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LGBTQI+ Regulation and Implications for Transgender Rights in Africa: A Feminist Queer Inquiry

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Abstract: Against the backdrop of dominant narratives and state legislation that criminalize people based on gender identity and sexual orientation across many African contexts, this study documents key LGBTI+ (lesbian, gay, bisexual, transgender, and intersex) regulations and foregrounds transgender (trans) experiences in particular. Using a mixed-methods design and a feminist queer standpoint, it first conducts a scoping review to map regional patterns in LGBTI+ regulation, tracing trajectories of decriminalization and the interplay between law, public opinion, and activism. It then analyzes narrative data from young people in Ghana concerning their understandings of transness, their tendency to conflate transness with specific sexual acts, and their views on how trans individuals might position themselves vis-à-vis anti-gay and anti-LGBTI+ legislation. By placing broad legal and policy trends alongside grounded accounts from Ghanaian youth, the study illuminates how structural conditions and everyday meanings co-produce trans experiences in Africa. It argues that sustained, trans-specific research and storytelling—rooted in feminist and queer scholarship—are crucial for disaggregating the category “LGBTI+,” illuminating the distinct vulnerabilities and contributions of trans persons and informing gender-responsive policies and interventions that harness Africa’s demographic dividend through the full inclusion and protection of all young people, regardless of gender identity.

Keywords: Transgender experiences; LGBTQI+ rights; gender identity; feminist queer perspectives; Africa

1. Introduction

This study examines LGBTI+ (queer) debates in Africa with a particular focus on transgender people whose gender identities and expressions diverge from cisgender norms. It synthesizes literature on anti-homosexuality laws and decriminalization, and combines a scoping review of homophobia and legislation with a small empirical study on knowledge, perceptions, and experiences relating to trans people in Ghana. “Queer” is used as an umbrella term encompassing lesbian, gay, bisexual, transgender, and intersex identities, while emphasizing that these categories are neither homogeneous nor reducible to binary, hegemonic gender norms.

Queerness disrupts fixed divisions between male/female and heterosexual/homosexual and foregrounds fluid, non-conforming identities [1]. Yet legal, religious, and cultural narratives in many African contexts persistently collapse diverse queer lives into a single stigmatized category, primarily framed through limited notions of sexual acts and “un-African” behaviour. The study carefully distinguishes sexual orientation, gender identity, and gender expression. It uses “transgender,” “trans,” and “transness” to refer to people whose self-understood gender does not align with the sex assigned at birth, including those who are non-binary, genderqueer, or otherwise not fully captured by cisgender categories. While “transsexuality” may involve bodily modification, gender identity exceeds bodily traits and medical interventions, and some individuals reject identity labels altogether, simply identifying as men or women. Nonetheless, in many African societies, any visible departure from heteronormative expectations—whether or not one claims a “trans” label—is interpreted through the lens of homosexuality. This conflation shapes legal and social responses in

ways that criminalize transness as a form of homosexuality rather than as a distinct question of gender identity. To foreground these specific vulnerabilities, the study treats transness as a particular configuration within the broader queer field: a gender identity and a form of queerness, but not necessarily a sexual identity.

The African context is shaped by both regional and global headwinds against LGBTI+ rights. Internationally, the resurgence of right-wing politics—symbolised by Trump-era “Make America Great Again” rhetoric—has intensified hostility to gender and sexual diversity, including opposition to trans rights and gender-affirming care. Setbacks such as the UK Supreme Court’s 2025 decision on the legal definition of “woman,” which excludes some trans women, and the US Supreme Court’s support for bans on gender-affirming care for minors, signal a broader backlash that resonates in African debates. Proponents often insist that these laws concern age or medical practice rather than discrimination, yet their effects disproportionately restrict trans people’s access to recognition and care and legitimize African political and religious narratives that present gender plurality and sexual diversity as dangerous foreign imports. Across Africa, scholarship documents how LGBTQI+ and especially trans people negotiate intense stigma within families, religious institutions, educational settings, and health systems. Studies in Ghana, Nigeria, Zimbabwe, and Kenya show that university students, church leaders, and wider publics commonly view homosexuality and gender diversity as immoral and alien to African culture, thereby justifying exclusion and violence. [2–5]. These attitudes are anchored in heteronormative gender regimes that demand alignment between assigned sex, binary gender roles, and heterosexual desire [1,6]. Yet research on attributional discourse in Ghana suggests that when homosexuality is reframed in less moralistic and more humanizing ways, public attitudes can soften [7], indicating the importance of knowledge, language, and narrative frames in reshaping social responses.

Empirical studies across the continent show how stigma translates into concrete harms in health and everyday life. Transgender women in Kenya, South Africa, Uganda, Ghana and elsewhere experience high levels of stigma, depression, substance use, and violence, alongside structural barriers to healthcare, including fear of clinics and direct abuse by providers [8–11]. Research on minority stress and sexual behaviour stigma among men who have sex with men (MSM) and trans populations underscores elevated HIV risk and complex, often fragmented, care trajectories [12–14]. At the same time, work on PrEP engagement, the social determinants of HIV, and the economic costs of stigma highlights the potential of community-led research to centre trans women and broader LGBTQI+ health and rights [15–20]. These studies reveal an African landscape marked by deep structural stigma but also by emergent queer and trans politics that claim visibility and demand more humanizing, inclusive language and practice [21–23]. Despite these developments, trans research in Africa remains limited in volume and geographic coverage [24]. Existing work is heavily concentrated in Southern Africa, particularly South Africa, where constitutional and legal advances on sexual and gender minority rights have enabled more visible organizing and scholarship. Even in such contexts, however, transphobia persists. Cultural misunderstanding is a key driver of discrimination, with many trans people fearing mistreatment based on their outward appearance and struggling to access identity documents that reflect their gender [25].

Legislation and policy often focus narrowly on medical readiness or bureaucratic criteria, effectively demanding conformity to rigid gender markers—clothing, names, pronouns—before recognition is granted. South Africa’s Alteration of Sex Description and Sex Status Act 49 of 2003, for example, formally allows gender-marker change on official documents but, in practice, can hinder timely and dignified recognition due to onerous requirements. Similar patterns of constrained recognition and stalled reform are reported in Namibia and other countries. The broader political economy of African states also shapes responses to trans issues. In many countries, public discourse prioritizes “bread-and-butter” concerns—jobs, poverty, infrastructure—over what are framed as “Western” identity politics. This framing is frequently mobilized to argue that legal recognition, healthcare access, and documentation for trans people are luxuries or distractions. In turn, the costs and institutional adjustments required for trans-inclusive policies are portrayed as unjustifiable, reinforcing resistance to reform. Yet historical and anthropological accounts remind us that African societies have long coexisted with people who did not conform neatly to dominant male/female roles, and that contemporary transphobia reflects more recent colonial, religious, and global ideological formations rather than timeless African tradition.

Ghana exemplifies many of these global and regional dynamics. The country operates within a strongly heteronormative and patriarchal framework, and transness is often conflated with homosexuality in public discourse. While queer activism and public debates have become more visible, conservative perceptions remain powerful. The Human Sexual Rights and Family Values Bill (the anti-LGBTQ+ bill), passed on May 29, 2026, awaiting presidential assent, embodies this tension. Survey evidence and studies of tertiary-level students reveal high levels of support for criminalizing LGBTI+ activities, with respondents citing inadequate medical infrastructure, perceived violations of cultural and religious values, and concerns about Western cultural influence [2]. Such attitudes signal reluctance not only toward gay and lesbian people but also toward trans people, whose diverse identities and experiences are often flattened into a general category of “LGBT” deviance. Nonetheless, variation in trans people’s social positions—by class, geography, religion, and family support—creates different levels of vulnerability and resilience.

1.1 Feminist queer lens

Theoretically, the study is grounded in feminist and queer perspectives that place power and knowledge production at the centre of analysis. Feminist and queer scholars have long argued that we must interrogate who produces knowledge, whose experiences are recognized as legitimate, and how dominant epistemologies sustain inequality [1,6].

Queer phenomenology, in particular, invites attention to how bodies, orientations, and everyday practices are organized along normative lines, and how queer lives expose and disrupt these lines. African feminist thinkers such as Stella Nyanzi, Sylvia Tamale, and Takyiwaa Manuh, as well as queer studies scholars like Zethu Matebeni, emphasize collaboration, reflexivity, and the need to centre marginalized voices in knowledge-making about sexuality and gender. Echoing Bell Hooks’ [26] and Chimamanda Ngozi Adichie’s [27] calls to raise critical consciousness, this study treats trans narratives as crucial sites for rethinking power.

Guided by this framework, the study asks: What challenges arise from LGBTI+ criminalization, and what can be learned from countries that have moved toward decriminalization? How do we understand specific groups—particularly trans people—as a facet of LGBTI+ rights to reveal differentiated vulnerabilities? How might centring trans voices foster broader conversations about transness in Africa, and what insights can be drawn from Euro-Western contexts to conceptualize the interconnectedness of queer struggles across regions while still foregrounding local histories, cultures, and politics?

2.0 Materials and Methods

This study draws on two interconnected data sources: a scoping review of published work and primary qualitative narratives. Together, they illuminate how popular and political homophobia regulate cisheteropatriarchal binary demography and gender norms. Laws work to script who can fit into conservative gender roles, while everyday narratives feed into, justify, and are shaped by legal regimes. Combining a scoping review with narrative data therefore offers a multifaceted picture of how existing scholarship has influenced legislation and how contemporary voices continue to legitimise particular constructions of sexual and gender minorities.

2.1 Scoping review

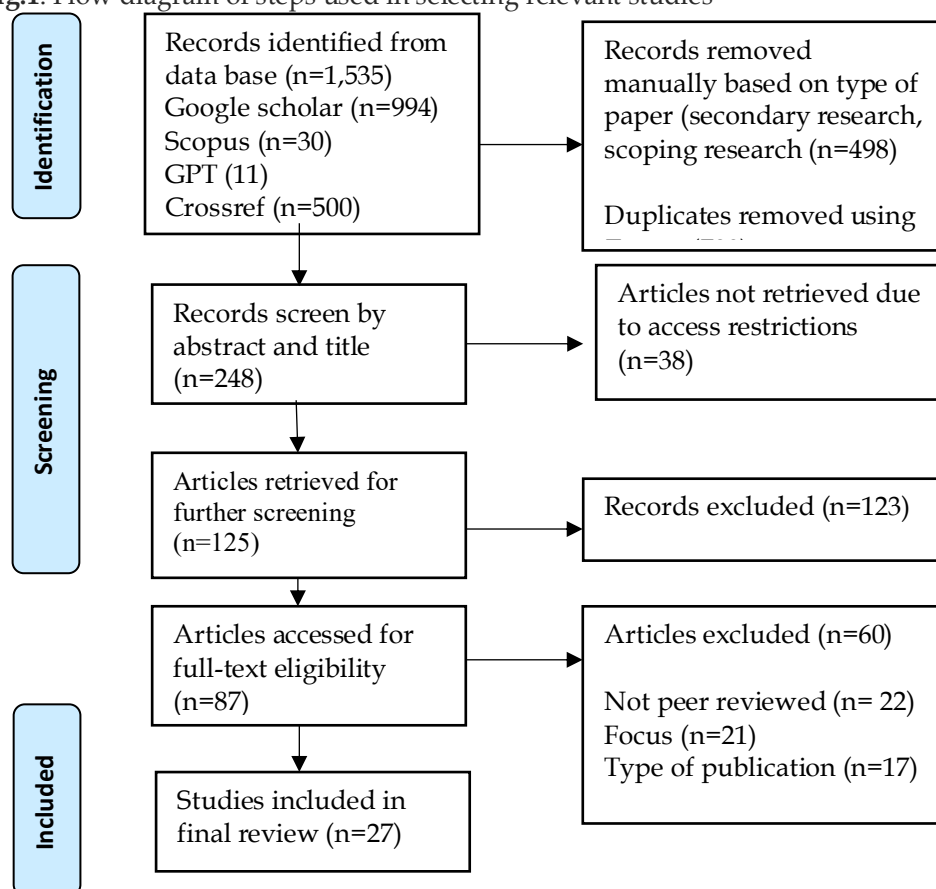
The sole author conducted a scoping review to map literature on LGBTQI+ and queer sexualities or gender in sub-Saharan Africa, focusing on countries that had criminalised or decriminalised homosexuality. The review followed Joanna Briggs Institute (JBI) guidance and the Extension for Scoping Reviews [28]. The scope centred on sexual and gender minorities, with particular emphasis on transsexuality and transgender people as key spaces of minority inclusion. Eligible studies were original, peer-reviewed articles published in English from 2014 onwards, conducted within African settings, with full-text access, and focused on gender and sexual minorities. Excluded were secondary reviews, conference abstracts, editorials, opinion pieces, non-English publications, and studies published before 2014. The search strategy drew on the JBI three-step approach and covered published and grey literature. Search terms derived from the study’s aims (e.g., “LGBTQI+”, “queer”, “transgender”, “trans women”, “gender-diverse”, “gender minority”, “gender non-conforming”) were applied in Google Scholar, Crossref, Scopus, PubMed and GPT-assisted tools, combined with Boolean operators AND/OR. Additional terms such as “homosexuality laws”, “anti-gay laws”, “homosexuality legislation”, and “homosexuality criminalization or decriminalisation” were used to identify country-level legal contexts in sub-Saharan Africa (see Tables 1–5). Searches began on 4 February 2025, with caps of roughly

1,000 records per search using AI tools, Google, and Publish or Perish. Grey literature searching remained systematic and comprehensive but used procedures adapted to non-indexed sources, while maintaining transparency, reproducibility, and rigour. In total, 1,535 records were identified (Google Scholar $n = 994$; Scopus $n = 30$; GPT-assisted citation mining $n = 11$; Crossref $n = 500$).

At identification, 498 records were removed as secondary research or clearly irrelevant. After duplicate removal using manual checks and Zotero, 789 records remained for screening. Title and abstract screening yielded 248 records for full-text assessment; 123 were excluded for irrelevance to LGBTQI+ or transgender populations in sub-Saharan Africa or misalignment with the conceptual scope. At the eligibility stage, 87 full-text articles were assessed, of which 60 were excluded because they were inaccessible ($n = 22$), did not focus on LGBTQI+/trans populations in sub-Saharan Africa ($n = 21$), or were commentaries, editorials, or other non-empirical papers ($n = 17$).

Ultimately, 27 studies met all inclusion criteria and were retained to map evidence on LGBTQI+ and transgender health in sub-Saharan Africa, with emphasis on stigma, discrimination, mental health, HIV vulnerability, healthcare access, and structural determinants. Figure 1 presents the flow diagram of study selection for the scoping review of LGBTQI+ and transgender health in sub-Saharan Africa: Identification (records identified through databases, $n = 1,535$; records removed at identification, $n = 498$; duplicates removed, $n = 248$; records after duplicates, $n = 789$); Screening (records screened by title/abstract, $n = 789$; records selected for full-text assessment, $n = 248$; records excluded at screening, $n = 123$); Eligibility (full-text articles assessed, $n = 87$; full-text articles excluded, $n = 60$: not accessible $n = 22$; no focus on LGBTQI+/trans in sub-Saharan Africa $n = 21$; commentaries/editorials/non-empirical $n = 17$); Included (studies in final synthesis, $n = 27$).

Fig.1: Flow diagram of steps used in selecting relevant studies



2.2 Qualitative data

The second data source comprised in-depth interviews with sixteen purposefully sampled educated adults in Ghana, designed to explore knowledge, perceptions, and experiences of transgender people. The interview guide covered

familiarity with the term “transgender” and related local expressions (e.g., “man-woman” or “banyin-basia”, “Kojo basia”, “ɔbaa barima” in Fante and Asante Twi), understandings of who is considered transgender (e.g., tomboy, Kojo-basia), and perceived similarities or differences between “transgender” and “homosexual”. Participants were asked whether they had ever suspected someone to be transgender, what cues informed such suspicions (e.g., walking style, posture, language, appearance), how they reacted, whether they viewed transgender people as different, and how they perceived societal acceptance of trans men versus trans women. They were also invited to reflect on whether “transgender” had arisen in everyday conversations (family, class, sports, pubs), what first prompted them to question their own gender, and how they would describe their gender. For participants who self-identified as trans, additional questions addressed how peers described them, their comfort with such descriptions, their perceptions of others with different genders, and their understandings of sexual orientation. Thematic analysis, informed by my earlier work [29] and the feminist framework outlined in the study, guided interpretation, with specific attention to power relations and discrimination within Ghanaian LGBTQI+ communities. All participants provided informed consent, and pseudonyms were used to ensure anonymity.

3.0 Results

The findings draw on the scoping review and sixteen narrative interviews. The review shows that most empirical work on LGBTQI+ and especially transgender people in Africa is clustered in South Africa, Kenya, Ghana, and Nigeria, with additional studies from Uganda, Tanzania, Zimbabwe, and several multi-country projects. [20,30–32] These studies document intersecting themes of stigma, discrimination, constrained healthcare access, HIV vulnerability, mental health burdens, family and religious responses, and the particular marginalisation of trans women [8,11,13–17]. They also map a legal patchwork in which many states retain or intensify colonial-era provisions criminalising same-sex acts, while others have begun to dismantle such laws [33–38]. The Ghanaian narratives complement this picture: among the sixteen university students (one self-identified trans woman, ten women, and five men, all Christian), queer and trans issues were framed through strong religious and cultural lenses, consistent with earlier work on religiosity, homophobia, and sexuality in Ghana and the region [3,39–43].

3.1 LGBT legislation in Africa

This section examines the legal and sociocultural context surrounding LGBT+ people in Africa, highlighting both restrictive and progressive developments, including criminalization and decriminalization.

3.1.1 Criminalisation

The broader legislative landscape confirms what decolonial and queer scholars describe as the afterlife of colonial criminalisation [33,35,36,44,45]. Across much of the continent, colonial “sodomy” or “carnal knowledge against the order of nature” provisions have been retained or expanded, often reframed as defending culture, family, and children [34,37,46,47]. Contemporary anti-LGBTI+ bills in Uganda, Ghana, Kenya, and Namibia exemplify this trend, recasting heterosexual marriage and “family values” as the core of national identity while positioning homosexuality and gender nonconformity as foreign threats [33,38,43,48,49]. Courts and political elites at times draw on Euro-American jurisprudence—such as *Dobbs v. Jackson* in the US—to argue that rights not “deeply rooted” in tradition can be curtailed, a logic mirrored in African rulings that present homosexuality as outside authentic culture [46]. Punishments range from long-term imprisonment to, in Uganda’s case, the death penalty for certain offences under the 2023 Anti-Homosexuality Act, alongside penalties for those who support or advocate for queer people [37,47,50].

From a Foucauldian and feminist-queer perspective, these laws function as disciplinary technologies that regulate bodies, desires, and gender expressions in line with cisheteropatriarchal norms [1,6,51,52]. Historical and legal analyses show that criminalisation is justified through narratives of protecting marriage, reproduction, and children, even as such narratives erase precolonial gender and sexual pluralities [35,36,45,53]. Amnesty International (2024) and Human Rights Watch (2022) describe how many states have intensified enforcement or introduced new “family protection” or “anti-promotion” clauses that target not only same-sex acts but also advocacy, funding, and legal support. In this climate, transgender and gender-diverse people are often subsumed under “homosexuality,” with their specific health and human rights needs rendered invisible [20,24,30] The Ghanaian narratives reflect this conflation: participants

routinely collapse transness into homosexuality and draw heavily on Christian discourses and Pentecostal demonology, echoing wider research on religion, homophobia and sexual regulation in Ghana [2,39,42,54].

3.1.2 Decriminalisation

Despite the setbacks, decriminalisation trajectories across Africa illustrate the possibilities of legal, political, and discursive change. Comparative work shows that countries with differing colonial legacies—French, Belgian, Portuguese as well as British—have moved at different paces, with some Lusophone and Francophone states abolishing “vice against nature” offences and, in a few cases, introducing anti-discrimination protections [36,55]. South Africa remains the most far-reaching example, combining constitutional protections, equal marriage, and adoption rights with ongoing struggles over implementation and social attitudes [18,21,34,48]. More recently, courts in Botswana, Mozambique, Angola, Seychelles, Mauritius, and Namibia have struck down or weakened colonial-era sodomy provisions, often via strategic litigation supported by local activists, regional coalitions, and transnational networks [38,46,56–60]. These gains coexist with new forms of backlash, including intra-church debates such as the Vatican’s *Fiducia Supplicans* declaration on blessings for same-sex couples, which some African clergy interpret as a threat to fixed gender and sexual norms [54,61].

Across both criminalising and decriminalising contexts, the reviewed evidence shows that law is never merely symbolic. Criminalisation amplifies stigma, normalises violence, and undermines access to healthcare, while decriminalisation—though uneven and incomplete—can open space for improved services, rights claims, and more humanising language for queer and transgender people [11,15–17,20,23].

3.2 Transness in Ghana

This section presents narratives from sixteen university students in Ghana (aged 19–27) exploring their understandings of transgender identities. I targeted younger adults because, given the power-laden nature of gender, they were more likely to challenge existing narratives than older cohorts. The aim was to examine what participants know about transness, how they define and label transgender people, and how they interpret the relationship between gender identity and sexuality.

3.2.1 Defining and recognising “transgender”

Across genders, participants largely defined a transgender person as someone who “acts like the opposite sex”—“a man who behaves like a woman, and vice versa.” Many collapsed transness into homosexuality, as Kofi (male, 24) explained: “For me, I think it’s more like a guy who has changed to become a girl, or vice versa. It is simply homosexuality” (Kofi, male, 24 years). Transgender was frequently equated with cross-dressing and deportment that violate culturally ascribed gender markers, and this was then read as evidence of homosexuality. Participants described “basic behaviours and acts” that triggered suspicion that someone was trans or homosexual, such as walking style, speech, gestures, or eating habits. Akua (female, 22) captured this policing of gender performance:

“The way he walks, talks, and even when he is eating and even when he sees you... come on, if you are a guy, be a guy... I am like, I am a girl, and I don’t do this, and you are doing this. He’s young, so we have to start beating him before he grows with it, because when he grows with it, it will be trouble.”

Most interviewees thus located transness in visible demeanour—how people walk, dress, and talk. Some invoked biology: two participants believed transgender identity was inborn, inferring this from physique and deportment, even though they could not offer evidence. One suggested that *Kojo-Basia* (Akan, where *Kojo* is a male name and *basia* a term for female, euphemistically meaning “man-woman” or transgender) is a genetic abnormality that causes a male to act and behave like a female and vice versa.

3.2.2 Gender norms, socialisation, and local labels

Participants’ accounts reflected familiar Ghanaian gender expectations. Society teaches that girls and women should dress in “feminine” ways and be polite, accommodating, and nurturing, while men should be strong, aggressive, and bold. Interviewees drew on these norms to explain why they saw certain behaviours as “wrong” for a particular gender. One participant, for example, linked her own “boyish” behaviour to growing up as the only girl among brothers and

lacking female friends, illustrating how socialisation shapes gender expression. Local terms such as “man-woman,” “banyin-basia,” “Kojo basia,” and “ɔbaa barima” (in Fante and Asante Twi) were used interchangeably with “transgender,” often without clear distinction between gender identity and sexual orientation. These labels carry strong moral and social connotations and are central to how participants recognised and talked about transness.

3.2.3 Conflating transness and homosexuality

A key theme was the pervasive conflation of transness with homosexuality. When I probed this link, Yaw, who self-identified as a trans female, reflected on how others equate transgender expression with being gay:

“Some people, although they hardly know me, describe me as gay. Yes, they have affected my thoughts in some way. As I said, we may see someone who is transgender in a movie, and people will accuse those people of being homosexuals... Because I can think about it and then say to myself that there is no evidence to prove the person is a homosexual. But most of the time, I feel the pain, and sometimes I feel pity for those who have been” (trans female, 23 years).

Yaw’s account shows how repeated accusations make her feel that “everyone” shares the same perception—that transgender people are necessarily homosexual. Even when she reassures herself that there is no evidence she is gay, these views still hurt and lead her to feel pity for other trans people. A cis male participant, Kojo (23), initially opposed transness but described how peer debates shifted his view:

“Oh yes, whenever you are against something, it’s not because it’s bad, but sometimes because you want it to be corrected or you need some corrections for something. So it has really affected my perception about transgender and homosexuality because whenever we argue, the people who go for the motion will come up with different ideas that I never thought of, so at a point I realise that, hey, maybe this thing is good, so let’s leave it; maybe that’s how they are born to be. So at a point, it changes my perception of such people” (Kojo, male, 23 years).

Although Kojo was initially against transgender people, learning from friends led him to reconsider his stance and eventually accept that “maybe that’s how they are born to be.” Another participant highlighted the role of education and Western exposure:

“I was in a gender class, and HIV was a compulsory course in level 100. With the gender, I am still doing it, and to my lecturer, he wishes society would just allow transgender and homosexuals to do what they want to do, since in all things we are copying Western lifestyles, we should just accept them. Since we see their culture as normal, this should also be normal” (Akosua, 23 years).

3.3.2 Lived experiences of a trans person

Yaw’s narrative offers deeper insight into how a young trans person in Ghana experiences and articulates transness. She describes a mismatch between her gender identity and her male-assigned body, and how this shapes her interactional style:

“I am a man, and unlucky for me, my feelings and my thoughts are like those of a lady [a woman], so you should understand that when I am talking to a male [man], it will be different. Do you get it? It will be like a girl who has met a boy.”

This underscores that she identifies as female despite her male appearance, and experiences this as largely unconscious and innate. She attributes her transness to birth and rejects the idea that people simply choose to become Kojo Basia:

“To me, it’s through birth. I don’t know who will intentionally learn to be a Kojo Basia [man-woman]. If there are people like that, then I have yet to meet them... The world has made this whole thing [fixed gender binaries and assumptions about sexual orientations]. If a stranger sees people like me, the first thing that pops up is, ‘Oh, he is gay, or she is a lesbian.’ The person gets that impression because the world has created that image for Kojo Basia people. The world makes it look like if you see a man behaving like a female, then he is gay, and if you see

a woman behaving like a man, she is a lesbian. So, if the person doesn't get close to you, that is what he or she will think. But it doesn't bother me at all because, after all, that person isn't close to me, and eventually, if that person gets close to me, he or she will understand. So, I am not troubled if someone who hardly knows me thinks I'm gay. And it's not such a person's fault; society has made it that way."

Yaw's experience illustrates how society reads her trans demeanour—a man behaving "like a woman"—as proof of homosexuality. She considers this unfair, particularly because her religion condemns homosexuality and she herself opposes same-sex sexual relations. The hurt arises not only from misrecognition but also from being morally judged through that misrecognition. Yaw also speaks to the difficulty of explaining her feelings. She experiences her transness as deeply rooted, and notes that ridicule can intensify a desire for bodily alignment (for example, wishing for the genitalia that match the gender she feels within). Her strong attachment to womanhood is primarily expressed as "choice" and identification, rather than strategic reasoning. In keeping with feminist methodological commitments to preserving participants' own meanings, I do not impose additional interpretations beyond what she offers. One of the most sensitive areas concerns sexual orientation. Given the cultural taboo around publicly discussing sex, especially in Africa, Yaw prefers not to disclose the gender of those she is attracted to:

"Erm, I prefer not to answer this question. It's my personal something. I prefer to hide that. [Repeated 2×]. I can't tell you."

Her refusal makes it difficult to categorise her sexual orientation in conventional terms. She is socialised as a heterosexual male (Yaw is a male name), yet sees herself as female while declining to label her attractions. In a context where law and public discourse routinely equate "trans" with "lesbian" or "gay," such complexity is easily erased. Yaw's narrative thus echoes the broader criminalisation discourse across Africa, where transness is routinely collapsed into homosexuality, and where the absence of protective legislation and services leaves trans people highly vulnerable to misrecognition, stigma, and legal sanction.

4. Discussion

This mixed-method study brought together a scoping review of LGBTI+/queer legislation and health research in sub-Saharan Africa and narrative data from Ghanaian university students to examine how law, culture, and everyday discourse regulate transness.

The findings show that the regional context is marked by strong sex- and gender-negativity: criminalisation targets any sexual orientation or gender expression that departs from heterosexual, cisnormative ideals and is frequently cast as "un-African," drawing heavily on cultural and religious narratives [22,33,34,37,44,46,48,49]. Across the legal texts reviewed, states seldom distinguish between sexual orientation and gender identity; gender variance is implicitly folded into prohibitions on same-sex sexual acts. As a result, diverse LGBTI+ lives are effectively essentialised as "gay" or "lesbian," and trans people are rendered legible primarily as homosexuals.

The review also highlighted marked regional variation. Anti-LGBTI+ sentiment and criminalisation are particularly pronounced in parts of Eastern and Western Africa, including Uganda, Nigeria, and Ghana, while some Southern African states—most notably South Africa, Botswana, Mozambique, Angola, Seychelles, Mauritius and, more recently, Namibia—have moved towards decriminalisation and, in some cases, broader equality protections [34,55–58]. These gains have typically been achieved through local self-help, strategic litigation, and partnerships between civil society, regional coalitions, and sympathetic international allies [38,46,60]. Recent doctrinal shifts within parts of the Catholic Church, exemplified by *Fiducia Supplicans* [61] signal a partial softening in some faith spaces, even as many African church leaders resist such changes. While Western involvement is rightly treated with caution, the data suggest that cross-border solidarities, when grounded in African leadership and analysis, can support local struggles rather than displace them. A central contribution of this study lies in foregrounding transness.

The scoping review confirms that transgender populations are under-represented in African research and often subsumed under MSM or generic "LGBT" categories [20,24,30] Evidence on trans women is especially limited, and most of it comes from Southern and Eastern Africa. Existing work predominantly documents stigma, violence, and health

vulnerabilities—depression, substance use, HIV risk, and barriers to care—while paying less attention to trans resilience, agency, and rights claims [8,10,11,62]. Recent evidence from Kenya and Rwanda further demonstrates the importance of family and social support for the wellbeing of LGBTQ+ populations, including its relationship to health-risk behaviours such as alcohol consumption [63]. For Ghana, the review found almost no trans-specific empirical studies. The narratives in this study therefore begin to fill a critical gap, showing how gender identity is routinely conflated with sexual orientation in everyday talk and how that conflation underpins both legal projects and social hostility.

The empirical data from Ghana align with earlier arguments that, in many African contexts, sex and gender are treated as inseparable and tightly coupled to assumed heterosexuality [6,53]. Participants typically defined transgender people as men who “act like women” or women who “act like men” and almost always equated this with homosexuality. Visual and behavioural cues—walking style, clothing, voice, gestures, friendship patterns—served as the main criteria for labelling someone gay, lesbian, or trans. This reflects what Foucault [51] might call “body surveillance”: gender nonconformity is read off bodies and deportment and then disciplined through ridicule, moral correction, or, at the level of the state, criminal law. In this logic, biology (cis-assigned sex) is presumed to dictate gendered deportment and, by extension, sexual orientation. A cis man who associates more with women, displays tenderness, or dresses in certain ways is presumed to be gay; a woman who adopts “masculine” traits is presumed to be a lesbian. Such assumptions feed directly into transphobic attitudes and support for punitive legislation. Similar patterns have been documented in Rwanda, where social norms and public attitudes were found to shape both the contemplation and perpetration of violence against sexual and gender minorities [64]. Yaw’s narrative crystallises these dynamics. She experiences herself as female in thoughts and feelings despite being assigned male at birth and insists that being *Kojo basia* is something she was “born” with, not learned. Yet strangers and peers alike interpret her femininity as proof that she is gay. She is hurt by this equation, not least because her religious formation condemns homosexuality, and she herself rejects same-sex sexual relations. At the same time, she resists full disclosure of her sexual orientation, reminding us that in Ghana—and in many parts of the world—talking about sex, especially queer sex, remains deeply taboo. Her refusal to answer questions about whom she is attracted to underscores the limits of externally imposed categories and the importance of respecting trans people’s own boundaries and self-definitions within research. Education and peer discussion emerged as modest but significant sites of change. Some participants initially endorsed harsh corrective responses, such as “beating” children out of gender nonconformity, drawing on Pentecostal demonology and broader moral panics [42]. However, classroom engagement with gender and HIV, as well as debates among friends, sometimes led them to reconsider their assumptions and move towards a view that “maybe that’s how they are born to be.” These shifts echo prior work showing that when sexuality and gender diversity are framed in less moralistic and more humanising ways, attitudes can soften [7,21]. They also point to the potential of feminist and queer pedagogies—grounded in African histories and voices—to challenge both Euro-Western and African heteronormative knowledge systems [40,53].

Taken together, the review and narratives show that transgender people in Africa are caught in a double bind. Beyond interpersonal stigma, anti-LGBTI+ legal and social environments can produce displacement and exclusion from families, communities, and livelihoods. Research from Kenya demonstrates that sexual and gender minorities may experience forced internal displacement as a consequence of hostility, discrimination, and insecurity linked to their identities [65]. On the one hand, they are rendered hyper-visible as symbols in legal and religious debates about “gay sex,” especially peno-anal intercourse, which remains a central focus of many criminal statutes. On the other hand, their specific needs around gender identity documents, gender-affirming care, everyday safety, and recognition are rendered invisible by frameworks that treat them as simply another subset of “homosexuals.” This produces what might be called “compulsory homosexuality”: a forced assignment of a gay or lesbian identity to trans people purely on the basis of their gender expression.

In contexts like Ghana, where the 2026 anti-LGBTI+ bill has been strongly supported through appeals to culture, religion, and the protection of children, this compulsory homosexuality fuels support for punitive laws and legitimises discrimination. Within this landscape, African feminist and queer scholarship offers crucial tools for resistance. Writers such as Tamale, Nyanzi, Matebeni, Nyeck and others insist that African cultures are dynamic and internally contested and that appeals to “tradition” must be interrogated in light of both colonial histories and contemporary power relations [18,21,45,52,53]. The data from this study support their claim that cultures across Africa also recognise individual rights

and complex gendered subjectivities, even when these are not named in contemporary legal or religious discourse. For trans people, this means that the struggle for recognition is not only about importing Euro-Western categories but about drawing on African epistemologies, languages, and practices that have long made room—however uneasily—for gender diversity.

5. Conclusions

Many studies examining broader LGBTQ+ populations or gender diversity may contain findings relevant to transgender people. As a result, the evidence mapped in this review may underestimate the extent and diversity of scholarship on transgender experiences in Sub-Saharan Africa. Notwithstanding this limitation, the limited evidence available from the reviewed studies reveals persistent structural violence against LGB and transgender people, while also indicating some signs of progress. Legal reforms and community-led research suggest that decriminalization, strategic litigation, and activism can create opportunities for more inclusive policies. However, law, policy, and scholarship largely remain anchored in binary gender norms that conflate transgender identities with homosexuality. From a feminist and queer perspective, these findings underscore the need to distinguish gender identity from sexual orientation, generate robust trans-specific data, and challenge misgendering and stigma through education and media engagement. Demographic and health analyses, particularly at the country level, that overlook queer and transgender lives risk misrepresenting African population dynamics and perpetuating inequality. Future research should deepen community-engaged work with transgender people, adopt intersectional approaches, and foster North–South and South–South collaborations that expose regulatory double standards. The combined use of review and narrative data thus highlights not only the persistence of punitive regimes but also the emergent queer and trans politics that contest them and reimagine sexual and gender justice in African contexts [1,21,40,48,53]. Recognizing LGBTI+ rights as central to gender equality is crucial for harnessing Africa’s demographic dividend, making inclusive and gender-responsive policies for gender-diverse youth both a human rights obligation and a demographic and development imperative.

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APPENDICES

Table 1: Summary of Selected Studies on LGBTQ+ Populations in Sub-Saharan Africa (2014–2024)

No.	Author(s) & Year	Country	Study Aim	Study Design / Population	Main Findings	Gaps in Trans Research
1	Mokgele & Shakwane (2026)	South Africa	To examine language use in transgender care and inclusion	Conceptual / discourse paper	Emphasizes importance of inclusive, humanising language in trans healthcare	Limited empirical data on implementation and patient outcomes
2	Muwanguzi, Nabunya & Sabila (2025)	Uganda	To explore violence and abuse among transgender women in healthcare settings	Community-engaged qualitative study	Trans women experienced discrimination, abuse, and mistreatment in healthcare	Few studies on provider-side interventions and accountability systems
3	Poteat et al. (2025)	South Africa	To examine social determinants of HIV and viral suppression among trans women	Cross-sectional study	Stigma and socioeconomic deprivation reduce viral suppression	Limited longitudinal evidence on treatment trajectories in trans populations
4	Jessani et al. (2024)	Multiple African countries	To review healthcare access and barriers among trans and gender diverse people	Systematic review	Structural stigma and legal barriers limit access to healthcare	Lack of primary data in many African countries; over-reliance on MSM-focused samples
5	Stannah et al. (2024)	Kenya & South Africa	To assess HIV prevention and structural drivers among trans women	Multicountry observational study	Poverty, stigma, and lack of gender-affirming care increase HIV vulnerability	Insufficient research on trans men and non-binary populations
6	Stahlman et al. (2024)	Multi-country SSA	To evaluate stigma trends among MSM and sexual minorities	Multi-country observational study	Persistent stigma remains a major healthcare barrier	Limited disaggregation of transgender-specific outcomes

7	Van der Merwe et al. (2023)	South Africa	To engage trans women in HIV research	Qualitative/implementation study	Community engagement improves participation in HIV research	Need for scalable models of trans community-led research
8	Mehta et al. (2023)	Kenya	To compare trans women and MSM in stigma and health outcomes	Cross-sectional study	Trans women had higher stigma, depression, substance use, and sexual risk	Few comparative studies beyond MSM; lack of causal inference
9	Lewis et al. (2023)	Kenya	To examine violence and stigma among gay and bisexual men (incl. trans-related contexts)	Qualitative study	High levels of violence and exclusion reported	Trans experiences underrepresented within broader MSM grouping
10	Crandall et al. (2022)	South Africa	To explore social and sexual lives of older Black sexual minority men	Qualitative study	Disclosure of sexuality shaped by cultural and social norms	No transgender-specific focus; age diversity underexplored in trans research
11	Nduta & Okeyo (2022)	Kenya	To assess discrimination and healthcare access among transgender persons	Baseline survey (transgender population)	High discrimination and limited access to gender-affirming care	Lack of follow-up studies assessing intervention impact
12	Logie et al. (2020)	(Jamaica-focused model)	To adapt stigma framework for sexual minorities including trans people	Quantitative modelling study	Sexual stigma impacts mental health pathways	Limited African validation of frameworks for trans populations
13	Müller & Daskilewicz (2019)	East & Southern Africa (9 countries)	To document violence, mental health, and healthcare access	Community-led multi-country study	High stigma, poor mental health, limited healthcare access	Trans-specific sub-analysis limited; inconsistent national representation

			among SOGIE populations			
14	Chakrapani (2021)	Africa (conceptual)	To highlight need for trans-specific data	Commentary	Strong call for dedicated trans health research in Africa	Confirms major evidence gap in trans-specific epidemiology
15	Poteat et al. (2021)	South Africa	To examine PrEP awareness and engagement among trans women	Mixed-methods cross-sectional study	Low PrEP awareness; barriers include stigma and access issues	Limited intervention studies improving PrEP uptake
16	Sandfort et al. (2021)	Multi-country SSA	To measure HIV incidence among MSM and trans women	Cohort study (HPTN 075)	Elevated HIV incidence among trans women and MSM	Small trans sample size limits generalisability
17	Poteat et al. (2021)	Global/Africa focus	To advance LGBTQI health research agenda	Conceptual paper	Calls for intersectional LGBTQI health research	Lack of Africa-specific trans policy research
18	Poteat et al. (2021)	Global	To assess cardiovascular health disparities in transgender populations	Cross-sectional population-based analysis	Transgender people show higher CVD risk	No African representation in dataset
19	Müller (2017)	South Africa	To assess healthcare access for LGBT people	Policy and health systems study	Barriers in availability, accessibility, and quality of care	Trans-specific service delivery not sufficiently examined
20	Jobson et al. (2012)	Africa (conceptual)	To highlight invisibility of transgender populations	Conceptual paper	Trans populations are invisible in research and policy	Still relevant; highlights persistent data gaps
21	Poteat et al. (2017)	Africa (review)	To review HIV prevention among	Narrative review	High HIV vulnerability among trans women	Lack of intervention trials in African contexts

			transgender populations			
22	Kimani et al. (2021)	Kenya	To assess PrEP adherence among trans women and MSM	Cohort/implementation study	Trans women face barriers to PrEP adherence	Few trans-exclusive studies
23	Abdul et al. (2020)	Tanzania	To evaluate HIV test-and-treat policy impact	Population-based study	ART uptake affected by system-level barriers	No gender-diverse stratification
24	Nyeck et al. (2019)	South Africa	To estimate economic cost of LGBT stigma	Economic modelling study	Stigma has measurable economic burden	No transgender-specific costing
25	Sandfort et al. (2016)	South Africa	To examine discrimination and mental health among MSM	Cross-sectional study	Gender nonconformity linked to discrimination and mental distress	Trans identity not directly studied
26	Davids & Matebeni (2017)	South Africa	To examine queer politics and intersectionality	Theoretical analysis	Highlights intersectionality in queer politics	Limited empirical trans health focus
27	Matebeni (2021)	South Africa	To explore gender beyond binary frameworks	Qualitative/theoretical	Challenges binary gender assumptions	Needs empirical health outcomes for trans people

Source: Scoping reviews (Google scholar, Scopus, GPT-assisted) conducted from February 4, 2025, through June 1, 2026

Table 2: Criminalization of Same-Sex Sexual Conduct in Selected African Countries

Country	Legal Provision	Nature of Criminalization	Penalty
Algeria	Penal Code (Ordinance 66-156 of June 8, 1966), Article 338	Criminalizes consensual same-sex sexual relations.	Imprisonment from 2 months to 2 years and/or a fine.
Burundi	Law No. 1/05 of 22 April 2009, Article 567	Criminalizes consensual same-sex sexual relations.	Imprisonment from 3 months to 2 years and/or a fine.
Cameroon	Penal Code (1965/1967, amended 1972)	Criminalizes same-sex sexual conduct.	Imprisonment from 6 months to 5 years and a fine.

Chad	Criminal Code (2017)	Criminalizes consensual same-sex sexual relations.	Imprisonment from 3 months to 2 years and a fine.
Comoros	Penal Code, Article 318	Criminalizes same-sex sexual conduct.	Imprisonment from 1 to 5 years and a fine.
Eritrea	Penal Code (1957), Article 600	Criminalizes “unnatural carnal offences.”	Imprisonment from 10 days to 3 years.
Ethiopia	Criminal Code (2004), Article 629	Criminalizes homosexual acts and other “indecent acts.”	Imprisonment from 10 days to 3 years, extendable to 5 years under aggravating circumstances.
Gambia	Criminal Code (1965, amended 2005), Article 144	Criminalizes “unnatural offences.”	Imprisonment for up to 14 years.
Ghana	Criminal Code, 1960 (Act 29), Section 104	Criminalizes “unnatural carnal knowledge.”	Up to 3 years’ imprisonment for consensual acts; 5–25 years where consent is absent.
Guinea	Penal Code (1998), Article 325	Criminalizes same-sex sexual relations.	Imprisonment from 6 months to 3 years.
Kenya	Penal Code, Section 162	Criminalizes “unnatural offences.”	Up to 14 years’ imprisonment; up to 21 years in cases involving force or lack of consent.
Liberia	New Penal Law (1976/1978)	Criminalizes same-sex sexual conduct.	Imprisonment for up to 1 year.
Libya	Penal Code (1953, amended 1973), Article 407(4)	Criminalizes same-sex sexual relations.	Imprisonment for up to 5 years.
Malawi	Penal Code, Section 153	Criminalizes “unnatural offences.”	Imprisonment for up to 14 years, with or without corporal punishment.
Mauritania	Penal Code (1984), Article 308	Criminalizes same-sex sexual relations between men.	Death by public stoning under the law.
Morocco	Penal Code (1962), Article 489	Criminalizes same-sex sexual conduct.	Imprisonment from 6 months to 3 years and a fine.
Namibia	Roman-Dutch Common Law	Retains sodomy as a common-law offence.	Criminal sanctions remain available under common law.
Nigeria	Criminal Code Act, Section 214	Criminalizes “unnatural offences.”	Imprisonment for up to 14 years.
Senegal	Penal Code (1965), Article 319	Criminalizes same-sex sexual conduct.	Imprisonment from 1 to 5 years and a fine.
Sierra Leone	Offences Against the Person Act (1861), Section 61	Criminalizes same-sex sexual conduct.	Life imprisonment.

Somalia	Penal Code (1962), Article 409	Criminalizes homosexuality.	Imprisonment from 3 months to 3 years.
South Sudan	Penal Code Act (2008), Section 248	Criminalizes “unnatural offences.”	Imprisonment for up to 10 years and/or a fine.
Sudan	Penal Code (1991), Section 148	Criminalizes sodomy.	100 lashes and up to 5 years’ imprisonment; life imprisonment or death for repeat offences under previEswatini

Source: Scoping reviews (Google Scholar, Scopus, GPT-assisted) conducted from February 4, 2025 through June 1, 2026

Table 3: Selected Countries and Legal Reforms Criminalizing LGBTQI+ Rights in Africa

Country	Law/Policy	Year	Key Development
Angola	Penal Code Reform (repealing “Vices Against Nature” provisions)	2020	Decriminalized consensual same-sex relations and introduced protections against discrimination based on sexual orientation.
Botswana	Penal Code Act (Sections 164 and 167)	2019	The High Court declared laws criminalizing consensual same-sex relations unconstitutional, affirming equal rights and protections.
Cabo Verde	Penal Code (Article 71)	2004	Removed provisions criminalizing consensual same-sex relations and strengthened protections against discrimination based on sexual orientation.
Lesotho	Penal Code Act	2012	Consensual same-sex relations were decriminalized through penal code reforms.
Mauritius	Criminal Code (Section 250)	2023	The Supreme Court ruled that criminalization of consensual same-sex relations violated constitutional protections against discrimination.
Mozambique	Penal Code Reform	2015	Removed provisions criminalizing “acts against nature,” effectively decriminalizing consensual same-sex relations.
Guinea-Bissau	Penal Code (Law-Decree No. 4/93)	1993	The penal code does not criminalize consensual same-sex relations between adults.
Seychelles	Penal Code (Amendment) Act	2016	Repealed laws criminalizing consensual same-sex relations between adults.
South Africa	Civil Union Act and Constitutional Protections	2006	Legalized same-sex marriage and strengthened constitutional protections against discrimination based on sexual orientation.
Namibia	High Court Ruling on Sodomy Laws	2024	The High Court declared colonial-era laws criminalizing consensual same-sex relations unconstitutional.
São Tomé and Príncipe	Penal Code Reform	2012	Decriminalized consensual same-sex relations through revisions to the penal code.

Source: Scoping reviews (GPT-assisted), June 1, 2026

Table 4: Selected Legislative Developments Criminalizing LGBTQI+ in Selected African Countries

Country	Law/Policy	Key Provisions	Sanctions/Penalties
Uganda	Anti-Homosexuality Act (2023)	Criminalises same-sex relations and expands offences to include “promotion” or support of homosexuality, including funding, advocacy, and organisation of related activities.	Imposes severe penalties, including the death penalty for aggravated homosexuality and long-term imprisonment for promotion, facilitation, or organisation of prohibited activities.
Kenya	Family Protection Bill (2023)	Seeks to criminalise same-sex sexual relations, same-sex marriage, and any advocacy, funding, or support for homosexuality.	Imposes custodial sentences ranging from 10 to 50 years and financial penalties for individuals or institutions facilitating same-sex relations.
Ghana	Human Sexual Rights and Family Values Bill (2026)	Seeks to criminalise identification as LGBTQ+, same-sex relations, advocacy, funding, and public expression of support for sexual and gender minorities.	Imposes custodial sentences for individuals identified as LGBTQI+ and those advocating or promoting LGBTQI+ rights or activities, with exceptions to some professionals, e.g., the media, academics, etc.
Namibia	Definition of Spouse Act and Marriage Amendment Bill (2023) <i>(Proposed)</i>	Seeks to restrict recognition of foreign same-sex marriages and prohibit the promotion or advertisement of same-sex marriage.	Provides for imprisonment of up to six years and monetary fines for violations.
Nigeria	Same-Sex Marriage (Prohibition) Act (2014)	Prohibits same-sex marriage, civil unions, and related organisations or public expressions of support for same-sex relationships.	Prescribes up to 14 years’ imprisonment for entering same-sex unions and up to 10 years for aiding, organising, or public support of such relationships or organisations.

Source: Scoping reviews (Google Scholar, Scopus, GPT-assisted) conducted from February 4, 2025 through June 1, 2026

Table 5: Sociodemographic Characteristics of Interview Participants

No.	Pseudonym	Age	Gender Identity
1	Akua	22	Woman
2	Yaw	23	Trans Woman
3	Kwesi	25	Man
4	Yawa	19	Woman
5	Kofi	24	Man
6	Adwoa	23	Woman
7	Akosua	23	Woman
8	Nsohma	19	Woman
9	Kojo	23	Man
10	Aduko	25	Woman
11	Yaa	24	Woman
12	Kwaku	23	Man
13	Akolgo	27	Woman
14	Maame	25	Woman
15	Dodzi	21	Woman
16	Korku	20	Man

Source: Author’s primary qualitative interviews conducted in Ghana (2024–2025).