



*Essay*

# The Effect of LGBTQ+ Criminalization and Structural Stigma on Public Health Outcomes in Africa: A Perspective on Uganda, Kenya, Ghana, and Nigeria

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*Abstract*

The criminalization of LGBTQ+ identities across various regions in Africa has far-reaching and very significant consequences on the affected communities and the broader landscape. This paper explores the various multi-dimensional effects of criminalizing members of the LGBTQ+ communities, focusing particularly on the public health related impacts. Through an in-depth analysis that involves using concepts of justice such as Rawls's "veil of ignorance" and utilitarianism, this study

highlights that anti-LGBTQ+ laws contribute to systemic discrimination and violence against these communities. The research proves that this treatment not only legitimizes discrimination, but it also perpetuates a cycle of oppression that hinders the social inclusion and human rights advocacy of members of LGBTQ+ communities. This paper examines some of the legal frameworks tied to the colonial era that African countries use to justify their treatment of LGBTQ+ individuals. The study also addresses the roles of international organizations and human rights bodies and how they can help to challenge these legal structures that were created to oppress. This study concludes by emphasizing the need for a global movement towards the decriminalization of LGBTQ+ identities through the use of regional education, advocacy and policy reforms. It calls for comprehensive approaches that addresses the legal, social, and public health ramifications of criminalizing the identity of any human.

### *Keywords*

LGBTQ+ criminalization in Africa, public health ethics, public health equity

## Introduction

LGBTQ+ communities face a higher likelihood of experiencing negative mental, behavioral, and physical health consequences compared to cisgender heterosexual individuals (Earnshaw, Logie, Wickersha & Kamaruzaman, 2024; Wittgens, et al, 2022). When we dissect the issue of discrimination experienced by LGBTQ+ individuals in Africa, it is undeniable that there is a severe suppression of the rights and well-being of LGBTQ+ people residing on the continent. Stigma has traditionally been understood as a fundamental factor contributing to health disparities among marginalized populations, such as LGBTQ+ individuals (Hatzenbuehler, Lattanner, Mcketta & Pachankis, 2024). This form of policing extends beyond the realms of social, educational, and religious domains. It also explores the capacity and potential for LGBTQ+ Africans to obtain life-saving and non-discriminatory medical treatment and community health activities. The criminalization of LGBTQ+ identities in Africa is a result of a complex interplay

between religious, cultural, and historical factors. Proponents of discriminatory laws and policies targeting LGBTQ+ individuals commonly justify them by claiming that western colonizers introduced non-conforming sexual orientations and gender identities to Africa and these orientations and identities are unAfrican. Extensive academic research has definitely refuted this myth; nonetheless, the level of acceptance towards LGBTQ+ individuals remains significantly low in the majority of African nations, leading to frequent instances of discrimination and violence against them (Think Tank, 2019). The prevailing anti-gay legislation in African nations, including Uganda, Kenya, Ghana, and Nigeria, originates from laws European powers, particularly the British, enacted during the colonial period. These laws were embedded in penal codes that criminalized same-sex relationships (Ibrahim, 2015). They were derived from the English Victorian morals, and they have persisted and become deeply embedded in the legal framework of African nations into which they were introduced (Ferragamo, & Robinson, 2023). Furthermore, cultural and religious beliefs have perpetuated these colonial rules from that era, leading to the pervasive discrimination and social disapproval faced by LGBTQ+ individuals (Westwood, 2022). The political leaders in these nations have frequently manipulated anti-LGBTQ+ rhetoric to gather support for themselves and remove attention from their bad leadership, portraying homosexuality as a threat to established societal standards, and as a means to consolidate power.

The ensuing structural stigma has significant effects on public health since it marginalizes LGBTQ+ people and excludes them from necessary medical care. This paper addresses the ethical issues with public health that have arisen from the decision of numerous African nations to enact stronger anti-gay legislation by utilizing concepts such as utilitarianism and Rawls's principles of justice. This paper also discusses the possible negative effects that these adverse anti-LGBTQ+ laws and customs have on LGBTQ+ persons residing in particular African nations. In addition, this paper makes a recommendation for public health policies and interventions that promotes human rights, equity, and inclusivity. It is suggested that African countries take steps to further decriminalize homosexuality and remove the recent, harsh anti-gay legislation.

## Ethical Theories and Principles of Justice

To effectively tackle the public health challenges arising from the criminalization of LGBTQ+ identities in Africa, it is important to comprehensively understand ethical frameworks that prioritize justice and human rights. According to Rawls (1999), in a fair society, the freedoms of equal citizenship are considered to be established and not open to negotiation or influenced by social interests. The point of the veil, in his concept, the “veil of ignorance, is to ensure that the self interest of all individuals is covered in a fair set of agreements; everyone must adhere to those agreements once the veil is removed, and they regain complete information (Davis, 2022). Daher (2018) held that utilitarianism is a form of consequentialism that holds that the outcome of any action is the sole criteria for determining whether the actions are morally right or wrong. Utilitarianism is different from other theories of consequentialism, like egoism, and altruism, because utilitarianism considers the interest of everyone, generally. John Rawls' theory of justice and utilitarianism are significant ethical frameworks that guide the development of fairer public health policies.

### Rawls's Theory of Justice: The Veil of Ignorance

The concept of the “veil of ignorance,” which is central to John Rawls's theory of justice, is a potent analytical tool for questions of justice and fairness. According to Rawls (1999), people should picture themselves in an “original position” behind a veil of ignorance, where they are ignorant of their own social standing; financial status; intelligence; physical prowess; gender; race; or sexual orientation, in order to create a just society. Sandel & Farrar (2010) argued that, from this standpoint, if no one knew any of these details, they would make choices from an original position of equality. We can only accept an incorrect theory when there is no superior alternative available. Similarly, we can only tolerate an injustice when it is essential to prevent a more severe wrong. Rawls (1999) further posits that rational people hiding behind a veil of ignorance would select two fundamental justice principles:

- i. **Equal Basic Liberties:** Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

- ii. The Difference Principle: Social and economic inequalities should be arranged so that they benefit the least advantaged members of society. This principle acknowledges that inequalities can exist, but they must work to the advantage of those who are worst off (Rawls, 1999).

When applied to LGBTQ+ rights and public health in Africa, Rawls's "veil of ignorance," therefore, argues that the reasonable laws and policies that are created should defend the rights of all people, regardless of their sexual orientation. Policymakers would probably support the decriminalization of LGBTQ+ identities, the preservation of fundamental rights, and the adoption of inclusive public health policies that put the health of the most vulnerable people first, from behind the veil. The rationale behind this is that when there is no awareness of inherent disparities that grant certain individuals any kind of privileges, it becomes illogical to endorse ideas that exhibit bias against any one group (Davies, 2022).

### Utilitarianism: The Greatest Good for the Greatest Number

Another well-known ethical theory that prioritizes happiness and well-being overall is utilitarianism. Utilitarian principles state that decisions and acts ought to be assessed in light of their effects, with the goal of maximizing benefits for the largest possible number of people (Reuter, 2023). Although there are various interpretations of what utilitarianism is, they all share the fundamental opinion that utilitarianism is about maximising utility for the greater good (Daher, 2018). The widespread consensus in the field of philosophy sees utilitarianism as one of the most influential and compelling approaches to normative ethics. According to utilitarianism, the morally correct action is the one that yields the most favourable outcomes or the greatest amount of good (Driver, 2022). In the case of LGBTQ+ criminalization, utilitarianism would criticize the laws for creating widespread pain and suffering. Any alleged advantages of criminalization are greatly outweighed by the detrimental effects, which include a rise in mental health problems, obstacles to receiving healthcare, and the worsening of public health emergencies like the HIV/AIDS epidemic. Thus, a utilitarian perspective would support the abolition of anti-LGBTQ+ legislation as well as the implementation of public health initiatives that enhance society as a whole by guaranteeing that everyone has access to healthcare and is shielded from prejudice. According to Driver (2022) utilitarianism is also

distinguished by impartiality and agent-neutrality. Everyone's happiness counts the same. When one maximizes the good, it is the good *impartially* considered. It is important to note that people who disagree with decriminalizing anti-LGBTQ+ laws often do so through the lens of utilitarianism. Utilitarianism seeks the greatest happiness for the greatest number, and in this context, the greatest happiness is defined as the overall social harmony and cohesion of Ugandans regarding this law, as well as what they believe about the role of this law in improving health outcomes. It is safe to say that the majority of Uganda supports this law because all except one elected representative voted in favor of the law (Okiror, 2023).

Uganda often describes itself as a Christian country; therefore, the refusal to take a solid stance against the decriminalization of homosexuality is an endorsement for the stigma and discrimination faced by the LGBTQ+ community. Many people also argue that the purpose of the law is to stop the perceived promotion of a gay lifestyle in Uganda and that this will stop people from spreading diseases and engaging in risky health behaviour. Though all Ugandans are entitled to their personal religious and cultural beliefs, when these beliefs are converted into laws that govern everyone and negatively impact their lives, then it becomes less about morality and more about a display of power. Criminalization, instead, increases the risk of HIV and leads to a higher incidence in key populations making the fear of risky health behaviour less relevant (Clark, 2023). LGBTQ+ Africans at large have the right to live freely and access healthcare without facing discrimination, and these laws make it very difficult to do that. Several activists have said that people use these laws as a means of settling their personal vendettas, where an accusation of being gay could lead to loss of employment, housing, or even wrongful imprisonment and lack of access to other rights and social safety nets (Clark, 2023). There is a strong sentiment against what is perceived as the imposition of western values, particularly when it comes to LGBTQ+ rights in African countries. Therefore, enacting strict anti-gay laws is often framed as a defence against westernization and a preservation of traditional values. However, several American organizations including, Family Watch International and World Congress of Families, campaign against teaching young people about topics related to sexual health or LGBTQ+ issues, under the guise of protecting and promoting the family as society's fundamental unit (McKenzie & Dean, 2023). These arguments are often used by individuals with

western influences to spread religious and white supremacist propaganda against LGBTQ+ folks.

## Country Specific Analysis

European colonial domination is largely responsible for the anti-LGBTQ+ laws that exist in Africa. European powers imposed their legal systems, including laws that made same-sex relationships illegal, on African territories when they colonized those regions. These laws were frequently shaped by racist and religious ideologies (Buckle, 2020). Laws that discriminated against LGBTQ+ people were used as a tool of subjugation because Europeans saw traditional African sexualities as instances of racial inferiority. British colonialists imposed the first anti-homosexuality legislation in Kenya, Tanzania, and Uganda. These regulations, which frequently used ambiguous terminology like “carnal intercourse against the order of nature,” made same-sex sexual conduct illegal. African legal systems are still affected by their British colonial past, and many of these rules have remained in place even after the continent gained its freedom (Awami, 2023). As of June 2024, thirty of the fifty-four African governments recognized by the African Union or the United Nations still have laws against homosexuality (Matebeni, 2021). While some nations have decriminalized homosexuality, others still impose severe punishments, such as incarceration and, in certain situations, the death penalty (though this is rarely used in reality). There is a strong sentiment against what is perceived as the imposition of Western values, particularly when it comes to LGBTQ+ rights in African countries. Enacting strict anti-gay laws is often framed as a defense against westernization and a way to preserve traditional values.

### Uganda

Uganda is home to some of the most notorious anti-gay legislation in Africa. The 2014 Anti-Homosexuality Act, which initially proposed the death penalty for certain homosexual acts, caused widespread international outrage. Although the laws were ultimately nullified, Uganda’s government enacted a more stringent anti-gay law in August 2023, under which those found guilty of engaging in homosexual acts might be sentenced to life imprisonment (Madowo & Feleke, 2023). The act mandated capital punishment for other serious offenses, such as engaging in homosexual activity with an individual under the age of 18 or transmitting a chronic

sickness, such as HIV. The new legislation not only endangers the advancement Uganda has made in addressing HIV, but it also reinforces the prejudice and bias against LGBTQ+ groups in Uganda and will result in limited availability of preventive and therapeutic treatments. Furthermore, it has had catastrophic repercussions for the LGBTQ+ community, compelling individuals to conceal their identities and creating significant barriers to accessing healthcare, particularly in relation to HIV/AIDS prevention and treatment.

Findings from a study conducted in Kampala, the capital of Uganda, indicate that there is still a significant issue about the frequency of HIV among men who engage in sexual activity with other men (MSM). According to this study, the estimated rate of HIV infection among men who have sex with men in Kampala is 13.7%. Furthermore, the prevalence increases to 22.4% among men who have sex with men who are 25 years old or above (Nakiganda et al. 2021). The gap in HIV prevention and care for men who engage in sexual activity with other men is exacerbated by the stigma and fear of legal consequences that hinder MSM from seeking testing and treatment.

Applying Rawls's "veil of ignorance" would deem these laws unjust, as laws that criminalize sexuality fail to protect the marginalized individuals in society. A just society would not subject individuals to harsh punishments solely based on their sexual orientation. Clark (2023) asserts that laws criminalizing homosexuality trigger the HIV epidemic by discouraging affected communities from seeking treatment and dissuading healthcare providers from delivering necessary care and services. From a utilitarian perspective, these regulations would also be opposed due to the significant harm they cause to the welfare of LGBTQ+ individuals, the broader public health impact, and their failure to maximize benefits for the general good.

## Kenya

Kenya's deep-seated anti-LGBTQ+ sentiments are made obvious with the legal system continuing to criminalize same-sex behaviour. The retention of laws penalizing homosexuality by the High Court of Kenya in 2019 was met with disappointment by human rights advocates (Human Rights Watch, 2019). A significant number of LGBTQ+ individuals in Kenya face the constant threat of persecution, as well as widespread intolerance. These limitations impede the ability to obtain essential healthcare services, hence exacerbating public health problems



and contributing to the marginalization of LGBTQ+ individuals. George Peter Kaluma, a member of the opposition party in Kenya, spearheaded an initiative in 2023 to impose more penalties on the country's minority LGBTQ+ community. Kaluma's bill has sparked a contentious debate due to its implications for inclusivity and human rights, as reported by Africanews in 2023. In that same year, the Supreme Court of Kenya made a significant and influential ruling. The court invalidated a government decision that banned the National Gay & Lesbian Human Rights Commission from registering as an official organization. For advocates of LGBTQ+ rights, this decision symbolized a victory and a significant advancement towards the acknowledgement and protection of their rights. However, it also ignited new discussions that aim to promote the discrimination against homosexuals throughout the country, highlighting the ongoing challenges that the LGBTQ+ community encounters. The act of making homosexuality illegal and the negative perception attached to it result in reduced levels of healthcare access among men who have sex with men. According to a study, 8.3% of the participants, who were also tertiary institution students, identified as men who had sex with men. Among these participants, the weighted prevalence of those who reported being unable to access needed healthcare due to stigma was 3.6% (Mwaniki, Kaberia, Mugo, & Palanee-Phillips, 2023).

## Ghana

Ghana has historically manifested its deeply ingrained social, religious, and cultural convictions in its stance towards LGBTQ+ issues. The country, characterized by a significant Muslim minority coexisting with a predominantly Christian population, often regards homosexuality as conflicting with its spiritual and moral beliefs. Consequently, the government has passed stringent laws that aim to make LGBTQ+ activism and activities illegal. Ghana's legal framework on LGBTQ+ issues is influenced by legislation from the colonial period, specifically the Criminal Offenses Act of 1960. This legislation imposes imprisonment for engaging in same-sex sexual conduct under the charge of "unnatural carnal knowledge" a term that encompasses a wide range of behaviors. Despite the law's ambiguity, it has only displayed hostility and discrimination towards the LGBTQ+ population. The Parliament of Ghana enacted the "promotion of proper Human Sexual Rights and Ghanaian Family Values Bill" in February 2024 (Woodmass, 2024). The

enforcement of this law has led to a significant rise in the persecution of LGBTQ+ individuals and groups. It imposes severe penalties not just on those in a same-sex relationship, but also on those who advocate for LGBTQ+ individuals or rights (Maclean and Peltier, 2024). A significant number of Ghanaians, particularly religious and traditional authority, have shown unwavering endorsement for the law. These groups maintain that the implementation of the law is important for preserving the ethical bedrock of the country and against efforts by western nations to enforce LGBTQ+ rights. Nevertheless, the law has encountered strong resistance from human rights, such as freedom of speech, privacy, and protection against discrimination. Human Rights Watch (2024) has raised concerns among critics who warn of potential escalation in violence and persecution against LGBTQ+ individuals. According to Stonewall (2024), one in seven LGBTQ+ individuals (14%) have avoided treatment for fear of discrimination because they are LGBTQ+. Additionally, the National Sexual Violence Resource Center (2024) reports that LGBTQ+ people are still four times more likely to experience violence in their lifetime than their heterosexual counterparts.

## Nigeria

In January 2014, president Goodluck Jonathan enacted the Same-Sex Marriage (Prohibition) Act (SSMPA), which represents Nigeria's stance on LGBTQ+ issues (Gladstone, 2014). The SSMPA is based on the existing criminal code and Sharia law (in the northern states), both of which explicitly prohibit same-sex unions. The SSMPA explicitly prohibits civil unions and same-sex weddings. Individuals who enter into a marriage or civil union with a person of the same gender are subject to a maximum prison term of 14 years. Law prohibits the registration, administration, and funding of organizations that support and promote LGBTQ+ rights. Consequently, the activities carried out by LGBTQ+ advocacy organizations and non-governmental organizations that provide support to LGBTQ+ individuals are effectively prohibited by that law. The SSMPA prohibits public displays of affection between same-sex couples and imposes severe fines on individuals who engage in or witness such acts without reporting them. Promoting, supporting, or advocating for LGBTQ+ rights is prohibited by the law, and individuals who are convicted may be sentenced to a maximum of 10 years in jail. The SSMPA is widely embraced in Nigeria, particularly by traditional and religious authorities. Nigeria is

a very religious country with significant Muslim and Christian populations, both of whom strongly oppose homosexuality. The act is perceived as a repudiation of purported western endeavours to impose LGBTQ+ rights on Nigeria and as a way to safeguard Nigerian culture and religious principles.

While the SSMPA enjoys broad support, it faces opposition from certain human rights advocates and members of the LGBTQ+ community. They assert that the SSMPA violates fundamental human rights, including freedom of speech, privacy, and protection against discrimination. However, expressing dissent in Nigeria is uncommon and perilous due to the stringent legal consequences. The legislation has led to increased apprehension, physical aggression, and mistreatment specifically targeted at individuals who identify or are perceived as LGBTQ+. The enactment of the act has instilled greater assurance among state officials and private citizens to address perceived transgressions, resulting in a surge of reported incidents involving mob violence, blackmail, and extortion targeting LGBTQ+ individuals. The legislation in Nigeria has increased the social alienation experienced by LGBTQ+ individuals, leading to a surge in mental health concerns such as anxiety, depression, and suicidal tendencies (Makanjuola, Folayan, & Oginni, 2018). The adverse effects of this prejudice include depression, substance abuse, unemployment, homelessness, and even mental disorders (olaogun, 2024). There are numerous individuals who identify as LGBTQ+ that have faced difficulties in seeking help or establishing supportive connections due to the fear of being exposed or apprehended (Isaack, 2016). The SSMPA in Nigeria has triggered the social isolation experienced by LGBTQ+ individuals, leading to a surge in mental health challenges such as anxiety, melancholy, and suicidal tendencies (Isaack, 2016; BAF 2017; Makanjuola, Folayan, & Oginni, 2018). A study by Rodriguez-Hart, et al (2018) conducted in Lagos and Abuja, Nigeria, focused on GBMSM (gay, bisexual, and other men who have sex with men) and revealed that 29% of the participants reported experiencing suicidal thoughts in the past. Furthermore, they discovered a clear and direct correlation between lifetime encounters of enacted stigma (such as being rejected by family and friends, experiencing physical violence, and enduring verbal harassment); felt stigma (feeling afraid to seek healthcare); and suicidal thoughts. The study found that higher levels of stigma were linked to a greater occurrence of suicidal thoughts (Rodriguez-Hart, et al, 2018). The estimated prevalence of HIV among men who have sex with men in Nigeria is 22.9%, compared to the national average of 1.4%

for the total population. The disparity underscores the impact of stigma and discrimination on individuals' access to healthcare (Isaack, 2016; BAF, 2017; Fernandez, et al, 2018).

## The Impact of Anti-LGBTQ+ Laws on Public Health

The criminalization of LGBTQ+ identities and the accompanying systemic stigma significantly affect public health in Africa. This discrimination against LGBTQ+ individuals not only infringes upon their human rights, but also significantly hinders public health efforts. It impedes their access to healthcare, increases the prevalence of mental health issues, and facilitates the transmission of infectious diseases such as HIV/AIDS. To emphasize the gravity of the issue, this paper analyses the public health consequences by utilizing specific statistics and case studies.

### Increased Psychological Stress and Mental Health Challenges

Legislation that discriminates against the LGBTQ+ community fosters an atmosphere characterized by apprehension, ambiguity, and persistent psychological strain for LGBTQ+ individuals. The persistent risk of being arrested, subjected to assault, and facing prejudice contributes to increased levels of anxiety, sadness, and post-traumatic stress disorder (PTSD). The enactment of these laws leads to social isolation and the internalization of homophobia, which worsens mental health issues and hinders the ability of LGBTQ+ individuals to seek assistance or find support. The stigma associated with LGBTQ+ identities often hinders persons from seeking mental health services and thereby, increases their psychological anguish. As a result of social stigma and mistreatment, a significant majority (78%) of LGBTQ+ migrants in Uganda, a country where president Yoweri Museveni enacted legislation against homosexuality, have reported experiencing intense feelings of hopelessness and anxiety. Approximately 46% of individuals identifying as LGBTQ+ in Nigeria and Kenya, where homosexuality is considered illegal, demonstrated signs of profound hopelessness, while 55% exhibited symptoms of anxiety (Stoloff, et al, 2013; Ahaneku, et al, 2016; Oginni, et al, 2018). Additionally, 22% of this population made a deliberate effort to end their own lives (Stahlman, et al, 2016). 12% of individuals had alcohol dependence and 7% displayed drug dependence. While there is limited research specifically focused on Ghana, it is likely that social intolerance has a similar detrimental effect on mental health. Ensuring the wellbeing

of LGBTQ+ individuals in these countries requires implementing policy changes, providing mental health help, and advocating for their rights (Muller & Daskilewicz, 2018).

### Barriers to Healthcare Access

Enforcing laws that make LGBTQ+ identities illegal imposes significant limitations on accessing medical treatment. LGBTQ+ individuals face significant barriers in accessing medical care due to concerns about discrimination, particularly when seeking assistance for sexual health-related matters. Individuals who identify as LGBTQ+ may avoid seeking medical care in countries such as Uganda, Kenya, and Nigeria, where strict anti-LGBTQ+ legislation is enforced, in order to prevent incarceration or public scrutiny. Individuals with HIV/AIDS are also at a higher risk of acquiring and transmitting the disease due to restricted availability of prevention, testing, and treatment services (Crowell, et al 2017; Huynh, Vaqar & Gulick, 2024).

### Impact on HIV/AIDS Prevention and Treatment

The criminalization of LGBTQ+ identities significantly hamper efforts to combat the transmission of HIV/AIDS. Countries with stringent anti-LGBTQ+ legislation exhibit a disproportionately elevated prevalence of HIV among males who engage in sexual activities with other men (UNAIDS, 2019; Hagopian, et al, 2017). Individuals who experience apprehension regarding potential legal ramifications are less inclined to actively pursue HIV-related services, hence heightening the probability of HIV transmission and compromising public health results (Huynh, Vaqar & Gulick, 2024). The epidemic is worsened by legal and societal obstacles caused by anti-LGBTQ+ legislation, which sometimes hinder public health efforts and solutions (Crowell, et al, 2017).

### Addressing Cultural and Religious Sensitivities

The prevalent cultural and religious opposition to LGBTQ+ rights in most African nations means that it is important to handle the promotion of decriminalization and inclusive public health policies with respect. Collaborating with community influencers and religious leaders can help facilitate the change of public perceptions over time. This collaboration will help promote themes of human

dignity, diversity, and community values. This is guaranteed to lead to more effective interventions. Moreover, even in traditional settings, emphasizing the benefits of inclusion in terms of both well-being and the financial system can present a compelling argument for transformation.

### The Role of International Pressure and Support

Prominent international health organizations, such as the World Health Organization and the United Nations, have played significant roles in advocating for LGBTQ+ rights and improving public health outcomes in Africa. Despite their various impact, global pressure can also be seen to lead specific changes in these anti-LGBTQ+ policies. The global outcry against Uganda's Anti-Homosexuality Act led to its repeal, and this is an example of a demonstration of international pressure and support. However, it is important to note that African governments are often accused of neo-colonialism when they implement changes perceived by the people as being imposed by western nations through international pressure. Therefore, it is crucial to integrate global initiatives with regional activism and culturally sensitive policies that protect African sovereignty while promoting universal human rights.

### Legal Precedents and Success Stories

Although Africa has challenging legislative circumstances regarding LGBTQ+ rights, there have been notable progressions that could potentially inspire other countries. Botswana is an example of an African country that decriminalized homosexuality. In 2019, a High Court division in Botswana made a decision to nullify legislation from the colonial era that had long been used to discriminate against LGBTQ+ individuals. The verdict was met with praise from human rights activists who saw it as a promising precedent for similar legal cases in other African countries (Greef, 2019). In addition to Botswana, the post-apartheid constitution of South Africa provides another compelling example of how legislative change can promote diversity and protect human rights, particularly in relation to LGBTQ+ rights. South Africa's legal system not only decriminalized homosexuality but also acknowledged same-sex unions and implemented anti-discrimination measures (LaFraniere, 2006). This will set a precedent for the adoption of similar legislation across the continent (Chetty, 2021). These examples demonstrate the feasibility of reform and the substantial impact that legal reforms can have on social inclusion and

public health. Displaying these accomplishments can function as a catalyst for inspiration and direction for other African nations grappling with similar obstacles.

## The Long-Term Vision for LGBTQ+ Rights in Africa

In the long run, a comprehensive approach to promoting LGBTQ+ rights and public health in Africa may be consistent with the goals of agenda 2063. This is a blueprint that was presented by the African Union. It is aimed at creating an inclusive, human rights-oriented, and well-governed continent that legalizes LGBTQ+ identities, protect human rights, and advances social and economic inclusion. African states need to set an example for the global community by fully embracing inclusivity and diversity as important assets rather than disadvantages. Africa possesses the potential to assume a leading role on a worldwide scale in promoting justice and equity in public health by giving priority to the well-being and care of all its inhabitants, irrespective of their gender identity or sexual orientation.

To address the public health challenges posed by the criminalization of LGBTQ+ identities in Africa, the following recommendations are proposed:

### Decriminalization of LGBTQ+ Identities

Governments should abolish laws that criminalize LGBTQ+ identities and behaviors. This singular act is key in the reduction of stigma, increasing healthcare accessibility, and improving the overall well-being of LGBTQ+ individuals.

### Inclusive Public Health Policies

Specific and targeted public health policies should be formulated to encompass individuals who identify as LGBTQ+. They should be provided with equitable access to HIV prevention and treatment, mental health counselling, and other essential healthcare services.

### Anti-Discrimination Protections

Another important step is to establish legal frameworks that protect LGBTQ+ individuals against discrimination in healthcare, employment, and many public settings. These measures are crucial to ensure that individuals who identify as LGBTQ+ have equitable access to the necessary resources and opportunities for

leading fulfilling and prosperous lives. Additionally, they ensure that those who discriminate against them will face the law.

### Support for LGBTQ+ Advocacy Groups

The authorities should actively support, rather than repress, LGBTQ+ advocacy organizations that strive to promote the rights and welfare of LGBTQ+ individuals. In addition to offering assistance to and raising consciousness about LGBTQ+ communities, advocacy groups play a major role in advocating for governmental reforms that are advantageous to LGBTQ+ individuals; providing support and protection for these groups will go a long way.

### International Collaboration and Support

The collaboration with international organizations to secure finances and technical aid is important. However, for endeavors pertaining to public health and LGBTQ+ rights, it is important that these collaborations prioritize African sovereignty and aim to enhance vulnerable communities within each region.

### Conclusion

The criminalization of LGBTQ+ identities, which has deep roots in African history, persists and has significant repercussions on public health. The systemic stigmatization imposed by these laws worsens mental health problems, hinders access to health care treatment, and hampers the combined efforts to combat the HIV/AIDS epidemic. The presence of conservative governments that uphold and enable heteropatriarchal behaviors and colonial laws will always be the first and major obstacle in the pursuit of justice and appropriate healthcare for marginalized people. In this particular context, justice entails the efforts of LGBTQ+ rights activists and individuals to establish environments that are secure, inclusive, and filled with happiness, even in the face of repressive circumstances. It is necessary to develop inventive approaches that merge local grassroots activism with international solidarity. This encompasses the establishment of robust and nurturing networks and communities that offer a secure environment. In addition, the provision of well needed resources and adequate health education for LGBTQ+ individuals is also required. Furthermore, utilizing digital channels to push for the promotion of their rights and cultivating partnerships with global human rights organizations.



Cultural activities such as commemorating LGBTQ+ culture and history, celebrating local LGBTQ+ identities, and actively nurturing inclusive cultures that prioritize and appreciate the voices of marginalized individuals are significant ways to change the social and legal status of LGBTQ+ communities in Africa. African nations have the potential to make substantial contributions to the progress of human rights and public health results. The recommendations provided in this article offer a clear direction for achieving these goals and depict a vision of an Africa where social policy and public health are founded on principles of fairness, equality, and inclusiveness. Africans deserve a future where every individual is treated with utmost regard and honor.

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