro-LGBT rights activists to admit and acknowledge the anti-LGBT concerns held by non-Westerners as legitimate and their right to have such views. This can open up the space for dialogue.

Using the Australian example, it might be possible for all sides of the debate to remain positive that referendums could be used to decide decriminalization and/or legalization of homosexuality. This implies that countries which have criminalized, decriminalized or legalized homosexuality without recourse to a national referendum

acted in bad faith and dictatorially. Democracy implies the citizens must have their voices heard in law making or decision making or policy making processes of their respective countries. A national referendum gives the citizens the opportunity to exercise their human right to decide on the matter while at the same time giving meaning to the idea that democracy is the government of the people, for the people and by the people. Political leadership cannot, should not, and must not be encouraged to make decisions for an entire nation on such sensitive issues. That will be dictatorship. However, would the majority decision also not reduce to dictatorship by numerical majority? Unfortunately, democracy which encourages respect for human rights has always been, is, and will continue to be a rule by the majority. In a democracy, no opinion becomes law without majority support or vote.

Why do Ghanaians and other Africans not direct the same moral distaste to homosexuality towards corruption and other social vices? This question was asked at the International Academy for Intercultural Research (IAIR) Conference held from June 28 to July 2, 2015 at the University of Bergen in Norway (Dickson et al., 2015). The answer lies in a misunderstanding of the origin of the moral virtues of the African. Gyekye (2003, p. 56, 57) comments on this as follows:

In the light of the religious orientations and outlook of the African people..., there is a great deal of temptation – to which a number of scholars have (sic) succumbed – to regard their moral values as founded on religion... it would be more correct to say that African moral values derive from the experiences of people in living together, or in trying to evolve a common and harmonious social life. That is, the moral values of the African people have a social and humanistic basis, rather than a religious basis and are fashioned according to the people's own understanding of the nature of human society, human relations, human goals and the meaning of human life.

This implies that corruption may be viewed as instrumental to meeting human goals and underlies human relations while perhaps there is a generalized understanding that gifts ought to change hands in any and every human interactions. If the African views child-bearing as a 'natural' human goal and as making human life more meaningful, then homosexuality will be abhorred more than corruption. Implying from involuntary infertility studies in Africa, Dyer (2007) reported, among other things, that children secure conjugal ties, offer social security, and provide continuity through re-carnation and maintaining the family lineage. Similarly, Sam, Amponsah and Hetland (2008) have found in a study among Ghanaian women that children have social, psychological and spiritual value (as a blessing from ancestors and/or God). The value of children to the Ghanaian and other Africans may outweigh the value of childlessness due to homosexuality. It is important to note that adoption of children is not a preferred option in Africa as children are regarded as gifts from God or one's ancestors to continue one's biological lineage (Dyer, 2007; Sam et al., 2008). It is for this reason Dyer (2007) also found that biological

children are valued to secure rights to property and inheritance. Those who adopt due to involuntary infertility do all they can to present their adopted children as their biological children and their families are also opposed to such arrangements as such children are not their 'true blood'.

Nicolosi (2001) argued that the removal of the diagnostic classification of homosexuality from *Diagnostic and Statistical Manual of Mental Disorders (DSM)* was not based on a conclusion reached through scientific or empirical studies, "but was instead an action demanded by the ideological temper of the times" (Bayer, 1981, cited in Nicolosi, 2001, p. 72). In addition, Nicolosi (2001, p. 73) pointed out that the "removal of homosexuality from the DSM had the effect of discouraging treatment and research." This calls into question the validity of the current psychiatric nosology. Smolik (1999) showed that the degree of concordance between holistic, expert clinical diagnosis and DSM-IV/ICD-10 diagnosis of schizophrenia to be marginal. His evidence is suggestive that psychiatric nosological classifications have low validity relative to the former. Smolik (1999) suggested psychiatric nosology can be improved through combining established facts and theoretical assumptions about the nature of the disorders in their design. If it is true that the removal of homosexuality from the current psychiatric nosology was not based on any established facts (Nicolosi, 2001), then the current diagnostic schemes even depart from the very idea that psychiatric nosology should be based on established facts (Smolik, 1999).

However, it is worth noting that the removal of homosexuality from the DSM has only discouraged treatment but not research (see Boehmer, 2002; Ellis, Kitzinger & Wilkinson, 2003; Arndt & Bruin, 2006; Savin-Williams, 2006; Zietsch et al., 2008). For instance, Boehmer (2002) identified 3,777 research papers that addressed homosexuality between 1980 and 1999 alone. Besides, there is currently a journal, *Journal of Homosexuality*, which is dedicated to supporting activism against sexual and gender prejudice (e.g., homophobia, biphobia and transphobia), including the promotion of sexual and gender justice.

The view of ascribing a mental health problem status to homosexuality in Ghana is indeed consistent with the position of CCG (July 2011) that mental health professionals should treat persons who engage in homosexuality. Thus, such a CCG position simply assumes homosexuality to be a mental disorder in need of treatment just like other psychological conditions. Therefore, the foregoing discussion is a clear demonstration of the controversy that surrounds the issue of homosexuality in Ghana. However, there is not enough evidence yet to suggest that homosexuality is a mental disorder or is not a mental disorder. Attempts have rather been made to show its biological basis, though current large scale heritability studies suggest it is neither due to social factors nor biological factors (Oppong, 2017, in progress). It may also be possible to view homosexuality as simply a way of life of certain people (whether born that way or due to a person

choice). This will enable us to consider it as a human rights issue. This perspective will unburden the discourse around homosexuality in such a way that both the religious rights of anti-homosexuals and sexual rights of the homosexual can be balanced. There cannot be an easy ease if rights of both camps are not accommodated, particularly in Ghana and other Black African nations. In the final analysis, decriminalizing and/or legalizing homosexuality will be resolved through organizing a national referendum as was the case in Australia.

## Conclusion

This review paper examined the nature of the controversy about homosexuality in Ghana by way of surveying the views of cross-sections of Ghanaians in respect of their attitudes and opinions about homosexuality. Drawing from the survey of Ghanaian views on homosexuality presented, it is plausible to conclude that there is generally a negative attitude towards homosexuality and homosexuals. However, this generally negative attitude towards homosexuals need not degenerate into hatred and violence against them. Thus, any form of discrimination, violent or nonviolent, need to be condemned in no uncertain terms. That if those who think of and perpetuate violence against known homosexuals view homosexuality as violating their cultural, religious morals and ideal standards, then the conclusion reached by Christian Council of Ghana that God loves all sinners including homosexuals but hates all sins including homosexuality should be a definitive statement on this for them. This is to say that persons with such negative attitudes should rather focus their effort on the practice of homosexuality rather than the actors; thus, discrimination and violence against homosexuals constitutes misplaced effort and attention.

It is also concluded here that decriminalizing homosexuality may have to go hand in hand with further empirical studies on the subject matter. The purpose of decriminalizing homosexuality is to create an environment in which homosexuals can seek help without being criminalized. This will also make it possible for mental health professionals to assist such persons without fear that they are breaking the law for failure to report to the appropriate authorities for legal actions. However, decriminalizing homosexuality will not deal with the attitude which is the right of each person to hold any negative attitude towards any group of persons as long as the attitude does not manifest in behaviour towards them. This is feasible given that intention (determination to act) mediates the attitude-behaviour association (Oppong, 2014). Homosexuality will continue to be seen as a deviant behaviour in sociological terms and homosexuals will be compelled by their families to seek help in Ghana. Mental health problems (psychiatric and psychological disorders) of all kinds are not criminalized in most countries. As a result, if Ghanaians consider homosexuality as a mental health problem, it also stands to reason that it should be decriminalized.

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