



Home Office

# **Country Policy and Information Note**

## **Ghana: Sexual orientation, gender identity and expression (SOGIE)**

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# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#)/Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, which is compared and contrasted where appropriate so that a comprehensive and up-to-date picture is provided of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

### **Feedback**

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

### **Independent Advisory Group on Country Information**

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 29 March 2022

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of persecution and/or serious harm by state and/or non-state actors because of the person's actual or perceived sexual orientation and/or gender identity or expression.

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### 1.2 Points to note

- 1.2.1 This note provides an assessment of the general situation for gay men, lesbians, bisexuals, trans and intersex (LGBTI) persons, as well as those perceived as such. They are referred to collectively as 'LGBTI persons', although the experiences of each group may differ.
- 1.2.2 For general guidance on considering claims made by LGBTI persons, decision makers should refer to the Asylum Instructions, [Sexual orientation in asylum claims](#) and [Gender identity issues in the asylum claim](#).
- 1.2.3 Where a claim from an adult male is refused, it must be considered for certification under section 94(3) of the Nationality, Immigration and Asylum Act 2002 as Ghana is listed as a designated state in respect of men only. Such a claim must be certified under section 94(3) if you are satisfied it is clearly unfounded, in line with the Home Office Guidance on [Certification of protection and human rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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## 2. Consideration of issues

### 2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).
- 2.1.4 When assessing the credibility of a person's claim to be LGBTI it may be useful to consider the interviewing guide within the Asylum Instructions on [Conducting asylum interviews](#), [Sexual orientation in asylum claims](#) and the [Gender identity issues in the asylum claim](#).

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## 2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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## 2.3 Convention reason(s)

- 2.1.5 Actual or imputed membership of a particular social group (PSG).
- 2.3.1 LGBTI persons form a PSG in Ghana within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it **and** have a distinct identity in Ghana because the group is perceived as being different by the surrounding society.
- 2.3.2 Although LGBTI persons form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the person has a well-founded fear of persecution and/or serious harm on account of their membership of such a group.
- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#)

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## 2.4 Risk

### a. State treatment

- 2.4.1 Ghana has a framework of laws to penalise various forms of criminal activity and a functioning criminal justice system composed of the police, military, intelligence services – and the judiciary, comprised of the Supreme Court sitting above various subordinate courts (see [Country Background Note Ghana](#) and [Actors of Protection](#)).

- 2.4.2 While there are protections for citizens' fundamental rights under the constitution, which has general provisions on privacy, freedom of expression and non-discrimination, these do not extend to sexual orientation or gender identity and/or expression (see [Constitution](#)).
- 2.4.3 Section 104 of the criminal code criminalises consensual 'unnatural carnal knowledge' with somebody over 16. It is categorised as a misdemeanour with a sentence of up to 3 years' imprisonment. Non-consensual 'unnatural carnal knowledge' with a person over 16, that is rape, is punishable with a 5 to 25 year term of imprisonment. The law does not explicitly refer to same-sex activity between men or women but 'unnatural carnal knowledge' is interpreted to apply to males only. However, some sources suggest because the law's wording is vague it is not consistently interpreted and may be applied to and used against women and trans/intersex persons too (see [Legal context](#)).
- 2.4.4 There are no legal provisions applicable to trans or intersex persons (see [Legal context](#)).
- 2.4.5 A draft bill on the Promotion of Proper Human Sexual Rights and Ghanaian Family Values 2021 was introduced to Ghana's parliament in July 2021. Amongst other things, it criminalises promoting and funding of LGBTI groups, advocates conversion therapy and medical interventions on intersex children, bans same-sex marriage and imposes longer jail terms for consensual same-sex sexual activity than the existing law. Sources indicate the bill is widely supported in Ghana, although a number of international and domestic organisations have expressed their concerns and opposition to it, with over 100 petitions submitted to parliament. President Nana Akufo-Addo stressed the need for civil debate and tolerance as parliament works towards a vote on the bill to be undertaken by MPs following a series of parliamentary debates and public hearings. The ultimate decision to enact or veto the bill rests with the president - at the time of writing the bill had not been made law (see [Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill](#)).
- 2.4.6 Some public political figures have expressed anti-LGBTI views. President Nana Akufo-Addo reportedly stated that same-sex marriage will not be legalised under his presidency and the matter of de-criminalising homosexuality is not on the government's agenda. Other government and public figures have made anti-LGBTI remarks that have contributed to a climate of homophobia and, in some cases, incited violence towards LGBTI persons. However, Human Rights Watch has reported that the police and the Commission for Human Rights and Administrative Justice (CHRAJ), the human rights ombudsman, have proactively tried to 'reach out' to the LGBTI community (see [Government and political leaders](#) and [Violence and discrimination](#)).
- 2.4.7 There are no reported prosecutions or convictions of LGBTI persons for consensual same-sex sexual activity in the sources consulted. However, sources state that LGBTI people, primarily gay men, have been arbitrarily arrested usually held briefly and released without charge. These incidents include LGBTI people who have been the victims of crime, sometimes because of their sexual orientation or gender identity, but when reporting

those crimes to the police have been arrested or threatened with arrest, fear of exposure and extortion. Fear of intimidation, stigma and the attitude of some police are reported to be factors in deterring LGBTI victims reporting incidents of abuse. The UN Special Rapporteur considered that LGBTI persons face intimidation, arbitrary arrest, violence, threats and blackmail and they lack access to remedies for such violations, although it should be noted that this source remarked that there was an absence of statistics on the LGBTI population (see [Arrests, prosecutions and detention](#), [Police response](#) and [Violence and discrimination](#)).

- 2.4.8 Conversely, there are some reports of the police having assisted LGBTI persons who have been the victims of crime linked to their sexual orientation or gender identity. The US State Department noted that activists had commented that police attitudes towards LGBTI persons were slowly changing (see [Arrests, prosecutions and detention](#), [Police response](#) and [Violence and discrimination](#)).
- 2.4.9 LGBTI persons have reportedly experienced stigma and discrimination in accessing services such as healthcare, including access to HIV/AIDS treatment, education and employment (see [Access to services](#)).
- 2.4.10 The government in general permits the operation of a number of civil society groups that support LGBTI persons, although it is reluctant to engage with these organisations. However, in May 2021, 21 people attending a paralegal training workshop for the protection of human rights of sexual minorities were arrested and charged with unlawful assembly, they were bailed following 22 days in detention with the case dismissed in court for lack of evidence (see [Country Background Note Ghana](#) and [Arrests, prosecutions and detention](#)).
- 2.4.11 The CHRAJ documents complaints of discrimination and abuse against LGBTI persons and engages in activities in support of them (see [LGBTI civil society and support organisations](#)).
- 2.4.12 The state inconsistently applies the anti-LGBTI laws, with sources suggesting that while elements of the government have used anti-LGBTI rhetoric, the treatment of LGBTI persons by the police and other public agencies varies, and is sometimes supportive. However, Media and NGOs reported a number of arrests of LGBTI persons (mostly gay men and lesbian women) each year on the basis of their perceived or actual sexual orientation or gender identity. However, these cases rarely get to court, with many of the arrested subject to extortion or a request for a bribe then released.
- 2.4.13 In general, L, G and B persons are likely to be subject to treatment from the state that by its nature and frequency amounts to persecution. Each case must, however, be considered on its facts, with the onus on the person to demonstrate that they are at risk.
- 2.4.14 There is limited specific information about the state treatment of transgender and intersex persons who are open about their sexual orientation or gender identity. However, the available information does not indicate that these groups are treated differently to L, G and B persons. Therefore, in general a

person who is openly trans or intersex is likely to be subject to treatment from the state that amounts to persecution.

- 2.4.15 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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b. Societal treatment

- 2.4.16 Ghana is a culturally and religiously conservative country, with most people holding negative views of same-sex relations. Sources indicate that there is strong societal intolerance of and discrimination against LGBTI persons. Many Christian and Muslim religious leaders are opposed to LGBTI rights and play a role in perpetuating stigmatization of same-sex relations, providing ‘conversion therapies’ and in some cases, incite violence towards LGBTI persons openly condemning ‘homosexuality’. Anti-LGBTI rhetoric from religious groups magnifies existing societal homophobia. The media generally portrays LGBTI persons negatively. (see [Constitution](#), [‘General’ treatment by state and non-state actors](#) and [Societal attitudes and treatment](#))
- 2.4.17 LGBTI persons face a range of discriminatory treatment from societal actors because they are perceived to be different. They are frequently victims of physical violence and psychological abuse, extortion and discrimination in different aspects of daily life. Some LGBTI persons may conceal their sexual orientation or gender identity out of shame and stigma. There are also reports that LGBTI persons who are known to be or perceived to be LGBTI have been subjected to threats and violent attacks by family and members of their communities, are subject to attempts at forced conversion and face harassment, intimidation, blackmail, loss of property and eviction, denial of educational opportunities, loss of employment, education and difficulties in accessing health care. One source has suggested the draft ‘family values’ bill has caused an increase in violence and discrimination towards LGBTI persons (see [Societal attitudes and treatment](#), [‘General’ treatment by state and non-state actors](#), [Access to services](#) and [Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill](#)).
- 2.4.18 Human Rights Watch reported that LGBTI persons, particularly lesbian and bi-sexual women, may be rejected by their families and experience pressure to enter into heterosexual marriages where they are vulnerable to domestic violence. Transgender men may also be victims of domestic violence and/or coerced marriage. LGBTI persons have been reported to the police by family members once their sexuality has been exposed. Others have experienced physical violence and psychological abuse, and there are some reports of mob violence (see [Arrests, prosecutions and detention](#) and [Societal attitudes and treatment](#), [Access to services](#)).
- 2.4.19 Sources report that there are a number of non-government organisations (NGOs) operating in Ghana providing assistance, community engagements and support to LGBTI persons. NGOs have reported difficulties in engaging officials on LGBTI issues because of the social and political sensitivity towards LGBTI rights. Ghana’s first community support centre and safe house for LGBTI persons was forced to close in February 2021 following

calls by church groups, politicians and anti-gay rights organisations (see [State attitudes and treatment](#), [LGBTI 'community' and openness](#) and [LGBTI civil society and support organisations](#))

- 2.4.20 In general, L, G and B persons who are open about their sexual orientation, or who are perceived to be L, G or B, are likely to face stigma, discrimination, violence and mistreatment from family members and the wider community which, by its nature and frequency, amounts to persecution. Each case, however, needs to be considered on its facts, with the onus on the person to demonstrate that they face such a risk.
- 2.4.21 There is limited information about the treatment of T and I persons but there is no indication that such groups are treated differently by societal actors than L, G and B persons. Therefore, in general a person who is openly trans or intersex is likely to be subject to treatment from societal actors that amounts to persecution.
- 2.4.22 For further guidance on assessing risk, see the instructions on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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## 2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.
- 2.5.2 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state actors, decision makers must assess whether the state can provide effective protection.
- 2.5.3 The government has established a functioning criminal justice system able to detect, prosecute and punish acts that may amount to serious harm or persecution. Police treatment of LGBTI persons is variable. There are some signs that police attitudes to LGBTI persons are slowly improving and police have provided assistance to some LGBTI people who have been victims of crime because of sexual orientation or gender identity. However, sources also report that LGBTI persons have been arrested because of their real or perceived sexual orientation. LGBTI persons may also be afraid to go to the police due to the risk of social stigma, harassment, intimidation and extortion by police officers. (see [Legal context](#), ['General' treatment by state and non-state actors](#), [State attitudes and treatment](#)).
- 2.5.4 In general, the state is able but is not willing to offer effective protection. However, each case must be considered on its facts, with the onus on the person to demonstrate that they will not be able to obtain effective protection.
- 2.5.5 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.6 Internal relocation

- 2.6.1 In general, given the widespread societal and state hostility towards and discrimination against LGBTI persons, it is unlikely to be reasonable for an openly LGBTI person to relocate. However, each case must be considered on its facts, with the onus on the decision maker to demonstrate that internal relocation would be reasonable/not unduly harsh.
- 2.6.2 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity or expression in the proposed new location for fear of persecution.
- 2.6.3 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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## 2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Section 3 updated: 7 March 2022

## 3. Explanation of presentation of material

- 3.1.1 The experiences of the LGBTI are likely to be distinct albeit overlapping. Wherever possible this note has tried to separate out information relevant to a particular group. However, most sources which refer to LGBTI and their experiences do so collectively, without distinguishing between the groups, and most sources, where they do distinguish an individual group, refer to gay men.
- 3.1.2 That there may be limited information about a particular, usually lower profile, group does not necessarily mean the group is treated more or less favourably than the other groups. Rather this may reflect the smaller size or profile of the group and a lower level of reporting about it.

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Section 4 updated: 7 March 2022

## 4. Demography

- 4.1.1 The US Bureau of the Census estimated a population of 32,372,889 (July 2021 est.)<sup>1</sup>. There are no published data on the numbers of LGBTI persons in Ghana in the sources consulted (see [Bibliography](#)).
- 4.1.2 For more information on the demography of Ghana see the [Country background information note including internal relocation](#).

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Section 5 updated: 7 March 2022

## 5. Legal context

### 5.1 Constitution

- 5.1.1 Chapter five of the [Constitution of the Republic of Ghana](#) (1996) provides for equality and non-discrimination, but makes no reference to sexual orientation or gender identity<sup>2</sup>.
- 5.1.2 A Human Rights Watch article from September 2021 noted:

‘... Chapter five of Ghana’s Constitution guarantees a range of fundamental human rights and freedoms to all its citizens, including LGBT individuals. Article 17(1) and (2) guarantees equality before the law and prohibits discrimination on grounds of “gender, race, colour, ethnic origin, religion, creed or social or economic status.”

‘Article 17 also provides for the right to equality and non-discrimination for all. The constitution further ensures respect for human dignity under article 15, protection of personal liberty under article 14, and the right to privacy for

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<sup>1</sup> CIA World Factbook, ‘[Ghana](#)’ (section People and society), updated 20 December 2021

<sup>2</sup> [Constitution of the Republic of Ghana](#) (Chapter 5, Article 12(2)), 1996

all under article 23, rights that should be understood to extend to everyone, including LGBT people.’<sup>3</sup>

5.1.3 The Human Rights Watch report ‘No choice but to deny who I am’, January 2018, which includes interviews with 114 LGBTI persons in Ghana in 2017, observed: ‘Ghana has ratified all the major regional and international human rights treaties and accepted the individual complaints procedures under the Optional Protocol to the International Covenant on Civil and Political Rights and the inquiry procedure under the Optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women...’<sup>4</sup>

5.1.4 The US State Department 2020 Human Rights Practices Report (USSD Human Rights report 2020) covering events in 2020 stated ‘The law does not prohibit discrimination based on sexual orientation and gender identity.’<sup>5</sup>

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## 5.2 Criminal code

### a) ‘Unnatural carnal knowledge’

5.2.1 The Criminal Code Act 29 of 1960, amended in 2003, in chapter 6 on sexual offences, states in section 104 that:

‘(1) Whoever has unnatural carnal knowledge—

‘(a) of any person of the age of sixteen years or over without his consent shall be guilty of a first degree felony and shall be liable on conviction to imprisonment for a term of not less than five years and not more than twenty-five years; or

‘(b) of any person of sixteen years or over with his consent is guilty of a misdemeanour; or

‘(c) of any animal is guilty of a misdemeanour.

‘(2) Unnatural carnal knowledge is sexual intercourse with a person in an unnatural manner or with an animal.’<sup>6</sup>

5.2.2 Section 99 – ‘Evidence of Carnal Knowledge’ - that is sexual intercourse, states: ‘Whenever, upon the trial of any person for an offence punishable under this Code, it is necessary to prove carnal knowledge or unnatural carnal knowledge, the carnal knowledge or unnatural carnal knowledge shall be deemed complete upon proof of the least degree of penetration.’<sup>7</sup>

5.2.3 The Criminal Procedure Code (Act 30) of 1960 states in Section 296 – ‘General Rules for Punishment of the Criminal Procedure Code 1960’ - that the upper limit for punishments of crimes is defined as a misdemeanour which consensual ‘unnatural carnal knowledge’ between persons over 16 is categorised: ‘(4) Where a crime... is declared by any enactment a misdemeanour and the punishment for the crime is not specified, a person

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<sup>3</sup> HRW, [‘LGBT Activists Face Hardships After Detention’](#) 20 September 2021

<sup>4</sup> HRW, [‘No choice but to deny who I am’](#) (page 13), January 2018

<sup>5</sup> USSD, [‘2020 Country reports on human rights practices: Ghana’](#) (section 6), 30 March 2021

<sup>6</sup> Ghanaian government, [‘Criminal Code 1960 \(Act 29\)’](#) (section 104), undated

<sup>7</sup> Ghanaian government, [‘Criminal Code 1960 \(Act 29\)’](#) (section 99), undated

convicted thereof shall be liable to imprisonment for a term not exceeding three years.’<sup>8</sup>

5.2.4 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) ‘State Sponsored Homophobia’ report, updated in 2020: ‘Section 104(1)(a) of the Penal Code (1960), as amended in 2003, prohibits “unnatural carnal knowledge” (defined as “sexual intercourse with a person in an unnatural manner”) of another person of sixteen years or over with his consent. It is considered a misdemeanour and carries a maximum penalty of 3 years’ imprisonment...’<sup>9</sup>

5.2.5 The USSD Human Rights report 2020 stated: ‘The law criminalizes the act of “unnatural carnal knowledge,” which is defined as “sexual intercourse with a person in an unnatural manner or with an animal.”’<sup>10</sup>

5.2.6 Human Rights Watch (HRW) in their January 2018 report ‘No choice but to deny who I am’ stated:

‘In principle, this offense [unnatural carnal knowledge] could apply to oral or anal sex between a man and a woman, as well as to sex between men. Ghana’s Constitution Review Commission has recognized as much, stating that “Unnatural carnal knowledge is defined at common law to involve penile penetration of anything other than a vagina,” adding: “...the law only anticipates the situation where a man has unnatural carnal knowledge of a woman or another man, but does not envisage the situation where a woman engages in unnatural carnal knowledge of another woman.”...’

‘... Jones Blantari, Assistant Commissioner of Police, told Human Rights Watch that “the term unnatural carnal knowledge is vague, does not have any clear meaning in law, creates difficulties in consistent interpretation and its application is used to target LGBT people.”... The UN Human Rights Committee has expressed concern to the government about the official position that “same-sex sexual activity falls within the definition of unnatural carnal knowledge” and is a punishable misdemeanour...’<sup>11</sup>

5.2.7 Citing general recommendations to all state parties made in a global report by the [Committee on the Elimination of Discrimination against Women \(CEDAW\) in 2015](#) the same HRW report, also observed that ‘While section 104(1)(b) of the Criminal Offences Act in Ghana does not expressly criminalize same-sex conduct between females, Human Rights Watch found that this law impedes lesbian and bisexual women’s ability to seek justice and legal redress.’<sup>12</sup> HRW did not provide further evidence with regard this statement.

5.2.8 The UN Special Rapporteur, Philip Alston, on extreme poverty and human rights in report of his mission to Ghana between 9 and 18 April 2018 (UN SR report 2018) noted: ‘... Many officials informed the Special Rapporteur that there was no prohibition on same sex couples, but added that any sexual

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<sup>8</sup> Ghanaian government, ‘[Criminal procedure code 1960 \(Act 30\)](#)’ (section 296), undated

<sup>9</sup> ILGA, [State Sponsored Homophobia](#), (page 117), updated 2020

<sup>10</sup> USSD, ‘[2020 Country reports on human rights practices: Ghana](#)’ (section 6), 30 March 2021

<sup>11</sup> HRW, ‘[No choice but to deny who I am](#)’ (pages 22 to 23), January 2018

<sup>12</sup> HRW, ‘[No choice but to deny who I am](#)’ (page 58), January 2018

contact between them would violate the law. However, they also stated that since the law was rarely enforced, there was no problem in practice.<sup>13</sup>

#### 5.2.9 The UN SR concluded:

‘While the Government might argue that it is not responsible for acts of discrimination by private persons, the reality is that the law sets the overall framework and strongly influences attitudes. Decriminalizing adult consensual same-sex conduct would be a first step towards recognizing the human rights of lesbian, gay, bisexual, transgender and intersex people and fighting discrimination based on sexual orientation and gender identity. A national public education campaign on the rights of such persons and legal remedies and social services for victims of sexual discrimination based on sexual orientation and gender identity is urgently needed to uphold the country’s commitment to equality and fairness...’<sup>14</sup>

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#### b) The law and men

5.2.10 Human Dignity Trust on their website page for Ghana updated in 2021 explained that: ‘The law is only applicable to sexual intercourse between men.’<sup>15</sup>

5.2.11 The USSD Human Rights report 2020 stated: ‘The offense covers only persons engaged in same-sex male relationships and those in heterosexual relationships.’<sup>16</sup>

5.2.12 CPIT was not able to find specific information on laws regarding transgender or intersex persons (see [Bibliography](#)).

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### 5.3 Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill

5.3.1 A Human Rights Watch article from September 2021 noted: ‘In July [2021], eight members of parliament introduced the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill 2021, which would proscribe and criminalize any advocacy of LGBT identity.’<sup>17</sup>

5.3.2 BBC News reported in July 2021: ‘Ghana’s information minister says politicians have “no intention” of changing its laws on sexuality, after an anti-gay bill was submitted to parliament.

‘Kojo Opong Nkrumah told BBC Radio 1Xtra’s [If You Don’t Know Podcast](#) that the country’s current laws on “matters of sexuality” were “adequate”.’<sup>18</sup>

5.3.3 A publication on the United Nations website in August 2021 stated: ‘A draft bill on “Promotion of Proper Human Sexual Rights and Ghanaian Family Values 2021” was introduced to Ghana’s parliament in July 2021 and underwent its first reading by Parliament on 3 August. The bill has since

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<sup>13</sup> UNHRC, [UNSR report 2018](#) (paragraph 39), 10 October 2018

<sup>14</sup> UNHRC, [UNSR report 2018](#) (paragraph 42), 10 October 2018

<sup>15</sup> HDT, ‘[Country profile - Ghana](#)’, updated 2021

<sup>16</sup> USSD, ‘[2020 Country reports on human rights practices: Ghana](#)’ (section 6), 30 March 2021

<sup>17</sup> HRW, ‘[LGBT Activists Face Hardships After Detention](#)’, 20 September 2021

<sup>18</sup> BBC News, ‘[Ghana minister: No intention to change homosexuality laws](#)’, 29 July 2021

been transmitted to Parliament's Constitutional, Legal and Parliamentary Affairs Committee and subsequent readings of the bill are planned starting October when Parliament returns from recess.<sup>19</sup>

#### 5.3.4 The website of the Ghanaian Parliament stated:

'The Eighteen-Member Constitutional, Legal and Parliamentary Affairs Committee of Parliament on Thursday November 11, 2021 held its first public hearing on a Private Members' Bill that would make it illegal to be gay or to advocate for gay rights...

'The proposed legislation which aims to provide for proper human sexual rights and Ghanaian family values seeks to restrict LGBTQ+ communities and any activities related to them.

'The new Bill would go much further, criminalising the promotion and funding of LGBTQ+ activities as well as public displays of affection, cross-dressing and more, while campaigning for LGBTQ+ persons on social media or online platforms is also prohibited under the Bill.

'The Bill further seeks to provide for protection of and support for children, persons who are victims or accused of LGBTTTQQAAP+ [Lesbian, Gay, Bisexual, Transgender, Transsexual, Queer, Questioning, Intersex, Asexual, Allies and/or Pansexual] and related activities and other persons and related matters while people advocating the rights of these sexual minorities will also be penalized.

'Proponents of the Bill want the promotion, advocacy, funding, and acts of homosexuality to be criminalized in the country saying it is a world-class piece of legislation which should be a reference material for other Parliaments seeking to pass similar legislation.

'The memorandum accompanying the Bill said the object of the Bill is to provide for proper human sexual rights and Ghanaian family values, proscribe LGBTQ+ and related activities, propaganda of, advocacy for or promotion of LGBTTTQQAAP+ and related activities.<sup>20</sup>

#### 5.3.5 Africa News stated in November 2021:

'The proposed bill includes criminalising LGBT advocacy, requirements to denounce "suspects", advocates for conversion therapy and imposes longer jail sentences.

'The so-called "Promotion of proper human sexual rights and Ghanaian family values" bill has been widely condemned by the international community and rights activists, drafted by eight lawmakers, mostly from the opposition party.<sup>21</sup>

#### 5.3.6 ILGA in a December 2021 report 'Our identities under arrest...' citing a variety of media sources summarised the bill as:

- 'The bill would increase the jail-time for consensual same-sex sexual activity to 10 years as well as ban same-sex marriage;

<sup>19</sup> UN – Ghana, '[Draft bill on "Proper Sexual Rights and Ghanaian Family..."](#)', 12 August 2021

<sup>20</sup> Parliament of Ghana, '[House Select Committee Begins Public Hearings...](#)', 12 November 2021

<sup>21</sup> Africa News, '[Ghana: Will anti-LGBT bill be passed by parliament?](#)', 9 November 2021

- ‘it would also criminalise diverse gender identities and expressions and prohibit medical practitioners from offering gender-affirming medical care;
- ‘it would offer incentives to families to have their intersex infants “normalised” through risky and unnecessary genital surgeries;
- ‘and it would prohibit public support, advocacy or organising for SOGIESC human rights in Ghana.’<sup>22</sup>

5.3.7 The Office of the High Commissioner for Human Rights (OHCHR) stated:

‘UN human rights experts urged Ghana’s Government to reject a proposed “family values” bill, saying it seeks to establish a system of State-sponsored discrimination and violence against the LGBTI community...

“The draft legislation argues that any person who deviates from an arbitrary standard of sexual orientation or gender identity is immediately to be considered dangerous, sick or anti-social,” said the experts. “Such laws are a textbook example of discrimination.

“The proposed law promotes deeply harmful practices that amount to ill-treatment and are conducive to torture, such as so-called ‘conversion therapy’ and other heinous violations like unnecessary medical procedures on intersex children, and so-called corrective rape for women,” they added.

‘The independent experts, appointed by the Human Rights Council, presented an analysis of the draft bill to the Ghanaian Government, concluding that adopting the legislation in its current or any partial form would be tantamount to a violation of a number of human rights standards, including the absolute prohibition of torture.

‘For example, attempts to prevent human rights defenders from organising themselves to defend LGBTI people, and the absolute prohibition of public debate on sexual orientation and gender identity, raises grave concerns about rights to freedom of opinion and expression, and of association. Moreover, the bill in question would essentially legitimize the above instances of violence against LGBTI women and reinforce existing gender stereotypes and discrimination against women, which are both cause and consequence of violence against women and girls...

“The draft legislation appears to be the result of a deep loathing toward the LGBTI community. It will not only criminalise LGBTI people, but anyone who supports their human rights, shows sympathy to them or is even remotely associated with them.

“Given that LGBTI people are present in every family and every community it is not very difficult to imagine how, if it were to be adopted, this legislation could create a recipe for conflict and violence.”<sup>23</sup>

5.3.8 CIVICUS (World Alliance for Citizen Participation) in a statement at the 48th Session of the UN Human Rights Council called attention to the draft bill asking the Ghanaian Government to take all measures to protect LGBTI

<sup>22</sup> ILGA, ‘[Our identities under arrest – Ghana excerpt](#)’, 15 December 2021

<sup>23</sup> OHCHR, ‘[Ghana: Anti-LGBTI draft bill a “recipe for violence” – UN experts](#)’, 12 August 2021

persons, and along with the support and sponsorship of a number of other organisations including Amnesty International, Article 19 and HRW, stated:

‘The bill being discussed not only attempts to criminalise same-sex conduct, but also promotes harmful practices such as unnecessary medical interventions on intersex children... and so-called conversion therapies. This bill also enables the state to prevent human rights defenders from organising themselves to defend LGBTI people, and absolutely prohibits public debates that advance the protection or promotion of the rights of LGBTI persons. Ultimately, this bill legitimises state and societal violence.

‘The provisions contained in the draft legislation not only criminalise LGBTI persons but anyone who supports their human rights, shows sympathy to them or is even remotely associated with them...

‘Human rights defenders or anyone registering, operating or participating in an activity to support an organisation working on LGBTI people's rights could face up to 10 years of imprisonment. The Bill also criminalises any production and dissemination of so-called LGBTI "propaganda" with imprisonment between 5 to 10 years.

‘The discussion of such draft legislation has already significantly and alarmingly promoted a rise in discrimination and violence against LGBTI persons in Ghana.

‘The adoption of this bill has major implications on the already marginalised and vulnerable LGBTI community. It will exacerbate existing economic, legal, societal and public health inequalities which will make it more difficult for the community to exist safely in society. Adopting such a bill would be a direct infringement to core international human rights as dignity, equality and non-discrimination, the rights to freedom of expression, association and privacy, and the absolute prohibition of torture...’<sup>24</sup>

5.3.9 Christianity Today, a [non-profit global media ministry](#), in an online article published in October 2021 stated:

‘The Christian Council of Ghana, which includes Anglicans, Methodists, and Presbyterians, and the Ghana Pentecostal and Charismatic Council (GPCC), an umbrella group of 200 churches and ministries, issued a joint statement backing the draft law. They urged parliament to pass the bill and President Nana Akufo-Addo to sign it, saying homosexuality is “unacceptable behaviour that our God frowns upon” and “alien to the Ghanaian culture and family value system.”’<sup>25</sup>

5.3.10 The BBC reported in October 2021: ‘The Archbishop of Canterbury has said he is "gravely concerned" by a proposed law in Ghana, which would impose harsh penalties on the LGBT community.

‘The bill is supported by the Anglican Church of Ghana, despite a previous agreement by all Anglican churches not to support discriminatory legislation.’<sup>26</sup>

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<sup>24</sup> CIVICUS, ‘[CSOs call for the Council's urgent attention to Ghana's anti-gay...](#)’ 27 September 2021

<sup>25</sup> Christianity Today, ‘[Ghana Churches Push Law to Combat Promotion...](#)’, 26 October 2021

<sup>26</sup> BBC, ‘[Archbishop of Canterbury criticises Ghana anti-LGBT bill](#)’, 27 October 2021

### 5.3.11 The BBC article continued:

'Ghana opposition MP Samuel Nartey said he was in favour of the bill.

"In the last research carried out by a private civil society organisation [MP Nartey did not specify which research] 93% of Ghanaians support this position. Laws are a reflection of what society desires. The UK for example has laws that reflect what the British people want; Brexit is a reflection of what British people wanted," [he told the BBC's Newsday programme](#).

'However, the BBC's Thomas Naadi reports from Ghana that more than 100 petitions have been submitted against the bill.

'Nevertheless, the bill was likely to pass because the majority of MPs support it, he says.

'Parliamentary speaker Alban Bagbin has said that the bill - which still faces months of debate - will undergo a thorough and transparent process before MPs vote on it.'<sup>27</sup>

### 5.3.12 Africa News stated in November 2021:

'...The bill, currently being debated in parliament, is widely supported in Ghana, where President Nana Akufo-Addo has publicly said gay marriage will never be allowed while he is in power.

'If the text is passed by parliament, the president can either decide to ignore critics and sign it, or veto it -- something analysts and diplomats say he may be unwilling to do, given widespread support for anti-LGBT legislation.

### 5.3.13 In November 2021, Reuters reported that: 'LGBT+ rights groups in Ghana said they have seen a spike in homophobic attacks since the draft law was introduced in August [2021].'<sup>28</sup>

### 5.3.14 At the time of writing the Bill was still under consideration in Parliament and had not become law (see [Bibliography](#)).

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Section 6 updated: 7 March 2022

## 6. General treatment by state and non-state actors

6.1.1 This section contains information that refers generally to the treatment of LGBTI persons or does not clearly identify whether the actions and/or attitudes are those of the state or non-state actors. For information which can be ascribed explicitly to the state or non-state actors, see the relevant sections below.

6.1.2 The UN Special Rapporteur on extreme poverty and human rights stated in the end of mission statement following a visit to Ghana, that:

'The reality is that LGBTI persons face a range of human rights violations merely because they are perceived to be different. They suffer harassment in public, in the workplace, and in the family. They endure intimidation, arbitrary arrest, violence, threats, and blackmail, and they lack access to remedies for such violations. The absence of statistics on the LGBTI

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<sup>27</sup> BBC, '[Archbishop of Canterbury criticises Ghana anti-LGBT bill](#)', 27 October 2021

<sup>28</sup> Reuters, '[Supporters and opponents face off over Ghana's anti-LGBT law](#)', 12 November 2021

population and recurrent homophobic statements by political leaders, members of Parliament and religious leaders are symptoms of the prevailing discriminatory attitudes...<sup>29</sup>

6.1.3 HRW observed in its January 2018 report:

‘Ghana has a mixed record on its treatment of lesbian, gay, bisexual and transgender (LGBT) people... At least two government agencies, the Ghana Police Force and the Commission on Human Rights and Administrative Justice (CHRAJ), have reached out to LGBT people and taken proactive steps, including through providing human rights training workshops to help ensure their protection. Nevertheless, LGBT people are very frequently victims of physical violence and psychological abuse, extortion and discrimination in many different aspects of daily life [HRW did not provide further information as to the scale or frequency of such incidents] , because of their sexual orientation and gender identity.’<sup>30</sup>

6.1.4 The same report stated ‘Ghana’s protective constitutional framework, and commitment to regional and international human rights treaties operate in a complex context of conservative religious views frequently marshalled to justify criminalization of adult consensual same-sex conduct and, thus contributing to high levels of stigma, discrimination, family rejection and violence against LGBT people in Ghana.’<sup>31</sup>

6.1.5 Human Rights Watch in their January 2018 report ‘No choice but to deny who I am’ based on 114 interviews conducted between December 2016 and February 2017 in Ghana stated:

‘... Despite the rare, if any, prosecutions under this provision, Human Rights Watch found that the criminalization of adult consensual same-sex conduct contributes to a climate in which violence and discrimination against LGBT people is common. The retention of section 104(1)(b) – commonly referred to as the anti-gay law – is often seen as tacit state approval of discrimination, and even violence, on the basis of real or imputed sexual orientation and gender identity. The law also contributes to a social environment in which there is pervasive violence against lesbian, bisexual and gender non-conforming women in the home and LGBT people more generally in communities where they live.’<sup>32</sup>

6.1.6 The UN SR report 2018 noted:

‘Stigmatization and discrimination make it impossible for such individuals to become productive members of the community, when disclosure of their sexual orientation is likely to lead to them being thrown out of their jobs, schools, homes and even their communities. Some choose to hide their sexual orientation and gender identity and are pushed to marry against their will; others have to leave their homes and communities and try to start new lives... Discrimination against lesbian, gay, bisexual, transgender and intersex people makes them vulnerable to extreme poverty and living in

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<sup>29</sup> OHCHR, ‘[Statement on Visit to Ghana](#)’ (section: v), 18 April 2018

<sup>30</sup> HRW, ‘[No choice but to deny who I am](#)’ (page 1), January 2018

<sup>31</sup> HRW, ‘[No choice but to deny who I am](#)’ (page 13), January 2018

<sup>32</sup> HRW, ‘[No choice but to deny who I am](#)’ (page 14 & page 1-2), January 2018

poverty they experience intersecting forms of discrimination that prevent the full enjoyment of their human rights.<sup>33</sup>

- 6.1.7 Freedom House annual report on political rights and civil liberties in 2020 (Freedom in the World 2021) stated: ‘Although the country has a relatively strong record of upholding civil liberties, discrimination against women and LGBT+(lesbian, gay, bisexual, and transgender) people persists....  
Same-sex sexual activity remains criminalized, encouraging police harassment and impunity for violence against LGBT+ people.<sup>34</sup>
- 6.1.8 USSD Human Rights report 2020 stated: ‘Gay men in prison were vulnerable to sexual and other physical abuse.’<sup>35</sup>
- 6.1.9 Amnesty International stated in their report covering events in 2020 that: ‘Religious and political leaders, and the media used hate speech against LGBTI people. This contributed to a climate of fear, hostility and intolerance towards the LGBTI community.’<sup>36</sup> The same Amnesty International report noted: ‘LGBTI people continued to face discrimination’<sup>37</sup> but did not provide further detail on the nature and/or scale of discrimination faced.
- 6.1.10 The Foreign, Commonwealth and Development Office travel advice for British nationals updated in January 2022 stated: ‘Anti LGBT rhetoric/hate speech by religious leaders, government officials and local media can incite homophobia against the LGBT community. LGBT people can be victims of physical violence and psychological abuse.’<sup>38</sup>

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Section 7 updated: 7 March 2022

## 7. State attitudes and treatment

### 7.1 Government and political leaders

- 7.1.1 Human Rights Watch in their 2018 report ‘No choice but to deny who I am’ claimed:

‘... that since 2010, and notably from February 2017, a few opinion leaders including government officials and parliamentarians have called for further criminalization of LGBT people. In February 2017, the Speaker of Parliament, Professor Mike Ocquaye, referred to homosexuality as an “abomination” and reportedly called for stricter laws against same-sex conduct and in July 2017, during a public discussion with Amnesty International about prospects for abolishing the death penalty, he equated homosexuality with bestiality.’<sup>39</sup>

- 7.1.2 The same report opined:

‘... key opinion leaders including government officials, notably parliamentarians, local officials and influential religious leaders, have made

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<sup>33</sup> UNHRC, [UNSR report 2018](#) (paragraphs 41), 10 October 2018

<sup>34</sup> Freedom House, [‘Freedom in the World 2021 – Ghana’](#), 3 March 2021

<sup>35</sup> USSD, [‘2020 Country reports on human rights practices: Ghana’](#) (section 6), 30 March 2021

<sup>36</sup> AI, [‘Ghana 2020’](#), 7 April 2021

<sup>37</sup> AI, [‘Ghana 2020’](#), 7 April 2021

<sup>38</sup> UK FCDO, [‘Foreign travel advice – Ghana – Local laws and customs’](#), updated 7 January 2022

<sup>39</sup> HRW, [‘No choice but to deny who I am’](#) (page 4), January 2018

remarks that contribute to a climate of homophobia and in some cases, incite violence towards LGBT people. Religion is very often used to justify these statements.

‘Ghanaian officials have argued that the Ghanaian public is not ready, because of strong religious beliefs, to accept the decriminalization of same-sex conduct or to guarantee equality and non-discrimination on the basis of sexual orientation and gender identity in the constitution. However, statements being made by some of these same officials feed into public sentiments against homosexuality and protection of the fundamental human rights of lesbian and gay people.’<sup>40</sup>

7.1.3 The same Human Rights Watch report also noted that: ‘Ghanaian officials have publicly supported an end to violence based on sexual orientation and gender identity, but fail to repeal the law that contributes to discrimination’.<sup>41</sup>

7.1.4 However, the Human Rights Watch report, ‘No choice but to deny who I am’ observed:

‘In June 2016, Ghana abstained from a vote on the appointment of a United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity... According to the Office of the High Commissioner for Human Rights (OHCHR), the Ghanaian delegate justified its position thus:

“The laws of Ghana would not permit any individual to be persecuted because of their sexual orientation. However, the matter was culturally very sensitive in Ghana. Ghana supported those who were naturally inclined to have a different sexual orientation, but it did not accept the propagation or commercialization of it. It would therefore abstain...”

‘But there is little indication that the Ghanaian authorities are willing to take proactive steps to protect LGBT individuals from violence and ensure the prosecution of anyone who does commit hate crimes motivated by homophobia.’<sup>42</sup>

7.1.5 Human Dignity Trust on their website feature a list of primarily negative statements by public figures ‘In March [2020], National Women’s Organiser of the National Democratic Congress (the main opposition party), Dr. Hanna Luisa Bissiw, indicated – in response to news of the planned Pan Africa ILGA 5th regional conference – that homosexuals should be killed: “Homosexuality is a disease. In veterinary you don’t have to condone homosexuality; you have to kill all animals that attempt same-sex mating. Why should we humans do that?”<sup>43</sup>

7.1.6 Asylum Research Centre and Asylos in their March 2021 report Ghana: State treatment of LGBTQI+ persons [ARC/Asylos March 2021 report], stated:

“...You cannot be open about your sexual orientation and be protected by the state. The reason is because our leadership is very religious. The people

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<sup>40</sup> HRW, ‘[No choice but to deny who I am](#)’ (page 15), January 2018

<sup>41</sup> HRW, ‘[No choice but to deny who I am](#)’ (page 73), January 2018

<sup>42</sup> HRW, ‘[No choice but to deny who I am](#)’ (page 25), January 2018

<sup>43</sup> HDT, ‘[Ghana: Types of criminalisation](#)’ (section: statement by public figures), undated

behave due to their religious ideologies instead of common sense or science. So, politicians always try to follow the trend so as not lose their support base. So sometimes, you'll see someone speaking in support of the LGBT community in private, but immediately, the issue becomes public. The politician will have to defend themselves and retract the statement due to public backlash..." (Source: Mac-Darling Cobbinah, interview record, 15 December 2020)<sup>44</sup>

7.1.7 Africa News reported in February 2021 that President Nana Addo Dankwa Akufo-Addo had stated on the 27 February 2021 that same-sex marriage will never be legalised under his presidency<sup>45</sup>.

7.1.8 In March 2021 Pink News an online media outlet reported  
'Lawmakers in Ghana have formed a "Believers Against LGBTQI+" alliance to push a brutally anti-LGBT+ bill through parliament, activists on the ground have said.

'The cross-party group of 30 MPs is preparing a proposed bill that cruelly criminalises being LGBT+ even further.

'It was announced at a prayer rally Sunday (21 March) organised by some of Ghana's most influential faith organisations under the theme:  
"Homosexuality, a detestable sin to God."<sup>46</sup>

7.1.9 Pink News reported in April 2021

'Ghana's speaker of parliament has rejected a request by Australia's high commissioner to Ghana to pass legislation in favour of LGBT+ rights.

'Speaker Alban Bagbin emphatically shot down any hope held by both local and [international LGBT+ advocates](#) that the legislature would pass pro-LGBT+ laws anytime soon.

'Envoy Andrew Barnes had urged Ghana's lawmakers to stop curtailing further the rights of its queer citizens and to instead "adapt".

'In the meeting held at Ghana's parliament, Barnes said to Bagbin: "We are not trying to promote or encourage LGBT+ in Ghana.

"We do believe that sometimes culture is going to adapt to change."

'In response, Bagbin said: "The issue of the LGBT+, that is something that we see as an abomination.

"It is something that we abhor and therefore we will continue to go according to our culture.

"We will definitely not want to go to Europe and try to impose on them something like polygamy, we will not do that."<sup>47</sup>

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<sup>44</sup> ARC/Asylos, '[Ghana: State treatment of LGBTQI+ persons](#)' (page 39), March 2021

<sup>45</sup> Africa News, '[Ghana's president Nana Akufo-Addo vows to never legalise...](#)', 28 February 2021

<sup>46</sup> Pink News, '[Ghanaian MPs form 'Believers Against LGBT+' alliance ahead...](#)', 23 March 2021

<sup>47</sup> Pink News, '[Ghanaian house speaker rejects plea for basic LGBT+ rights: 'It is an abomination'](#)', 8 April 2021

- 7.1.10 USSD Human Rights report 2020 stated: ‘Activists working to promote LGBTI rights noted great difficulty in engaging officials on LGBTI problems because of social and political sensitivity [around the subject].’<sup>48</sup>
- 7.1.11 The media outlet Joy Online reported in February 2021:  
 ‘Minister-designate for Gender, Children and Social Protection, Sarah Adwoa Sarfo has expressed disapproval over the legalisation of homosexuality in the country.  
 ‘According to her, not only does the Ghanaian culture frown upon it, the laws governing the State make it criminal.  
 “The issue of LGBTQI is an issue that when mentioned creates some controversy but what I want to say is that our laws are clear on such practices. It makes it criminal.  
 “On the issue of its criminality, it is non-negotiable on the issue of cultural acceptance and norms too. These practices are also frowned upon,” she stated emphatically.’<sup>49</sup>
- 7.1.12 Human Rights Watch in a June 2021 report stated:  
 ‘Several opinion leaders, including government officials and members of parliament, have spoken out against gay rights, contributing to a threatening atmosphere for LGBT people. In [February 2018](#), then-speaker of parliament Mike Ocquaye reiterated his position that the house will not be coerced to pass any legislation that endorses gay rights, and had warned in July 2017 “that leaders in countries like Ghana would not countenance the aggressive push by external forces to accept acts such as homosexuality, bestiality among others.”’<sup>50</sup>
- 7.1.13 USSD Human Rights report 2020 stated: ‘Activists ... stated they noted fewer discriminatory statements from public figures...’<sup>51</sup>
- 7.1.14 Pink News reported in July 2021:  
 Ghana’s speaker of parliament Alban Bagbin said Tuesday (29 June) [2021] that the “LGBT+ pandemic” is “worse than COVID-19” in remarks dubbed “insensitive” by activists.  
 ‘Bagbin, one of the most powerful politicians in the country, made the incendiary comment as lawmakers filed a bill that, if passed, would criminalise the “promotion, advocacy, funding and act of homosexuality in all its forms,” one legislator sponsoring it said.’<sup>52</sup>
- 7.1.15 Reuters in October 2021 reported:  
 ‘Ghanaian President Nana Akufo-Addo on Thursday emphasised the need for civil debate and tolerance as parliament works towards a vote on a controversial bill that would make it a crime to be gay, bisexual or transgender...

<sup>48</sup> USSD, ‘[2020 Country reports on human rights practices: Ghana](#)’ (section 6), 30 March 2021

<sup>49</sup> Joy Online, ‘[LGBTQI is criminal, non-negotiable per our Laws – Adwoa Sarfo](#)’, 17 February 2021

<sup>50</sup> HRW, ‘[Ghana: Drop Charges Against LGBT Rights Defenders](#)’, 17 June 2021

<sup>51</sup> USSD, ‘[2020 Country reports on human rights practices: Ghana](#)’ (section 6), 30 March 2021

<sup>52</sup> Pink News, ‘[Ghana’s speaker of parliament says the ‘LGBT+ pandemic is worse...’](#)’, 1 July 2021

'The first reading of the bill took place in August, but it is not yet clear when it will be debated by lawmakers.

"What I would hope for is that the debate itself be civil, that we will recognise the need for us to be tolerant of each other even when there are opposing views," Akufo-Addo said in an interview with radio station Peace FM.

"I think it will be a credit to Ghanaian democracy if this matter is handled in the correct manner."

'Akufo-Addo has previously spoken out against same-sex marriage, saying it would never be legalised while he is president.'<sup>53</sup>

- 7.1.16 See also section [Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill](#)

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## 7.2 Arrests, prosecutions and detention

- 7.2.1 Human Rights Watch in their January 2018 report 'No choice but to deny who I am' based on 114 interviews conducted between December 2016 and February 2017 in Ghana stated:

'The anti-gay law in Ghana is a colonial legacy and prosecutions are rare if ever... two government agencies, the Ghana Police Force and the Commission on Human Rights and Administrative Justice have proactively tried to reach out to LGBT people and ensure their protection... despite these efforts LGBT people are still frequently subject to various forms of violence. This can be attributed to the government's reluctance to, amongst other protective measures, repeal section 104(1)(b) of the 1960 Criminal Offences Act....'<sup>54</sup>

- 7.2.2 The same report stated: 'Human Rights Watch is not aware of any prosecutions under section 104(1)(b) of the Criminal Code. Nevertheless, police sometimes use the law to conduct arbitrary arrests of individuals suspected to be homosexual, and as a way to extort money from them.'<sup>55</sup>

- 7.2.3 Human Rights Watch also reported that 'Jones Blantari, Assistant Commissioner of Police [in Ghana], told Human Rights Watch that [because of the vagueness of the law]... In certain instances, the law has been used to arrest individuals suspected of being lesbian or gay.'<sup>56</sup>

- 7.2.4 The USSD human rights report for 2018, 2019 and 2020 noted that there were 'no reports of adults prosecuted or convicted for consensual same-sex sexual conduct.'<sup>57 58 59</sup>

- 7.2.5 ILGA stated in the 'State Sponsored Homophobia' report updated in 2020: 'Several arrests [the report does not specify how many] of adults for consensual same-sex sexual acts have been documented in recent years.

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<sup>53</sup> Reuters, '[... president calls for tolerance as parliament considers anti-LGBT+...](#)', 22 October 2021

<sup>54</sup> HRW, '[No choice but to deny who I am](#)' (page 47), January 2018

<sup>55</sup> HRW, '[No choice but to deny who I am](#)' (page 30-31), January 2018

<sup>56</sup> HRW, '[No choice but to deny who I am](#)' (page 22), January 2018

<sup>57</sup> USSD, '[2018 Human Rights Practices Report](#)' (section 6), 13 March 2019

<sup>58</sup> USSD, '[2019 Country reports on human rights practices: Ghana](#)' (section 6), 11 March 2020

<sup>59</sup> USSD, '[2020 Country reports on human rights practices: Ghana](#)' (section 6), 30 March 2021

Detentions oftentimes involve psychological abuse, damaging media exposure and medical examinations... Local police are reportedly known to entrap and lure LGBT individuals (predominantly gay men) through social media... In September 2020, local media indicated that 11 lesbian women were arrested in the city of Aflao, in the Volta region, after a video of two of them reportedly engaging in sexual acts became known.<sup>60</sup>

7.2.6 The ARC/Asylos March 2021 report also highlighted the issue of entrapment: ‘...[a]ccording to Robert Akoto Amofo, Director of Amnesty International Ghana, the cases where LGBTQI+ persons were lured, entrapped and taken to the police station happen often, and result in harassment by the police at the police station. He said he received two reports a week of such incidents.’<sup>61</sup>

7.2.7 Asylum Research Centre and Asylos in their March 2021 report Ghana: State treatment of LGBTQI+ persons [ARC/Asylos March 2021 report], reported in an interview from December 2020 with the Director of Amnesty International Ghana, Robert Akoto Amofo: ‘...that although the law on “unnatural carnal knowledge” is rarely enforced in the court of law through prosecutions and convictions, [Mr Amofo opined that] it is used as a “tool for persecution” by the police and individuals across Ghanaian society.’<sup>62</sup>

7.2.8 The same Asylum Research Centre and Asylos report following interviews conducted in November and December 2020, and on the subject of arrests of LGBTQI+ persons found that ‘... LGBTQI+ persons are not typically arrested for identifying as LGBTQI+, rather they would be arrested for engaging in a same-sex act’<sup>63</sup>:

Dr. Godfried Asante [academic] in an interview record from November 2020 stated:

“If you are open about your sexual orientation and you openly say you're gay, the state, the police will not necessarily actively come and arrest you because it's not against the law to identify. So, it's rather what is against the law is the act itself. ...”

Professor Raymond Atuguba [academic], in written answers from 12 December 2020 stated:

“Arrests on grounds of a person’s sexual orientation are mostly sporadic. This is due to the nature of the offence and what needs to be proven before the offence is made up. The police are hardly in the position to know what happens in private spaces, which is where sexual intercourses mostly occur. Most arrests made by the police are based on information given by supposed witnesses. Quite often, the arrest is also based on related grounds such as the recruitment of people into homosexuality, possession of photographs which evidence unnatural carnal knowledge etc. ... Because there is a criminal law that squarely captures such sexual conducts, most arrests made have been on the basis of Section 104 of Act 29 and similar sexual offences. ...”

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<sup>60</sup> ILGA, [State Sponsored Homophobia](#), (page 117), updated 2020

<sup>61</sup> ARC, [‘Ghana: State treatment of LGBTQI+ persons’](#), (page 46) March 2021

<sup>62</sup> ARC, [‘Ghana: State treatment of LGBTQI+ persons’](#), March 2021

<sup>63</sup> ARC, [‘Ghana: State treatment of LGBTQI+ persons’](#) (page 26), March 2021

The typical charge on which LGBTQI+ people are arrested is the offence of unnatural carnal knowledge, as found in the Criminal Offences Act (Act 29), as well as related offences such as the possession of obscene images, engaging in gay practice with boys amongst others.” ...

Andrew Teye [Programme Officer at [Hope Alliance Foundation](#)], in an interview record from November 2020 stated:

‘... “Usually, people aren't unlawfully arrested based on their sexual orientation. That's not something that we hear a lot in the community. ... but there have not been many cases as far as I know, I've also talked to my colleague here who is also a gay man, and he said that he's been in the field for a long time have not come across such a case. He is currently the executive director of the NGO I work with which works predominantly with the LGBT community. And he says that there haven't been charges or arrests targeted to LGBTQ. ... Because I really do think that the community does work very discreetly and interacts with each other very discreetly. In Ghana, there's still not that much common knowledge of the LGBT community here and how it operates. It's very, very much secretive. But there could maybe have been these arrests, but it's just not common knowledge, and we don't even initially hear about this. But usually, the LGBT community here is able to avoid these arrests because of how secretive and hidden the culture is”. ...’<sup>64</sup>

7.2.9 The ARC/Asylos March 2021 report provided the following responses regarding arrests, although it should be noted that precise numbers of persons arrested were not given by the interviewees:

‘The following two sources, interviewed for this report, reported that people have been arrested for cross- dressing:

‘... “Well, there have been a couple of arrests with people who cross dress when they feel they want to dress like women, when they want to dress like men and then there have been a couple of arrests. And then the police, for lack of ignorance, did not handle the situation properly they will rather humiliate the victim and take videos and share amongst themselves and on social media.” ... (Source: representative from Solace initiative NGO, interview record, 25 November 2020)

‘... “Other crimes, like indecent dressing and causing public nuisance, yes, they give those reasons for arrest for LGBT persons. Especially cross dressers who are charged with indecent dressing.”... (Source: Executive Director of PORSH, interview record, 17 November 2020.’<sup>65</sup>

7.2.10 The ARC/Asylos report, in an interview conducted in 2020 with Robert Akoto Amofo, Director of Amnesty International Ghana, noted with regard to police treatment of LGBTI persons who are arrested:

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<sup>64</sup> ARC, [‘Ghana: State treatment of LGBTQI+ persons’](#) (page 26 and 27), March 2021

<sup>65</sup> ARC, [‘Ghana: State treatment of LGBTQI+ persons’](#) (page 32), March 2021

“So of course, humiliation and violence and extortion and bribery and taking money from people, denial of bail, and forced arrests. Yes, forced arrests because-- and especially there's a phenomena where if somebody who is a black mailer or an individual who is homophobic tries to get in social media platform and lures an LGBT person to where they are. And then they try to rob the LGBT person and maybe physically abuse them. If the LGBT person goes to report to the police and the perpetrator of the offense mentions in the process that this person is LGBT, then the police will harass the LGBT person. The police will arrest the person, humiliate the person, and extort money from the person or even put the person in front of the media, all sorts of violence that could happen to an LGBT person from the police...”<sup>66</sup>

7.2.11 In a record of an interview conducted in 2020 with Dr. Ellie Gore regarding their research, the ARC/Asylos report states “A couple of people mentioned issues around being extorted by police with the threat of the Criminal Code in the background. I did speak to a couple of people who had been kept in custody for days on end and been refused to see any kind of legal representation, again, on the basis of those rules...”<sup>67</sup>

7.2.12 Regarding the interview with Dr. Ellie Gore during which they relayed their research, the ARC/Asylos report further notes that:

“...So I didn't meet that many people who identified as trans, although there were certainly people who were living very kind of transgressive lives who were embodied in transgressive gendered ways, if you like. And they were often really at the sharp end of the wedge in terms of having to deal with harassment and violence at the hands of the police and the inability to access any justice on the basis of the other forms of violations and abuse they receive....”<sup>68</sup>

7.2.13 With regard to police treatment of trans persons, the ARC/Asylos report notes:

‘According to...interlocutors, interviewed for this report, police have arrested, harassed and humiliated transgender persons or individuals cross-dressing, whilst taking videos and circulating these on social media:

“...Sometimes you see police officers who'll be asking the person to remove their clothes and get them naked, and slapping and beating people in public. These actions are to humiliate and dehumanise the victims. So that is some of the problems that transgender persons go through in Ghana. There's a lot of bigotry towards transgender and intersex persons in the country. There have recently been videos circulating of a transgender and intersex persons being beaten up and some naked by police officers in Ghana...” (Source: Mac- Darling Cobbinah, interview record, 15 December 2020)<sup>69</sup>

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<sup>66</sup> ARC, [‘Ghana: State treatment of LGBTQI+ persons’](#) (page 41-42), March 2021

<sup>67</sup> ARC, [‘Ghana: State treatment of LGBTQI+ persons’](#) (page 42), March 2021

<sup>68</sup> ARC, [‘Ghana: State treatment of LGBTQI+ persons’](#) (page 48), March 2021

<sup>69</sup> ARC, [‘Ghana: State treatment of LGBTQI+ persons’](#) (pages 84 and 85 ), March 2021

7.2.14 Further information and responses regarding arrests, prosecutions and detention can be found in the ARC/Aylos report – '[Ghana: State treatment of LGBTQI+ persons](#)' (Pages 33 and 34), March 2021.

7.2.15 In relation to the case of a gay individual who contracted HIV in prison, the ARC/Asylos report noted:

'Academic Dr. Godfried Asante in an interview for this report, recounted his gay friend's experience in prison which led to his death after he contracted HIV and was not given anti-retroviral drugs:

"I was able to hear first-hand what it means to be gay in Ghanaian prisons. Long story short, he died. He died within a year because he actually contracted HIV in prison. He was not given access to ARTs, anti-retroviral drugs. He was denied a lot of visits, family visits and he was exposed to a lot of violence. So, rape, for instance, is one. And this was in the prison system. So, he was raped multiple times. And that's how he contracted HIV. And of course, even after then, he was not allowed to get access to medications. So, I would, even beyond the anecdotal examples, it would be very-- it is very scary to be gay. Now, I don't know about being a lesbian or being bisexual, or being transgender. But what I know about being a gay man in prisons in Ghana is not-- it's a very dangerous place, especially if you're identified as one. In another example, which, in that particular case, this person did identify as bisexual. He also explained a lot of experiences of rape in prison. And there was another report that just came out actually about a year ago about the state of Ghanaian prisons and rape was a huge part of the issue there. So, yes, in the state if you're a gay man, you go to prison in Ghana, it's very likely you might be exposed to HIV. It's very likely you might also be exposed to serious violence and it's likely you might die..." (Source: Dr. Godfried Asante, interview record, 17 November 2020)<sup>70</sup>

7.2.16 In November 2020, GhanaWeb published an report in which a former inmate of Sunyani Central Prison described the types of punishment prisoners experienced when caught engaging in same-sex sexual acts:

'...Per the experience of a former prisoner at the Sunyani Central Prison, inmates who are caught engaging in homosexuality were severely punished to serve as a deterrent.

'According to Alexander Wiredu, who was jailed for three years and six months for defrauding by false pretences, the punishment for such prisoners mostly included canning or chaining. Speaking specifically to his experience at the Sunyani Central Prison, he recounted that some inmates who were caught in a particular instance were given about 15 lashes, chained and left at the mercy of the weather...

'Adding, that they are either separated thereafter or allowed back into the yard..' <sup>71</sup>

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<sup>70</sup> ARC, '[Ghana: State treatment of LGBTQI+ persons](#)' (page 42 and 43), March 2021

<sup>71</sup> GhanaWeb, '[Homosexuals in prison get lashed, chained when caught – Ex-convict recounts](#)', 26 November 2020

7.2.17 OHCHR in a news release from June 2021 stated:

‘UN human rights experts today condemned the arrest and alleged arbitrary detention of 21 people defending the rights of lesbian, gay, bisexual, trans and gender diverse (LGBT) community.

‘On 20 May 2021, Ghanaian police arrested 21 human rights defenders (16 women and five men) who were conducting paralegal training for the protection of the human rights of sexual minorities in Ho, Ghana. They were remanded in police custody by the Ho Circuit Court and charged with unlawful assembly.’<sup>72</sup>

7.2.18 Human Rights Watch in a June 2021 reported: ‘In March[2021], police raided a community center for LGBT+ people following mounting pressure by religious and traditional groups against the center, forcing it to close its doors...’<sup>73</sup>

7.2.19 Human Rights Watch in a September 2021 article stated:

‘On May 20, 2021, Ghanaian police in Ho, in the Volta region, assisted by security forces, raided and unlawfully arrested 21 people, including a technician, during a paralegal training workshop about how to document and report human rights violations against LGBT people. They were detained for 22 days, then released on bail, and charged with unlawful assembly, a misdemeanor. The case was later dismissed for lack of evidence of a crime.

...

‘Police erroneously justified the arrests on the grounds that the training session was “promoting homosexuality” and that the gathering was an “unlawful assembly.” Section 201 of the Ghana Criminal Code (Amendment) Act 2003 (Act 646) defines an unlawful assembly as a gathering of three or more people with the intent to commit an offense, clearly not applicable in this case, Human Rights Watch said.

‘The activists said that eight police officers, accompanied by three journalists, forced their way into the conference room, physically assaulted some participants, and confiscated training materials, laptops, and diaries. Several heavily armed members of the Special Weapons and Tactics Unit (SWAT) were waiting outside the hostel for nurses and midwives, where the meeting was held, to assist with the arrests. The activists were taken to the Ho police headquarters, then back to the hostel, where their rooms were searched for “evidence” that they were committing a crime.

‘The people arrested were held in various detention sites for 22 days, then released on bail on June 11. On August 2, Judge Felix Datsome of the Ho circuit court ruled that all charges against the 21 would be dropped, based on the attorney general’s advice that there was “insufficient evidence” to proceed with the prosecution. However, it remains deeply concerning that the arrests were arbitrary and unlawful and the detention conditions severe,

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<sup>72</sup> OHCHR, ‘[UN rights experts condemn arbitrary arrest of LGBT human rights ...](#)’, 4 June 2021

<sup>73</sup> HRW, ‘[Ghana: Drop Charges Against LGBT Rights Defenders](#)’, 17 June 2021

and that the arrests have had serious and continuing consequences for those arrested.”<sup>74</sup>

7.2.20 Following interviews with the 21 people arrested the same HRW report provided accounts of detention conditions:

‘Police detained those arrested in three locations in and around Ho: Deme cell in Area 51, Sokode Bagble cell in a nearby village, and the Ho regional headquarters. A few were held for a few days at police headquarters before being moved to Sokode Bagble police cells.

‘H.T., ..., said that police officers humiliated her and other lesbians in detention. She said that police officers guarding them would sometimes enter their cell with their friends and say, “Come and look at the lesbians, they were the ones who were caught at the hotel doing lesbianism.”

‘She said that the detainees were unable to bathe and that the authorities did not provide blankets, mattresses, food, or drinking water. She had been living with her aunt, but after she was released and her sexual orientation had been exposed, the aunt told her not come back to the house. She said she has two children, whom she is no longer allowed to see. At the time of the interview, she was living with a friend and had no income or livelihood.

‘E.A., a 35-year-old gay man from Hohoe, a municipality in the Volta region, said that being detained left him feeling humiliated, though the visit of a sympathetic pastor mitigated the situation. The pastor explained sexual orientation and gender identity to other inmates, leading to better treatment by police and other detainees.

‘Since the authorities and their families were not providing necessities to the detainees, many of them angry that the detainee’s sexual orientation had been revealed, did not come to their aid, nongovernmental organizations filled the gap. M.H., an Accra-based human rights activist, temporarily relocated to Ho to provide essential support to the detainees, visiting police cells daily, providing food, water, clothing, bedding, and medication. M.H. also paid the hospital bills for two lesbians who fell ill while in detention and provided medication for three others.’<sup>75</sup>

7.2.21 The same HRW report with regard an intersex detainee stated:

‘A.H., 21, the only intersex person among those arrested, alleged that she was tortured in prison. On the first night of her detention in Area 51, she said, she was detained in a cell with male detainees because the police insisted that she was not female:

“That is when the problems started for me. They told me to take off my clothes in front of everyone, so that they could check my genitals. I had no choice. One of the police officers took pictures of my body, and genitals. Later that day, a female officer took me into the washroom to also check my body and genitals physically. They told me if I insist that I am a female, they will get some of the male inmates to rape me to

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<sup>74</sup> HRW, [‘LGBT Activists Face Hardships After Detention’](#), 20 September 2021

<sup>75</sup> HRW, [‘LGBT Activists Face Hardships After Detention’](#), 20 September 2021

prove it. The first night I stayed in a male cell, I did not sleep at all. I stood in the corner all night because I was afraid of being raped.”

‘On the second day, A.H. was transferred to a female cell, and spent the rest of her time in custody with five lesbians. A.H. said she experienced severe trauma because of her experiences in detention:..’<sup>76</sup>

- 7.2.22 The Federal Office for Migration and Refugees (Germany - BAMF) – Briefing notes 21 September 2021 noted: ‘According to reports on 26.09.21, the leader and founder of a Christian church in Abura Asebu Kwamankese District (Central Region) was arrested for engaging in homosexual acts with church members. He was charged with sexual assault under the Criminal Offences Act. He remains in police custody pending continuation of court proceedings on 19.10.21.’<sup>77</sup>
- 7.2.23 The US Overseas Security Advisory Council (OSAC) Ghana Country Security Report 2021 dated 24 September 2021 stated: ‘Ghana’s criminal code outlaws “unnatural carnal knowledge,” which local authorities apply almost exclusively to consensual same-sex sexual relations. This is a misdemeanor in Ghana and has been used as cause for arrest as recently as May 2021.’<sup>78</sup>
- 7.2.24 Africa News stated in November 2021: ‘Gay sex is illegal in highly religious and conservative Ghana, but while discrimination against LGBT (lesbian, gay, bisexual and transgender) people is common in the West African nation, no one has ever been prosecuted under the colonial-era law.’<sup>79</sup>
- 7.2.25 In February 2018, Graphic Online, a [Ghana based online news website](#) reported: ‘Two male students have been arrested for allegedly engaging in anal sex at a hostel at the Takoradi Technical University (TTU).  
‘The two are said to have been caught in the act by some students of the TTU...  
‘The two, who confirmed homosexuality as their sexual orientation, have been arrested by the Takoradi Police for investigations.  
‘When contacted, the Western Regional Police Public Relations Officer (PRO), ASP Olivia Adiku, who confirmed the incident, indicated that the two had been referred to a hospital for medical examination and further investigations.’<sup>80</sup>
- 7.2.26 Aljazeera reported in January 2021: ‘Ghana security forces raided and shut down the office of an LGBTQ rights group in the capital, Accra, the organisation has said, after politicians and religious leaders called for its closure.’<sup>81</sup>
- 7.2.27 Ghanaweb reported in March 2021 that 22 people had been arrested in the eastern region of Ghana over an alleged lesbian wedding<sup>82</sup>.

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<sup>76</sup> HRW, ‘[LGBT Activists Face Hardships After Detention](#)’, 20 September 2021

<sup>77</sup> BAMF, ‘[Briefing Notes - Ghana: Protest: Trial for homosexual acts](#)’, 27 September 2021

<sup>78</sup> USSD OSAC, ‘[Ghana Country Security Report 2021](#)’, 24 September 2021

<sup>79</sup> Africa News, ‘[Ghana: Will anti-LGBT bill be passed by parliament?](#)’, 9 November 2021

<sup>80</sup> Graphic Online, ‘[2 Arrested for sodomy](#)’, 2 February 2018

<sup>81</sup> Aljazeera, ‘[Ghana security forces shut down LGBTQ office: Rights group](#)’, 24 February 2021

<sup>82</sup> Ghanaweb, ‘[22 arrested by Mpraeso police over alleged lesbian wedding](#)’, 29 March 2021

- 7.2.28 Pulse an online media and news organisation reported in October 2021 that a suspected gay couple in the city of Tamale were found arguing with each other and handed over to the local Chief Naa Alhassan Mohammed. The couple were fined 1,200 cedis (£139<sup>83</sup>) and a ram each by a local Chief for disrespecting his land for practising LGBTQ+, before he handed them over to the police<sup>84</sup>.
- 7.2.29 ILGA in a December 2021 report ‘Our identities under arrest...’ citing a redacted information for the ‘safety of those involved’ gave details of arrest and detention of LGBT+ persons, incidents from 2018 onwards that have not been detailed already in this section are listed below:
- ‘On **28 May 2021** a video went viral allegedly showing a popular online "influencer" engaging in consensual same- sex sexual activity, prompting him to go into hiding and deactivate his social media accounts. It is alleged that he is wanted by police...
- ‘On **14 October 2021** two gay men in the Central Region were arrested after the owner of the restaurant where they worked called the police. The pair got into a knife fight due to a dispute about their allegedly sexual relationship, and without regard for who instigated the violence, authorities took both into custody—seemingly because of their sexual orientation...’<sup>85</sup>
- CPIT was unable to find further information on these incidents reported by ILGA in the sources consulted see [Bibliography](#)

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### 7.3 Police response

- 7.3.1 Human Rights Watch in their 2018 report ‘No choice but to deny who I am’ concluded that: ‘The vast majority of victims did not report the abuse to the police, explaining that stigma, fear of exposure and arrest, and the attitudes of certain members of the police force, deterred them from doing so. Human Rights Watch found that criminalization of same-sex conduct contributed significantly to a climate of impunity for crimes committed against LGBT people, including physical and sexual violence.’<sup>86</sup>
- 7.3.2 HRW in its 2018 report stated:
- ‘Assessing the Ghana Police response to rights-abuses faced by LGBT people, Jefferey, a representative of a non-governmental organization, told Human Rights Watch that there were no given expectations that action would be taken, but singled out Assistant Commissioner of Police Jones Blantari, also the Programme Coordinator of Ghana Police AIDS Control Programme, for praise: The primary challenge is convincing the police to protect LGBT victims of crime. We always have to work through a network that we trust, specifically [Officer] Blantari. It is extremely difficult to go to a regular police station and report a crime if you are LGBT—it takes a call from Blantari or a paralegal or an LGBT advocacy person for the police to take

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<sup>83</sup> XE.com, [Currency Converter](#), 10 February 2022

<sup>84</sup> Pulse, [‘Tamale: 4 suspected gays fined GH¢1,200 each’](#), 20 October 2021

<sup>85</sup> ILGA, [‘Our identities under arrest – Ghana excerpt’](#) (page 73), 15 December 2021

<sup>86</sup> HRW, [‘No choice but to deny who I am’](#) (page 33), January 2018

cases seriously. A lay LGBT person can't just walk into a police station and report a case... Several interviewees confirmed this.<sup>87</sup>

- 7.3.3 HRW in its January 2018 report 'No choice but to deny who I am' observed that the Ghana Police Force have proactively tried to reach out to the LGBTI community<sup>88</sup>. HRW also observed:

'The Ghana Police Service has at times responded appropriately to abuses against LGBT people, and for example in cases of false accusations and blackmail of gay men or those suspected of being homosexual by members of the public. Several interviewees in Tamale told Human Rights Watch that they had not experienced police harassment or arbitrary arrests, and that the police service was responsive to their reports of harassment by members of the public.'<sup>89</sup>

- 7.3.4 However, Human Rights Watch in their 2018 report 'No choice but to deny who I am' stated:

'LGBT victims of crime said the anti-gay law inhibited them from reporting to authorities for fear of exposure and arrest. Ghana's laws ought to protect everyone from violence, but fear that the anti-gay law could be used against them, combined with social stigma, serves as a barrier to seeking access to justice. Felix, a young man from Kumasi told Human Rights Watch that in 2016 he was raped by a man he had met on social media, but did not report the rape to the police out of fear that he would be arrested for having "gay sex".

'In one high-profile case, Accra police arrested a suspect in a vicious mob attack against a gay man in August 2015—but his case has still not gone to trial, leading LGBT people to question whether it is futile to seek justice in the aftermath of homophobic and transphobic violence. While the police effectively investigated the case, the prosecutor who was assigned to the case in the Fast Track Court in Accra failed to appear in court.'<sup>90</sup>

- 7.3.5 Human Rights Watch in their January 2018 report and based on interviews conducted between December 2016 and February 2017 noted:

'In some cases, when LGBT people report crimes, they are either threatened with arrest or are in fact arrested, even though they are the victim of assault or theft. Brian, a 28-year old man from Takoradi, told Human Rights Watch:

"On August 20, 2016, my friend was having a birthday celebration attended by more than 50 people in Tanokrom. He is also a baker, so he had fourlayer cake. About 20 to 25 area boys invaded the party, saw the cake and assumed it was a gay wedding. They started beating people and also stole our phones and other valuable items. My friend immediately reported the incident to the police at Takoradi Market Circle Police Station. But the police turned around and arrested him instead. They also wanted him to disclose the names of all the people who were at the party. My friend had to pay 300 CEDIS (approximately US\$68) bribe to be released."

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<sup>87</sup> HRW, '[No choice but to deny who I am](#)' (pages 43-44), January 2018

<sup>88</sup> HRW, '[No choice but to deny who I am](#)' (pages 1-2), January 2018

<sup>89</sup> HRW, '[No choice but to deny who I am](#)' (page 49), January 2018

<sup>90</sup> HRW, '[No choice but to deny who I am](#)' (pages 1, 3-4), January 2018

'According to Brian, his friend who had been arrested provided the police with names and thereafter the police rounded up about 15 men for allegedly attending a gay wedding, but later released them without charge. As far as he is aware, the assault and theft cases that his friend had reported were not investigated by the police.

'26-year-old Alexander said that in December 2016, in Cape Coast, a stranger harassed and insulted him in the street because of his presumed sexual orientation and they had a physical fight. Alexander told Human Rights Watch that the next morning, the same man came to his home with a police officer, who arrested him, took him to Bakaano Police Station and informed him that he would be charged for "sleeping with other boys." Alexander was released on the same day at approximately 5p.m., after he had called his Assemblyman, who intervened on his behalf.

'Ibrahim told Human Rights Watch that after the Chief of Tamale called upon youth to carry out mob justice against gay people in 2013:

"My friend was taken to the chief's palace because the youth boys said he was gay. There were many people gathered at the palace, shouting that he should be beaten and killed because he was bringing shame to Tamale. The chief told the youth boys to take him to the police station. His uncle bailed him out and he immediately moved to Accra because he was afraid of what the youth boys might do to him."<sup>91</sup>

#### 7.3.6 The ARC/Asylos March 2021 report stated:

'Robert Akoto Amofo, Director of Amnesty International Ghana, described two cases of gay men being arrested, both of which happened within the same week:

'..." in a particular week, I had two cases. One person was lured by a homophobic person on Grindr. And when the LGBT person went to meet whoever this person was, they beat the LGBT person, took his phone, and asked that he should go and bring money before they get back their phone. And these are two incidents that are similar. So, the person reported to us; I am a key LGBT advocate, so most of these cases will come to me. I referred them to another LGBT organization to follow up and brief me. As far as I'm concerned, they reported to the police. Later on, when the police heard, for one of the cases, the police lured out the LGBT person and went through their phone and found some explicit things that implicated them to be gay. And so, they used it against the person, put the person behind bars until the family of that person came to pay money before they were let go. Another case of an LGBT person who was arrested by the police because somebody shouted that he was gay. And he was arrested, sent to the police, and the police gave him a price to pay before he was let go. So, he had to negotiate the amount, and he paid an amount before he was let go. So yeah, there a number of cases that consistently happen. And this is mostly when these people are lured into things that they didn't know

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<sup>91</sup> HRW, ['No choice but to deny who I am'](#) (page 31-32), January 2018

were wrong for them.” (Source: Robert Akoto Amofo, interview record, 1 December 2020)<sup>92</sup>

7.3.7 The same ARC/Asylos report stated:

“...those [police] in rural areas or those who are operating in smaller police stations, don't necessarily all have that knowledge and education. It's more so those in the city of Accra where the inspector general is. They're the ones who are more informed and aware that LGBT people have to handle situations that they encounter. But in the rural areas, they do not have education, so it could be possible that [LGBT] people in those areas have a harder time with the police... I believe there is a distrust that LGBT people have with the police, just because they do reflect a lot of the general public. Even the police people aren't necessarily the most educated or financially empowered, usually. So, they do represent that public that is homophobic culturally, and just through what they have heard from other people. So, there is that distrust with the police because they aren't often well educated or very informed about LGBT matters...” (Source: Andrew Teye, interview record, 17 November 2020)<sup>93</sup>

7.3.8 The ARC/Asylos report further noted:

“...It is high in the sense that when you ask a lot of LGBT persons, why they will not report an incident of an abuse to the police is because there is that high likelihood of being discriminated and disgraced at the police station, or even being arrested at the level of the police station. So, it actually discourages a lot of LGBT persons from reporting incident of abuses to the police. In other cases where the LGBT person gathers a lot of courage to go to the police station to report it, there is also that high level of being discriminated against, which then results in discouraging other community members to report to the police...” (Source: Alex Kofi Donkor, interview record, 25 November 2020)<sup>94</sup>

7.3.9 The ARC/Asylos report highlighted an excerpt from an interview with Robert Akoto Amofo in 2020 with regards to police attitudes toward LGBT people: “Incidents of homophobia are very high within the police and these normally happen at the police stations where cases are reported. A lot of homophobic rants. In my past job I was always having to attend cases of LGBT people, sex workers, when they went to the police station. For example, there was a case that we brought to the police about a person that was doing homophobic things against the LGBT person. Now the police replied, "Why do you have to be a homosexual? Why don't you have a woman? Why don't you go and have sex with a woman instead of having sex with another man? Why won't he do this to you because you are doing demonic things?" Those kind of things I have experienced.”<sup>95</sup>

7.3.10 USSD Human Rights report 2020 stated:

‘LGBTI persons [...] faced police harassment and extortion attempts. There were reports police were reluctant to investigate claims of assault or violence

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<sup>92</sup> ARC, [‘Ghana: State treatment of LGBTQI+ persons’](#) (page 29), March 2021

<sup>93</sup> ARC, [‘Ghana: State treatment of LGBTQI+ persons’](#) (page 37 and 38), March 2021

<sup>94</sup> ARC, [‘Ghana: State treatment of LGBTQI+ persons’](#) (page 45), March 2021

<sup>95</sup> ARC, [‘Ghana: State treatment of LGBTQI+ persons’](#) (page 62), March 2021

against LGBTI persons. While there were no reported cases of police or government violence against LGBTI persons, stigma, intimidation, and the negative attitude of police toward LGBTI persons were factors in preventing victims from reporting incidents of abuse.

‘Some activists reported that police attitudes were slowly changing, with community members feeling more comfortable with certain police officers to whom they could turn for assistance, such as the [Office of the Inspector General of Police] IGP-appointed uniformed liaison officers...’<sup>96</sup>

7.3.11 The USSD human rights report 2020 also stated:

‘LGBTI activists reported that in June, one LGBTI individual was severely beaten in Kasoa in the Central Region. Although police arrested the perpetrator, they requested money from the victim to pursue prosecution, and the victim eventually dropped the case

‘LGBTI activists also reported attempts to blackmail LGBTI individuals were widespread and that it remained difficult to attain prosecution due to discrimination. For example, in October a gay man reported to police his landlord’s collaboration with a blackmailer. The police sided with the landlord, forced the victim to unlock his mobile phone, “outed” the victim to his family, and forced the victim’s family to pay money to the landlord.’<sup>97</sup>

7.3.12 The US Overseas Security Advisory Council (OSAC) Ghana Country Security Report 2021 dated 24 September 2021 stated: ‘LGBTI+ persons also face police harassment and extortion attempts. There have been reports police were reluctant to investigate claims of assault or violence against LGBTI+ persons. While there were no reported cases of police or government violence against LGBTI+ persons, stigma, intimidation, and the negative attitude of police toward LGBTI+ persons were factors in preventing victims from reporting incidents of abuse.’<sup>98</sup>

7.3.13 Reuters in an article from February 2021 reported:

‘Anti-gay outcry has forced Ghana’s first LGBT+ community centre to temporarily close to protect its staff and visitors three weeks after it opened, its founder said on Tuesday.

‘Church groups, politicians and anti-gay rights organisations have called on the government to shut down the centre, run by local charity LGBT+ Rights Ghana, and arrest and prosecute those involved.

“We did not expect such an uproar,” said Alex Kofi Donkor, director of LGBT+ Rights Ghana, which hosted an opening event on Jan. 31 attended by European and Australian diplomats.

“We expected some homophobic organisations would use the opportunity to exploit the situation and stoke tension against the community, but the anti-gay hateful reaction has been unprecedented,” he told the Thomson Reuters Foundation.’<sup>99</sup>

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<sup>96</sup> USSD, [‘2020 Country reports on human rights practices: Ghana’](#) (section 6), 30 March 2021

<sup>97</sup> USSD, [‘2020 Country reports on human rights practices: Ghana’](#) (section 6), 30 March 2021

<sup>98</sup> OSAC, [‘Ghana Country Security Report 2021’](#), 24 September 2021

<sup>99</sup> Reuters, [‘Anti-gay uproar after Ghana opens its first LGBT+ community centre’](#), 24 February 2021

### 7.3.14 Modern Ghana reported on 29 October 2021:

‘A 25-year-old man has been arrested by the police for allegedly defiling a teenager suspected to be a lesbian at Nkurakan, a suburb of the Yilo Krobo Municipality in the Eastern region.

‘... the victim reported the case at the Domestic Violence and Victims Support Unit (DOVVSU), at the Eastern Regional Headquarters.

‘With a medical examination confirming that the victim had indeed been defiled, the Prosecuting officer Chief Inspector Owusu Ababio charged the accused person with six counts of conspiracy to commit crime to wit defilement, causing unlawful damage, unlawful entry, stealing, and escaping from lawful custody.

‘Having pleaded not guilty, Julius Boateng Tettey has been granted bail of GHS60,000 with two sureties, one to be justified.

‘The Police are currently chasing the other suspect who is on the run.’<sup>100</sup>

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Section 8 updated: 7 March 2022

## 8. Societal attitudes and treatment

### 8.1 Public opinion

8.1.1 The IGLA-RIWI [International LGBTI Association and a global survey technology company] 2016 Global Attitudes Survey on LGBTI people in partnership with LOGO [entertainment brand inspired by the LGBT community] noted the following results:

- Being LGBTI should be a crime
  - Strongly agree – 43%
  - Somewhat agree – 11%
  - Neither – 21%
  - Somewhat disagree – 5%
  - Strongly disagree – 20%
- How would you feel if your neighbour was gay or lesbian?
  - No concerns – 46%
  - Somewhat uncomfortable – 18%
  - Very uncomfortable – 36%<sup>101</sup>.

8.1.2 The Africa Centre for International Law and Accountability (ACILA) conducted a study in June 2017 to gauge Ghanaians’ attitudes towards LGBTI issues. ACILA stated in its key findings:

- “More than 87% of Ghanaians say they know the 1992 Constitution of Ghana guarantees human rights to all persons in Ghana.

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<sup>100</sup> Modern Ghana, ‘[Man arrested for defiling alleged lesbian at Yilo Krobo](#)’, 29 October 2021

<sup>101</sup> ILGA, ‘[The ILGA-RIWI 2016 Global Attitudes Survey...](#)’, (page 5, page 10), May 2016

- ‘Ghanaians are aware (81.5%) that Ghana is required by the UN, other international instruments and obligations, as well as the 1992 Constitution to protect the rights of all citizens in Ghana.
- ‘About two-thirds of Ghanaians (60.7%) are not aware Ghana has committed to provide Equal Protection of the Law from violence and discrimination to all persons including LGBTI people under the United Nations Universal Periodic Review mechanism.
- ‘More than two-thirds (70%) of Ghanaians are unaware the Commission on Human Rights and Administrative Justice (CHRAJ) has a “Discrimination Reporting System” for reporting on violence and discrimination against LGBTI persons and other minorities.
- ‘Ghanaians are more concerned about the perceived negative consequences of LGBTI issues than armed robbery, high cost of living, unemployment, galamsey [unregulated gold mining], rape/defilement, and poor infrastructure. Corruption was the number one concern followed closely by LGBTI issues.
- ‘About 60% of Ghanaians “strongly disagree” or “disagree” LGBTI persons deserve equal treatment as heterosexuals.
- ‘A significant number of Ghanaians (87%) are against allowing LGBTI persons to hold public meetings. Ninety-one per cent of Moslems are against allowing LGBTI persons to hold public meetings; Christians (87%), Traditionalists (73.1%); and Atheists (33.3%). Respondents in the Volta Region had the highest approval (19.4%) allowing LGBTI persons to hold public meetings.
- ‘More than 97% of Ghanaians are aware the Police has a responsibility to protect every citizen against mob injustice, and “strongly agree” or “agree” by 94% that any person who engages in mob activity should be brought to justice. However, 20% “strongly disagree” or “disagree” that the Police has a responsibility to protect LGBTI persons against mob injustice.
- ‘Majority of Ghanaians (80%) are “very uncomfortable” or “uncomfortable” associating themselves with LGBTI persons. However, about 67% will receive emergency medical treatment from a nurse or doctor they perceive as LGBTI. Thirty per cent of Christians; 40% of Moslems; and 50% of Traditionalists will not receive emergency medical treatment from a nurse or medical doctor who is perceived as LGBTI. Forty-four per cent of Ghanaians who are 51 to 61 years will not receive emergency medical treatment from a nurse or medical doctor who is perceived as LGBTI.
- ‘About 13% of Ghanaians will “physically abuse”, “verbally abuse” or “force” an LGBTI person to hide his or her identity if they discover a person who is LGBTI. ... (45.3%) will “socially shun” an identified LGBTI.
- ‘More than 75% of Ghanaians applaud homophobic statements by state officials. Only 24.5% say homophobic statements should be condemned.

- ‘Thirty-six per cent of Ghanaians are of the opinion that LGBTI people should be discriminated against in job search, religious association (10%) and public appointment (9.16%).
- ‘More than 54% of Ghanaians say expelling students perceived to be LGBTI should be promoted.’<sup>102</sup>

8.1.3 Afrobarometer ‘is a pan-African, nonpartisan survey research network that provides reliable data on Africans’ experiences and evaluations of democracy, governance, and the quality of life... Afrobarometer conducts face-to-face interviews in the language of the respondent’s choice with nationally representative samples. The Afrobarometer team in Ghana, led by the Ghana Center for Democratic Development (CDD-Ghana), interviewed 2,400 adult Ghanaians between 16 September and 3 October 2019.’<sup>103</sup> In a July 2021 dispatch on social tolerance, Afrobarometer found:

‘While unfair treatment based on ethnicity, religion, and economic status are not rare occurrences, most Ghanaians express tolerant attitudes toward their neighbours from different ethnic groups, religions, and nationalities. But very few extend the same level of tolerance to people in same-sex relationships

‘... fewer than one in 10 (7%) say they wouldn’t mind living next door to someone in a same-sex relationship... The 93% who say they would “somewhat dislike” or “strongly dislike” having homosexual neighbours place Ghana near the top in terms of intolerance across 23 African countries surveyed between late 2019 and early 2021, well above the 80% average... Intolerance toward people in same-sex relationships is pervasive across age groups, religious affiliations, and urban as well as rural locations. Citizens with no formal education are slightly less likely to express intolerance (88%) than their more educated counterparts (91%-95%).’<sup>104</sup>

8.1.4 The Foreign, Commonwealth and Development Office travel advice for British nationals stated: ‘There is little tolerance towards lesbian, gay, bisexual and transgender people in Ghana and many Ghanaians don’t accept that such relationships exist.’<sup>105</sup>

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## 8.2 Religious groups

8.2.1 In October 2019, Pink News reported that

‘New sex education guidelines for schools in Ghana have been released and religious anti-LGBT+ activists in the country are calling them “satanic” – despite the fact that there is no LGBT content.

‘The guidelines for Comprehensive Sexuality Education (CSE) were released by the Ghana Education Service (GES) outlining appropriate topics for sex education for students aged four to 17...

‘The president of the Ghana Pentecostal and Charismatic Council called CSE “satanic” and said: “We don’t hate gays but just like armed robbery and

<sup>102</sup> ACILA, ‘[Research: Popular attitudes towards LGBTI issues in Ghana](#)’, June 2017

<sup>103</sup> Afrobarometer, ‘[Ghanaians are united and hospitable but intolerant toward same...](#)’, 1 July 2021

<sup>104</sup> Afrobarometer, ‘[Ghanaians are united and hospitable but intolerant toward same...](#)’, 1 July 2021

<sup>105</sup> FCDO, ‘[Foreign travel advice – Ghana – Local laws and customs](#)’, updated 7 January 2022

prostitution, their action is against the Bible and we don't want our children to be victims.”<sup>106</sup>

#### 8.2.2 Pink News in March 2020 reported:

‘In a speech calling on the country to adhere to the president’s directive on coronavirus, Ghana’s chief imam has also managed to call LGBT+ people “demonic”.

‘Sheikh Dr Osamanu Sharubutu addressed the country via a broadcast from his house, after Ghana’s president Akufo-Addo banned usual meeting at mosques, wedding and other gatherings. [...]

‘He also, bizarrely used his televised address to call on president Akufo-Addo not to allow any meetings of LGBT+ people – saying that it’s “demonic” and “shameful” for Muslim people to engage in gay sexual activities.

“The almighty Allah created woman for a man and vice versa. It is against the holy Quran to indulge in such unacceptable behaviour. I am urging all not to indulge in it,” Sharubutu said.<sup>107</sup>

#### 8.2.3 In a separate article in March 2020, Pink News reported that ‘Muslim leaders of Ghana blame coronavirus on “transgender and lesbianism”.’ The article stated that:

‘The Muslim Mission of Ghana has used national prayers during coronavirus lockdown to blame the pandemic on “transgender and lesbianism”... Calling on Ghanaians to pray for those infected with the coronavirus, and for those in quarantine or isolation because of the disease, the Muslim Mission of Ghana – as one of the five messages it broadcast to the nation – said that “abominable” LGBT+ people are to blame.

“It is important for us to acknowledge our sins against the world,” the Muslim Mission said, “especially the most abominable acts such as homosexuality, lesbianism, transgender, destruction of water bodies and forests.”

‘Repenting for the “sin” of “homosexuality, lesbianism, transgender” will “bring us Allah’s mercies and intervention in fighting the pandemic in Ghana and the rest of the world”, the Islamic organisation added.<sup>108</sup>

#### 8.2.4 Human Dignity Trust on their website feature a list of statements by public figures:

‘Ghana’s Catholic Bishops Conference has [spoken out in favour of the anti-LGBT “Family Values Bill”](#). President Philip Naameh released a statement calling for the Bill to be passed, stating that: “As a Church, we want this abominable practice made illegal in our country.”

‘In February [2020], Ashanti regional chief Imam Sheikh Muumin Abdul Harou vowed to stop Pan Africa ILGA’s 5th regional conference, from being held in Accra, Ghana in July 2020:

“Wallahi tallahi [I swear to God] we will not agree; we Muslims, Christians and the traditional religion will all rise up. We will not allow them to even step

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<sup>106</sup> Pink News, ‘[Sex education in Ghana causes anti-LGBT backlash...](#)’, 2 October 2019

<sup>107</sup> Pink News, ‘[Ghana’s chief imam uses his coronavirus address to the nation...](#)’, 17 March 2020

<sup>108</sup> Pink News, ‘[Muslim leaders of Ghana blame coronavirus on ‘transgender...’](#)’, 27 March 2020

foot here and not even the government can stand in our way. The country does not belong to them; it belongs to us so we decide who does what here.”

‘He described homosexuality as an “evil that must not be countenanced in any way because it is despised by God.” He continued: “Allah does not permit that in any way and our Prophet Mohammed said that if we see people who practice that behaviour, we should arrest them and kill them.” ...

‘In June [2018], Head Pastor of Osu Church of Christ, Kofi Tawiah [stated](#) that “Homosexuality is considered as a capital offence which is abominable and is accompanied by capital punishment.” He continued, “hence Ghanaian Christians must rise up and fight a justice course for the country. It is unfortunate for anybody to think that today homosexuality is accepted by God.”<sup>109</sup>

#### 8.2.5 Reuters reported in March 2020:

‘Ghana’s government has said it will not allow a major gathering of LGBT+ activists to go ahead after an outcry from conservative Christian groups in the country.

‘The conference, scheduled for July [2020], would be the first of its kind in West Africa and aims to bring together LGBT+ leaders to share ideas and work together on changing discriminatory laws, according to the organizers...

“(The) Ghana government won’t allow such (a) conference and that is it,” a spokesman for the Ministry of Gender, Children and Social Protection told the Thomson Reuters Foundation.

‘Asked why, he said only that it was “not because of coronavirus”.

‘A spokesman for President Nana Akufo-Addo confirmed the ban in a text message.

‘A spokeswoman for the Pan-Africa ILGA, the South Africa-based association organising the event, said on Thursday she could not comment and declined to say whether it was cancelled.

‘Anti-gay groups in Ghana had campaigned against the upcoming conference and last week called on the government not to issue visas to its organizers.

‘One group started an online petition to stop the event that received almost 19,000 signatures in a week.’<sup>110</sup>

#### 8.2.6 African Arguments a pan-African news platform in an article from March 2021 stated:

‘The state, media and religious leadership across different faiths have unleashed a wave of homophobia against its queer community.

‘Last Sunday, an interdenominational group of Christian leaders – apostles, pastors, reverends, bishops – came together [for a one-day national prayer rally in Accra](#). The focus and title of their prayers?

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<sup>109</sup> HDT, ‘[Ghana: Types of criminalisation](#)’ (section: statement by public figures), undated

<sup>110</sup> Reuters, ‘[Ghana bans LGBT+ conference after Christian groups protest](#)’, 12 March 2020

"Homosexuality: A detestable sin to God".

'The rally was supported by a wide range of media organisations in Ghana and had representatives from the Islamic faith, traditional religions, civil society and parliament, in attendance. Prayer was not the only reason this influential group gathered. They also discussed possible legislation criminalising the country's LGBTQI+ community and the "rehabilitation, guidance and counselling" of their "lost souls".

'This wave of homophobia began on 31 January when the advocacy organisation [LGBT+ Rights Ghana](#) opened an office and community space in Accra. It was the first of its kind, but this milestone did not last long once news of its existence reached local mainstream media...

'On 24 February [2021], these events combined culminated in the forceful closure of the LGBT+ Rights Ghana offices by police. Its staff went into hiding. No explanation or justification was given. Since the closure, a number of activists say that physical and verbal attacks against queer Ghanaians, or even those just suspected to be, have increased particularly in remote parts of the country.'<sup>111</sup>

8.2.7 Humanists International, a representative body of the [humanist](#) movement, who according to their websites '[about](#)' page '...work to build, support and represent the global humanist movement...' stated in their Freedom of Thought Report 2021: 'In 2019, the National Coalition for Proper Human Sexual Rights and Family Values (comprising the Christian council, traditional leaders, the Catholic Bishops Conference, Ghana Pentecostal and Charismatic Council, Atta Mills Institute, Coalition of Muslim Organisations and others) blocked proposals to introduce comprehensive sexuality education (CSE) in Ghanaian schools, arguing that this would indoctrinate children with the "LGBTI+ agenda.'<sup>112</sup>

8.2.8 The same Humanist International report also noted: 'Anti-LGBTI+ hate crime and societal discrimination is prevalent in Ghana, and is widely condoned by the media, public officials, and religious figures....' In 2018, Head Pastor of Osu Church of Christ, Kofi Tawiah stated "homosexuality is considered as a capital offence which is abominable and is accompanied by capital punishment."<sup>113</sup>

8.2.9 However, Pink News in an article from February 2022 stated:

'In a blistering joint attack, Ghana's Anglican bishops have condemned a roughshod anti-LGBT+ bill following an intervention by British archbishops.

'The House of Bishops of the Anglican Church in Ghana said Friday (28 January) that the draft Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill is too "severe".

'Ghanaian archbishop Cyril Kobina Ben-Smith pleaded for lawmakers to "review" the legislation that the church fears will be used as a warrant to "assault" queer Ghanaians.

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<sup>111</sup> African Arguments, '[Ghana: Church, state and media vs. LGBT+ rights](#)', 24 March 2021

<sup>112</sup> Humanist International, '[The Freedom of Thought Report 2021](#)', 16 November 2021

<sup>113</sup> Humanist International, '[The Freedom of Thought Report 2021](#)', 16 November 2021

'But such unprecedented assaults are already happening, LGBT+ activists warned to PinkNews.'<sup>114</sup>

- 8.2.10 See also section [Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill](#)

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### 8.3 Media

- 8.3.1 Human Rights Watch interviewed 114 LGBT Ghanaians for their 2018 report 'No choice but to deny who I am' the report stated:

'... commentators and opinion leaders get extensive online media coverage. In an interview with Human Rights Watch, a representative of the media explained the media's engagement with LGBT issues, noting that it is a difficult issue to navigate:

'For the past decade, the media has had difficulties in generating information about LGBT rights. The explanation is that LGBT persons are unwilling to openly declare their sexual orientation for fear of ostracism and, in some cases, mob action. Occasionally, they have communicated their concerns and asked to remain anonymous.

'While noting that LGBT rights are difficult to navigate in a country with strong conservative views, he acknowledged that "as the country aspires to build a more inclusive society, the media may soon have to grapple with this sensitive issue.'<sup>115</sup>

- 8.3.2 USSD Human Rights report 2020 stated: 'Media coverage regarding homosexuality and related topics was almost always negative.'<sup>116</sup>

- 8.3.3 ILGA in a December 2021 report 'Our identities under arrest...' stated: '...The media itself often contributes to these "hunts" [vigilante groups operating to 'flush out homosexuals' [Operation Make Ghana Hell For Homosexuals](#)] and moral panics, with ILGA World noting multiple local websites regularly fanning the flames of homophobia through inflammatory reporting, or actively using their platforms to identify LGBT+ persons wanted by the police, or publishing articles seemingly aimed at pressuring politicians into taking action.'<sup>117</sup>

- 8.3.4 With regards to the media, the ARC/Asylos March 2021 report stated:

'Dr. Godfried Asante and Prof. Raymond Atuguba, in separate interviews for this report, explained:

"The state-owned media tends to report the government's stance on homosexuality. So, they will typically claim the president is saying that the Ghana culture does not accept homosexuality so we cannot condone it. So, the state media typically will disseminate verbatim what government officials said. The sad part of all this is that some of the government officials double as pastors who-- so they tend to make very, I would say, extremely homophobic/transphobic comments...the

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<sup>114</sup> Pink News, '[Bishops in Ghana condemn harrowing anti-LGBT+ bill for being...](#)', 4 February 2022

<sup>115</sup> HRW, '[No choice but to deny who I am](#)' (page 17), 8 January 2018

<sup>116</sup> USSD, '[2020 Country reports on human rights practices: Ghana](#)' (section 6), 30 March 2021

<sup>117</sup> ILGA, '[Our identities under arrest – Ghana excerpt](#)', 15 December 2021

media is a huge part of disseminating homophobic/transphobic discourses that definitely positions LGBT folks in very dangerous context...” (Source: Dr. Godfried Asante, interview record, 17 November 2020)

“The media generally portrays negative perceptions about the LGBTQI+ community. However, most of their reportage on the situation are statements made by government officials and religious leaders...” (Source: Prof. Raymond Atuguba, Written record, 12 December 2020)<sup>118</sup>

- 8.3.5 A March 2022 openDemocracy article highlights the role of the media in spreading anti-LGBTI+ sentiment:

‘Isaac Boamah Darko is the head of a local group that calls itself Journalists Against LGBT. He told weekly newspaper The Continent that he believes that homosexuality is sinful and ‘un-African’. One of the most prominent media figures in the campaign against Ghana’s queer community, he went on a media blitz after the Accra LGBTIQ centre opened, appearing on a host of local TV stations...

‘Darko’s campaigning has been relentless, and has even appeared to endorse violence. For example, in April 2021, he called a local radio station to say: “We will expose and show where the gays and lesbians live; 98% of Ghanaians are against it and if Ghanaians want to beat them, so be it.”<sup>119</sup>

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## 8.4 Societal norms and family treatment

- 8.4.1 This section contains information that refers generally to the societal treatment of LGBTI persons. For information which explicitly differentiates the experiences of L, G, B, T and I persons, see the relevant sections below.

- 8.4.2 Human Rights Watch in their 2018 report ‘No choice but to deny who I am’ stated:

‘Many LGBT Ghanaians told Human Rights Watch that their lives have been torn apart because of the stigma associated with homosexuality; the fear of violence perpetrated by family members and others in the community and homelessness, should their sexual orientation be disclosed. The negative public discourse about LGBT people, who are referred to in derogatory terms in public spaces, combined with the risk of physical violence has severe psychological implications. Many interviewees said they constantly struggle with the stress associated with hiding their sexuality, thus living double lives, to stay safe. Facing the risk of family rejection, many succumb to the pressure to marry. Others, ostracized from their families, find themselves with few economic options, leading some to rely on sex work as a means of survival.’<sup>120</sup>

- 8.4.3 The HRW report noted

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<sup>118</sup> ARC/Asylos, ‘[Ghana: State treatment of LGBTQI+ persons](#)’ (page 60), March 2021

<sup>119</sup> openDemocracy, [The media disinformation campaign against Ghana’s queer community](#), 21 March 2022

<sup>120</sup> HRW, ‘[No choice but to deny who I am](#)’ (page 3), 8 January 2018

'Human Rights Watch interviewed nine gay men and six lesbians in Tamale, northern Ghana, all of whom said that they will never disclose their sexual orientation to family members, and that when family members have asked, they deny their sexual orientation out fear of being disowned and ostracized by the family and the community. Despite being aware and fully accepting of their own sexual orientations, they said they would eventually marry persons of the other sex because that is what is expected by their families.'<sup>121</sup>

8.4.4 The HRW report also stated: 'The law [section 104(1)(b) of the 1960 Criminal Offences Act (Act 29)] also contributes to a social environment in which there is pervasive violence against lesbian, bisexual and gender non-conforming women in the home and LGBT people more generally in communities where they live.'<sup>122</sup>

8.4.5 In August 2018, Graphic Online, a [Ghana based online news website](#) reported

'... media outlets claimed that "as many as 400 LGBTI people had voluntarily signed up for conversion therapies", to be provided by the National Coalition for Proper Human Sexual Rights and Family Values. This organisation is composed of Christians, Muslims and Traditionalists reported to have as a strategic objective to forcefully articulate the "correct" stance on human sexual behaviour and put forward a well-reasoned position against the rights of sexual and gender minorities.'<sup>123</sup>

8.4.6 Freedom in the World 2021 stated '... LGBT+ people ... face societal discrimination'<sup>124</sup> but did not provide further detail on the nature and/or scale of discrimination faced.

8.4.7 A Human Rights Watch article from September 2021 and referring to the [arrest of 21 people](#) in May 2021 noted: '... Of the twenty-one arrested: nine were disowned by their families and were forced to find alternative accommodations, three are unable to continue their studies because their parents refuse to pay their school fees, four have lost their jobs and most of the detainees said they experienced mental health problems in detention. Two fell ill while in detention and had to be hospitalized after being released...'<sup>125</sup>

8.4.8 Freedom House in their 'Freedom on the net' 2021 report stated: '

'Online harassment is common in Ghana, particularly for women, journalists, and LGBT+ people. In some cases, internet users experience offline intimidation or physical violence, as do journalists reporting on government officials or LGBT+ men targeted in discriminatory attacks.

'LGBT+ people in Ghana experience harassment and intimidation both online and offline, and are also targeted with physical violence on the basis of their identity...'<sup>126</sup>

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<sup>121</sup> HRW, '[No choice but to deny who I am](#)' (page 19), 8 January 2018

<sup>122</sup> HRW, '[No choice but to deny who I am](#)' (page 1 to2), January 2018

<sup>123</sup> Graphic Online, '[400 Homosexuals register for counselling](#)', 21 August 2018

<sup>124</sup> Freedom House, '[Freedom in the World 2021 – Ghana](#)', 3 March 2021

<sup>125</sup> HRW, '[LGBT Activists Face Hardships After Detention](#)', 20 September 2021

<sup>126</sup> Freedom House: '[Freedom on the Net 2021 – Ghana](#)', 21 September 2021

## 8.5 Lesbian and bisexual women

8.5.1 Human Rights Watch in their 2018 report ‘No choice but to deny who I am’ stated: ‘Most of the women interviewed by Human Rights Watch said they were pressured by family members into having children, dating and marrying men in order to maintain ties with their families and community. Many of those who refused to do so or chose to remain truthful to their sexuality and gender identity, encountered violence.’<sup>127</sup>

8.5.2 Human Rights Watch noted in the same 2018 report:

‘While recognizing that the legal framework affects the lives of LGBT individuals generally, it is imperative to highlight the abuse that lesbian and bisexual women are subjected to in the private sphere, particularly by family members who exercise domination and control over women’s lives, bodies and sexuality.

‘Numerous lesbians described being threatened with violence, beaten and driven from their family homes after family members learned of their sexual orientation. One woman said that when her family heard that she was associating with LGBT people, they chased her out of the house with a machete; since then, she has not been able to go back home to visit her two-year-old daughter. Most lesbian and bisexual women told Human Rights Watch that they have no choice but to hide their sexuality from their family members and that they are expected to marry men and have children, thereby conforming to family and societal expectations. A young woman from Kumasi said that when her family suspected she was a lesbian, they took her to a prayer camp where she was severely beaten over a period of one month to “cure” her of her “deviant” sexuality. Prayer camps, run by privately-owned Christian religious institutions with roots in the evangelical or Pentecostal denominations, are supposed to serve as a refuge for people seeking spiritual healing. According to a 2014 Human Rights Watch report, there are several hundred prayer camps in Ghana.’<sup>128</sup>

8.5.3 Describing the subsequent treatment of 3 women at a soccer training camp who had been arrested for being lesbian, Human Rights Watch stated:

‘Such abuses in turn lead to a chain of adverse consequences in victims’ lives...

‘However, their troubles did not end with their release. When they returned to the training camp, the coach expelled the three women from the team, and when they returned home, their parents disowned them for “bringing shame” to their respective families. Six months later, they described their desperate living conditions: “We move from one friend’s place to another because we can never go back home. We have no work, no money and sometimes we do not eat for two or three days,” one of them said.’<sup>129</sup>

8.5.4 The same report continued:

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<sup>127</sup> HRW, [‘No choice but to deny who I am’](#) (page 18), 8 January 2018

<sup>128</sup> HRW, [‘No choice but to deny who I am’](#) (page 3), 8 January 2018

<sup>129</sup> HRW, [‘No choice but to deny who I am’](#) (page 32), 8 January 2018

'Lesbians and bisexual women are vulnerable to domestic violence at the hands of family members. Human Rights Watch interviewed several who experienced physical violence, psychological abuse and intimidation by family members when they learned of their sexual orientation. Many women said that even after they tried to deny or conceal their sexual orientation, their family members assaulted, expelled, or ostracized them. None of the victims interviewed by Human Rights Watch had filed complaints with the police. In many cases, the deep-seated fear of stigma and social isolation, stopped victims from reporting crimes against them...

'Lesbian and bisexual women in Ghana suffer similar consequences as a result of the criminalization of "unnatural carnal knowledge" [although this applies to same-sex sex between men, not women] and the social stigma as that of gay and bisexual men. However, they also experience specific violence perpetrated by family members, pressure to enter heterosexual marriages and lack of autonomy over sexual and reproductive health and choices.'<sup>130</sup>

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## 8.6 Gay and bisexual men

### 8.6.1 Human Rights Watch in their 2018 report 'No choice but to deny who I am' stated:

'Although pressure to marry primarily affects lesbian and bisexual women, some gay and bisexual men face similar issues. Isaac, a 22-year-old gay man who has a female partner said: "If you are a feminine man, they insult you in this place, but if you have a girlfriend it shields you from the insults... my girlfriend doesn't know I am "like that" and I will have no choice but to marry her one day because in my religion you can't avoid getting married."

'Malik, a 22-year-old gay man told Human Rights Watch how a group of boys came to his home and told his family they suspected he was gay. Malik denied everything and moved out of the family home but in June 2016 he felt compelled to marry a young woman from a nearby village due to pressure from his family.'<sup>131</sup>

### 8.6.2 The same report also stated: 'None of the gay and bisexual men interviewed by Human Rights Watch stated that they had been subjected to physical violence by family members because of their sexuality.'<sup>132</sup>

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## 8.7 Trans persons

### 8.7.1 Human Rights Watch in their 2018 report 'No choice but to deny who I am' stated:

'Jake, a 30-year-old transgender man from Accra who works as a security guard said he knows he will soon have to marry a man, and that he does not have a choice because his family is very religious. Even though he is employed and economically independent, he does not want to lose his

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<sup>130</sup> HRW, '[No choice but to deny who I am](#)' (pages 39-40), 8 January 2018

<sup>131</sup> HRW, '[No choice but to deny who I am](#)' (page 20), 8 January 2018

<sup>132</sup> HRW, '[No choice but to deny who I am](#)' (page 40), 8 January 2018

family, because the family connection is important to him. Jake said, “The government should let the public know that it is not a crime, that they should just leave LGBT people alone—let them be, let them live their lives. Even though I am a man, a transgender man, I know that I will not have a choice but to marry a man and have children. Because of the general perception in society, I will not have a choice. I will have to take it as normal, it is what is expected of me by my family and society.”<sup>133</sup>

- 8.7.2 Human Rights Watch further noted in its 2019 World Report, published in January 2019, that ‘... transgender men are frequently victims of domestic violence and coerced marriage.’<sup>134</sup>

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## 8.8 Intersex persons

- 8.8.1 On 10 October 2019, Ghana Web reported on the case of an intersex person: ‘Depression, mockery and embarrassment are just a fragment of the trauma Pokuaa (not real name) went through growing up, having been born with two sex organs...

‘The stigma was unbearable, even beyond secondary school days, especially in her relationships with men.’<sup>135</sup>

- 8.8.2 A Human Rights Watch article from September 2021 and referring to the [arrest of 21 people](#) in May 2021 reported with regard the experience of an intersex person who had said she was tortured in police custody:

“I must leave Ghana, or I will kill myself. My family has disowned me, because of being intersex and because of the arrest and detention. When we were released on bail, I had nowhere to go, so I fled to Benin [a neighboring country] to try to join a soccer team there.” In this way, she hoped to pick up on her soccer career, which was thwarted when she was dismissed from the Ghana female national team, prior to the arrest, on grounds that she was intersex.’<sup>136</sup>

- 8.8.3 The ARC/Asylos March 2021 report notes with regard to intersex persons:

‘Very limited information was found on the situation of intersex persons through our desk-based research and through the interviewees.

‘Robert Akoto Amofo, Director of Amnesty International Ghana, explained that once someone is known to be intersex, they may face discrimination and ‘demonisation’:

“...Intersex people, and because of the way we treat intersex people in Ghana, it is either a reaction of empathy or rejection against the intersex community. So, in many cases, once it is made known then it turns to discrimination and idolizing. And when I say idolizing it means like, demonizing also like people start calling all sorts of religious rants against such people... And then intersex people also do not have all sorts of things against them, because well, people do not deem them

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<sup>133</sup> HRW, [‘No choice but to deny who I am’](#) (page 41), 8 January 2018

<sup>134</sup> HRW, [‘World Report 2019: Ghana’](#), 17 January 2019

<sup>135</sup> Ghana News, [‘Hermaphrodite narrates her ordeal...’](#), 10 October 2019

<sup>136</sup> HRW, [‘LGBT Activists Face Hardships After Detention’](#), 20 September 2021

engaging in “acts” that are same-sex but the challenge is that once we'll get to know that they're intersex and that's the difficulty for them...” (Source: Robert Akoto Amofo, interview record, 1 December 2020)<sup>137</sup>

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## 8.9 Violence and discrimination

### 8.9.1 Modern Ghana an online media portal reported in January 2021

‘The Safety Empire vigilante group and its affiliate bodies have embarked on an operation in some parts of Accra to flush out homosexuals.

‘The operation "Make Ghana a Hell for Homosexuals" that took place on Sunday January 24, 2021 was not only aimed at crushing homosexuality but to also deter others from towing what they described as satanic and abominable path.

‘The modus operandi for the operation was to identify, attack, capture, punish and shame anyone suspected to be a homosexual.’<sup>138</sup>

### 8.9.2 Rights Africa, an initiative of [The African Human Rights Media Network](#) in a November 2021 article stated:

‘The anti- LGBTQI bill in the Parliament of Ghana is fueling hate and emboldens homophobic individuals and groups to harm LGBTQ persons. The worrying part is that the perpetrators mostly go unpunished. We fear their actions may result in deaths soon if the police don’t act now,’ says the LGBTQ advocacy group Rightify Ghana.

“While there used to be 3 – 4 cases per week, the cases have more than doubled since the far-reaching anti-LGBTQ bill was sent to Parliament. Now, we are 2 – 3 of human rights violations against LGBTQI persons per day Unfortunately, the victims are sent to the police afterwards,” [Rightify Ghana stated on Twitter](#).

‘Recent human rights abuses tallied by Rightify Ghana have included:

- ‘The Oct. 19 [2021] arrest and beating of five LGBTQ people;
- ‘One or more videos showing allegedly gay men being beaten and stripped naked;
- ‘The rape of an alleged 15-year-old lesbian;
- ‘The banishment of an alleged homosexual by the Nkoranza Traditional Council in central Ghana; and
- ‘Four allegedly gay men turned over to police in northern Ghana by the area’s traditional leader, who also fined them for “desecrating his land”.’<sup>139</sup>

### 8.9.3 Joy Online reported in November 2021:

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<sup>137</sup> ARC/Asylos, ‘[Ghana: State treatment of LGBTQI+ persons](#)’ (page 85), March 2021

<sup>138</sup> Modern Ghana, ‘[Vigilante group hunt for homosexuals in parts of Ghana](#)’ January 2021

<sup>139</sup> Rights Africa, ‘[Ghana’s anti-LGBTQ bill leads to surge in anti-LGBTQ violence](#)’ 5 November 2021

‘Two female resident students of the University of Professional Studies, Accra (UPSA) have been expelled from the institution’s hostel for allegedly engaging in a threesome with a non-resident male. “Engaging in acts of lesbianism is contrary to Section 1.28.11(g) of the Student Handbook of the University of Professional Studies, Accra; 2018 and Schedule G 8.3 (23) of the Statute of the University.

“They have since been dismissed from UPSA Hostel awaiting further sanctions from Management,” part of the announcement read.

‘The management further announced that the notice should serve as a deterrent to all resident students.’<sup>140</sup>

- 8.9.4 ILGA in a December 2021 report ‘Our identities under arrest...’ stated: ‘... extrajudicial attacks by those "taking the law into their own hands" are not uncommon in Ghana.’<sup>141</sup>
- 8.9.5 Pink News reported in January 2022 how a man was stabbed and beaten by a group of boys who suspected him to be gay<sup>142</sup>.

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## 8.10 Pro-LGBTI events/marches/gay pride

- 8.10.1 Reuters reported on 12 March 2020 that the July 2020 conference [Pan Africa International Lesbian, Gay, Bisexual, Trans and Intersex Association (PAI) 5<sup>th</sup> Regional Conference] had been cancelled. The report stated that the event was cancelled following an outcry from conservative religious groups in Ghana and that a petition against the conference had been signed by 19,000 people in one week. The report stated: ‘(The) Ghana government won’t allow such (a) conference and that is it,” a spokesman for the Ministry of Gender, Children and Social Protection told the Thomson Reuters Foundation. Asked why, he said only that it was “not because of coronavirus.”’<sup>143</sup>

- 8.10.2 Silent Majority Ghana, according to its website ‘a community of Ghanaians standing in solidarity with queer and transgender Ghanaians everywhere’, stated:

‘In June 2021, we at Silent Majority, Ghana are marking Pride month to honor the activism of LGBTQ Ghanaian organizations including LGBT Rights Ghana, Alliance for Dynamics Initiative, Sisters of the Heart, AfEd, Courageous Sisters, One Love Sisters, and many others. Pride began as a protest against violence and inequality, as well as a fierce affirmation of queer and trans\* lives. Silent Majority, Ghana continues in this tradition of protest and celebration.’<sup>144</sup>

- 8.10.3 CPIT was not able to find further information on Pro-LGBTI events (see [Bibliography](#)).

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<sup>140</sup> Joy Online, ‘[2 students of UPSA expelled from hostel over alleged lesbianism](#)’, 24 November 2021

<sup>141</sup> ILGA, ‘[Our identities under arrest – Ghana excerpt](#)’, 15 December 2021

<sup>142</sup> Pink News, ‘[Man stabbed, beaten and called ‘batty boy’ by group of boys who...](#)’, 9 January 2022

<sup>143</sup> Reuters, ‘[Ghana bans LGBT+ conference after Christian groups protest](#)’, 12 March 2020

<sup>144</sup> Silent Majority Ghana, ‘[LGBTQ Pride: A history of protest](#)’, no date

## 8.11 LGBTI 'community' and openness

8.11.1 Human Rights Watch interviewed 114 LGBT Ghanaians for their 2018 report 'No choice but to deny who I am' the report stated:

'Lesbian, gay, bisexual and transgender Ghanaians interviewed by Human Rights Watch said that the combination of the criminalization of adult consensual same-sex conduct and the profoundly religious and socially conservative Ghanaian context has an insidious effect on their individual self-expression. All the interviewees said that they either felt they had little choice but to adopt self-censoring behavior, or worse, deny their sexual orientation or gender identity to avoid suspicion by family members and the communities in which they live. Numerous interviewees told Human Rights Watch that in certain instances, such suspicion has led to violence, extortion and arrests.'<sup>145</sup>

8.11.2 Mail & Guardian, a media news publication and website, in an article from March 2020 reported that a group of young activists have collaborated to put on monthly social events in Accra. The article stated:

'In a defiant take-your-hate-and-shove-it move, a group of young queer activists came together to put on monthly social events aimed at the sprawling capital city's queer communities. Formed two years ago, the Yolo Lounge collective is made up of Moore, Cherry, Rash Berry and Nana (the nicknames by which they prefer to be known).

'With social spaces for queer folk in Accra being very rare, the events offer a much-needed space for communing. "Religion is the biggest stumbling block to us having our rights. We have to create spaces for visibility, for people to know we exist," says 23-year-old Moore.'<sup>146</sup>

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## 9. Civil society and support organisations

### 9.1 Commission on Human Rights and Administrative Justice (CHRAJ)

9.1.1 CHRAJ is according to its website 'exists to protect fundamental human rights and to ensure good governance for every person in Ghana.'<sup>147</sup>

9.1.2 Human Rights Watch in their 2018 report 'No choice but to deny who I am' stated:

'... since August 2013, the CHRAJ has implemented an online complaint system for allegations of discrimination including on the basis of sexual orientation and gender identity... The CHRAJ receives and processes complaints, including those filed anonymously, and collects and publishes the data online.

'According to CHRAJ figures 36 of the 75 discrimination cases filed with CHRAJ since 2013, were from LGBT people. Cephass Essifull Ansah, officer in charge of the online discrimination reporting system at CHRAJ, told

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<sup>145</sup> HRW, '[No choice but to deny who I am](#)' (page 17), 8 January 2018

<sup>146</sup> Mail & Guardian, '[A queer night in Accra](#)', 17 March 2020

<sup>147</sup> CHRAJ, '[What We Do – CHRAJ](#)', no date

Human Rights Watch that he attends meetings with and conducts human rights training workshops for LGBT organizations because of the regular complaints of blackmail and discrimination. While noting that the government is unlikely to change its official position on criminalization of unnatural carnal knowledge, Cephas explained the CHRAJ mandate and approach: We are not promoting their activities, but we are protecting their human rights. This is the policy position of the Human Rights Commission and it is based on our Constitution. Our on-line reporting system is for LGBT people and key populations. It was established because people were only reporting to NGOs, so we had to develop an online system. At the Commission, we are protecting their human rights –we deal with this topic from a human rights perspective, because protection is paramount.

‘Several interviewees told Human Rights Watch that they are aware of the mandate of CHRAJ and that they feel comfortable to approach the institution for legal support.

‘For instance, Simon, a 30-year-old gay man from Kumasi told Human Rights Watch that after his ex-partner of three years reported him to the police for being gay, they were both arrested and detained from January 16-18, 2016 at Kumasi Central Police Station. Simon said that they were released after the CHRAJ Kumasi regional office intervened by “explaining the situation to the police—told them that being gay is not a crime—that only unnatural carnal knowledge is a crime”. They each paid 200 CEDIS (approximately US\$46) at the police station and went home.’<sup>148</sup>

#### 9.1.3 USSD Human Rights report 2020 stated:

‘The CHRAJ, which had offices across the country, and which mediated and settled cases brought by individuals against government agencies or private companies, operated with no overt interference from the government; however, since it is itself a government institution, some critics questioned its ability independently to investigate high-level corruption. Its biggest obstacles were low salaries, poor working conditions, and the loss of many of its staff to other governmental organizations and NGOs. Public confidence in the CHRAJ was high, resulting in an increased workload for its staff.

‘The Police Professional Standards Board also investigated human rights abuses and police misconduct.’<sup>149</sup>

#### 9.1.4 USSD Human Rights report 2020 also stated: ‘.. Activists ... cited improved CHRAJ-supported activities, such as awareness raising via social media. As one example, the CHRAJ published announcements on an LGBTI dating site regarding citizen rights and proper channels to report abuses...’<sup>150</sup>

#### 9.1.5 In November 2021, Graphic Online reported that the CHRAJ had entreated parliament to ‘be careful’ in relation to the bill for the Promotion of Proper Human Sexual Rights and Ghanaian Family Values:

‘Appearing before the Constitutional, Legal and Parliamentary Affairs Committee of Parliament in Accra yesterday, the Commissioner of CHRAJ,

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<sup>148</sup> HRW, [‘No choice but to deny who I am’](#) (pages 48-49), 8 January 2018

<sup>149</sup> USSD, [‘2020 Country reports on human rights practices: Ghana’](#) (section 6), 30 March 2021

<sup>150</sup> USSD, [‘2020 Country reports on human rights practices: Ghana’](#) (section 6), 30 March 2021

Mr Joseph Whittal, said: “I feel Parliament, as well as this committee, may need to be careful on the bill.”

“I think that freedom of expression and of the media is an area we should be careful of as this committee critically assesses the bill, otherwise there is a likelihood that the whole law that may come out may be subjected to certain challenges at the Supreme Court, which will be unnecessary if we do the needful,” he said...

‘He said Section 104 of the Criminal Code of Ghana had already criminalised the acts of LGBTQI+.

‘He, therefore, wondered why similar provisions would be added in the new bill to criminalise other persons who were associated, in one way or another, with LGBTQI+ practitioners.

“If you think Section 104 is sufficient or not, we can make an amendment of that provision to make it sufficient to deter people along those lines, but not to open up anyone such as me, as the Commissioner of CHRAJ with the mandate to promote human rights.

“If I decide to speak on behalf of the minority and the vulnerable, then I am opening myself up to possible criminal prosecution, and why will that be? So we need to be careful as we consider the bill,” Mr Whittle added...

‘He further said if the nation sought to do away with certain backward cultural practices, including LGBTQI+ practice, which the bill sought to outlaw or prohibit, “why do we not take the non-criminal perspective, using institutions such as CHRAJ and the National Commission on Civic Education (NCCE) to effect the necessary change?”<sup>151</sup>

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## 9.2 LGBTI groups

9.2.1 USSD Human Rights report 2020 stated: ‘A coalition of LGBTI-led organizations from throughout the country, officially registered in 2018, continued to hold meetings. Its objectives included building members’ capacity, assisting with their access to resources and technical support, and fostering networking.’<sup>152</sup>

9.2.2 Humanists International stated in their Freedom of Thought Report 2021: ‘Ghana has a reputation as one of the most democratic countries in Africa. Generally speaking, civil society organizations can operate freely, with the exception of LGBTI+ activists and organizations, who are frequently harassed and intimidated.’<sup>153</sup>

The same report also noted: ‘Ghana's first LGBTI+ community support center and safe house opened in January 2021, but was forced to close 3 months later after being illegally raided by the police and facing pressure from religious lobby groups, the Catholic Church of Ghana, and members of the government. The founding members of the center reported being

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<sup>151</sup> Graphic Online, [CHRAJ entreats Parliament to tread carefully on LGBTQI+](#), 30 November 2021

<sup>152</sup> USSD, [‘2020 Country reports on human rights practices: Ghana’](#) (section 6), 30 March 2021

<sup>153</sup> Humanist International, [‘The Freedom of Thought Report 2021’](#), 16 November 2021

threatened and fearing for their safety.’<sup>154</sup> (see also [State attitudes and treatment](#))

9.2.3 The Guardian reported that the community centre was closed after 3 months to protect staff. The decision to close the centre was taken following a series of protests against the rights of sexual minorities as well as pressure from government ministers and religious groups<sup>155</sup>.

9.2.4 The ARC/Asylos March 2021 report noted in relation to the ability of LGBTI groups to organise the Pan Africa ILGA conference:

“...there's so many times where we've tried to have LGBT conferences hosted by the Pan Africa ILGA. ILGA is like multinational lesbian and gay association in Africa. So many times, they've tried to have conferences here, and they've made it public that they're trying to come here, but they've been shut down. They have received so much backlash. In the recent case, there was supposed to be a conference this past July, but due to Corona, it didn't happen. But the backlash from the general public and society was so large, that it made discussions for the implementation of the conference very, very hard. And political leaders had threatened to not allow Visas for people to participate in the conference. And religious leaders also threatened to show up with weapons in order to kill the attendees of the conference. So, we have seen that when organizations try to operate publicly, it is really not well received by the public... So the speaker of parliament, he is the one who was very vocal against it and said it could not happen. Also, the Minister of Gender and Children, she also condemned it. They said this is against our values as a country. So, they have been very vocal about it...”(Source: Andrew Teye, interview record, 17 November 2020)<sup>156</sup>

9.2.5 There are number of groups advocating and/or providing support to LGBTI persons:

- [LGBT+ Rights Ghana](#) ‘a movement of LGBTQIA championing the freedom for all LGBT+ persons in Ghana’,
- [Rightify Ghana](#) a not-for-profit organisation founded in 2020 to help raise awareness of LGBTQI+ issues
- [Silent Majority Ghana](#) @smajoritygh – ‘a community of Ghanaians standing in solidarity with queer and transgender Ghanaians everywhere’ all have active Twitter accounts.

9.2.6 In January 2022 Rightify Ghana launched a fundraising appeal to expand advocacy for LGBTQI+ people<sup>157</sup>.

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<sup>154</sup> Humanist International, ‘[The Freedom of Thought Report 2021](#)’, 16 November 2021

<sup>155</sup> The Guardian, ‘[Ghanaian LGBTQ+ centre closes after threats and abuse](#)’, 25 February 2021

<sup>156</sup> ARC/Asylos, ‘[Ghana: State treatment of LGBTQI+ persons](#)’ (page 81), March 2021

<sup>157</sup> Erasing 76 Crimes, ‘[Rightify Ghana launches fundraising appeal to expand...](#)’, 21 January 2022

## 10. Access to services

### 10.1 Healthcare, HIV, Aids and discrimination

#### 10.1.1 USSD Human Rights report 2020 stated:

'Discrimination against persons with HIV and AIDS remained a problem. Fear of stigma surrounding the disease, as well as a fear that men getting tested would immediately be labeled as gay, continued to discourage persons from getting tested for HIV infection, and many of those who tested positive from seeking timely care. HIV-positive persons faced discrimination in employment and often were forced to leave their jobs or houses. The government and NGOs subsidized many centers that provided free HIV testing and treatment for citizens, although high patient volume and the physical layout of many clinics often made it difficult for the centers to respect confidentiality.

'The law penalizes discrimination against a person infected with or affected by HIV or AIDS by substantial fines, imprisonment for 18 months to three years, or both. The law contains provisions that protect and promote the rights and freedoms of persons with HIV or AIDS and those suspected of having HIV or AIDS, including the right to health, education, insurance benefits, employment, privacy and confidentiality, nondisclosure of their HIV/AIDS status without consent, and the right to hold a public or political office.

'The Ghana AIDS Commission continued to raise concerns regarding how high levels of stigma and discrimination contributed to the spread of HIV/AIDS in the country.'<sup>158</sup>

#### 10.1.2 Asylum Research Centre and Asylos in their March 2021 report Ghana: State treatment of LGBTQI+ persons reported in an interview from November 2020:

'In response to a question about the existence of discriminatory treatment towards LGBTQI+ persons in accessing public health services, Dr. Godfried Asante answered:

"...That is the biggest and the most common type of discrimination that I have encountered. Besides discrimination at police stations, access to adequate health is perhaps one of the main areas that [discrimination occurs]. In some of the Ghanaian public hospitals, there is no privacy when patients are checking in. So, during check in, everyone else can hear what's going on. It's not an enclosed space. So sometimes, what happens is that nurses are heard asking patients, "Are you a homosexual?" I mean, everybody's listening and watching you. "We've told you to stop being homosexual." And sometimes, they might know this person because they come in for HIV drugs or they come in regularly to do some blood work. And then, they start making these broad statements, "God will punish you if you don't stop-- God has punished you and that's why you have HIV." And everybody's there. So, I mean, you're mortified to go to the hospital. In some cases, doctors have tried to persuade LGBT people to change their sexual

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<sup>158</sup> USSD, ['2020 Country reports on human rights practices: Ghana'](#) (section 6), 30 March 2021

orientation. So, if you go to the doctor's office, they will tell you, "Are you sure you're gay?" "Yeah." "Are you sure? You should change." These uncomfortable conversations create an unwelcoming space for LGBT people and I think that's a large barrier. ...For instance, in my own dissertation research which I did about three years ago, one of the participants said, "This is why I don't go to the hospital when I'm sick." And also, there are other people who said, "I might go to this hospital," or, "I might not go to that hospital." But they might have to travel maybe 10 miles to get to another hospital. But most of them said LGBT people are dying because they don't want to go to the hospital because of how they might be mistreated." ...<sup>159</sup>

10.1.3 In relation to access to healthcare for trans persons, the ARC/Asylos March 2021 report notes that:

'Executive Director of PORSH also highlighted the discrimination and verbal abuse that trans persons encounter when accessing health services:

"... In the health system, especially when trans persons are going for health services. They face a lot discrimination and stigma, verbal abuse and all that. We've implemented a lot of projects to try to reduce the stigma at those levels and now we are even trying to include not just the nurses at the facilities, but also the security men. Because the person arrives at the gates, through the outpatient department, through the consulting room, so there are various layers where they can encounter stigma just for a simple diagnosis..."<sup>160</sup>

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## 10.2 Employment, education and housing

10.2.1 Human Rights Watch in their 2018 report 'No choice but to deny who I am' stated:

'The combination of criminalization and stigma produces severe consequences. For instance, Sam, a 32-year-old transgender man from Accra, said securing employment is virtually impossible because "no one will hire someone they perceive as woman who presents as a man. According to Teresa, a 28-year-old lesbian, the issue of unemployment because of one's sexual orientation is a major problem. She told Human Rights Watch:

"The problem in Accra is that LGBT people can't get work. Nobody wants to give them jobs. Also, when the family finds out, they don't pay your school fees, so you are uneducated. There is also no support to learn a trade. When both lesbian partners don't work, the femme partner is expected to date and sleep with men to get money—sometimes they both must do sex work to survive."<sup>161</sup>

10.2.2 The UN SR report 2018 further noted: 'Stigmatization and discrimination make it impossible for them to become productive members of the

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<sup>159</sup> ARC/Asylos, '[Ghana: State treatment of LGBTQI+ persons](#)' (page 74), March 2021

<sup>160</sup> ARC/Asylos, '[Ghana: State treatment of LGBTQI+ persons](#)' (page 76), March 2021

<sup>161</sup> HRW, '[No choice but to deny who I am](#)' (pages 13-14), 8 January 2018

community because when people know they are a LGBTI person they are thrown out from jobs, schools, homes and even from their community.’<sup>162</sup>

10.2.3 The USSD Human Rights report 2020 stated: ‘Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced widespread discrimination in education and employment...’<sup>163</sup>

10.2.4 The same USSD report stated:

‘The government did not effectively enforce prohibitions on discrimination. The law stipulates that an employer cannot discriminate against a person on the basis of several categories, including gender, race, ethnic origin, religion, social or economic status, or disability, whether that person is already employed or seeking employment... Discrimination in employment and occupation occurred with respect to ..., HIV-positive persons, and LGBTI persons ...’<sup>164</sup>

10.2.5 Asylum Research Centre and Asylos in their March 2021 report Ghana: State treatment of LGBTQI+ persons reported in an interview from November 2020 with the Director of LGBT+ rights Ghana, Alex Kofi Donkor:

‘...Alex Kofi Donkor, described how there is no state-provided housing in Ghana. However, he described the discrimination that LGBTQI+ persons face when renting from private landlords:

“... So in Ghana, there is no state provided housing. It's mostly on a private basis. So, individuals who have homes that are shared. And apart from that, there's also families who already have their homes so that they share it with. But in terms of this rent and spacing in Ghana, if a landlord gets to know that you are the LGBT person, before hiring the space then you are going to get the space. And if after hiring the space, he get to find out you're an LGBT person, you are getting out of the space.”

“... So in terms of housing, it is either you don't make your sexuality known at the time you are going to rent a space, or you rent the space and make sure whatever activities you do in the privacy your group is kept quiet and nobody gets to know about it. Because once somebody gets to know about it, once your landlord gets to know about it, you're going to be kicked out. And a lot of people have been kicked out as a result of their known or perceived sexual orientation...”<sup>165</sup>

10.2.6 The same ARC/Asylos report, with regard employment and following a November 2020 interview with an academic stated:

According to academic Dr. Godfried Asante, an LGBTQ person would have to be discrete about their sexuality otherwise they would risk losing their employment:

“... So with government institutions, I would say you would have to be discrete about who you are, and once you are identified as

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<sup>162</sup> OHCHR, ‘[Statement on Visit to Ghana](#)’ (section: v), 18 April 2018

<sup>163</sup> USSD, ‘[2020 Country reports on human rights practices: Ghana](#)’ (section 6), 30 March 2021

<sup>164</sup> USSD, ‘[2020 Country reports on human rights practices: Ghana](#)’ (section 7), 30 March 2021

<sup>165</sup> ARC/Asylos, ‘[Ghana: State treatment of LGBTQI+ persons](#)’ (page 72), March 2021

homosexual, as LGBT, you will not have access to any government position. You will lose your job.”

“... First, if you're not caught in the act [of having gay sex], you could go under the radar. But once someone identifies you as gay in a government institution or in the educational sector, they will try to take you out. And this came up-- this came about when I was doing my dissertation and also my recent research, where so many-- I was wondering what was causing some of my participants not to get particular jobs. And part of the situation was, they couldn't go back to school because they were being harassed in school. They were bullied in school, so they couldn't complete school, and then they couldn't get a job afterwards. Then there's a ripple effect there as well.”... <sup>166</sup>

- 10.2.7 A Human Rights Watch article from September 2021 and referring to the [arrest of 21 people](#) in May 2021 noted: ‘The arrest and detention also had a severe impact on the individuals’ access to basic services related to socioeconomic rights, including health care, housing, employment, and education.’ <sup>167</sup>

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Section 11 updated: 7 March 2022

## 11. Freedom of movement

- 11.1.1 See [CPIN - Background information including internal relocation](#) about freedom of movement generally.
- 11.1.2 CPIT was not able to obtain information relevant to considering the freedom of movement of LGBTI persons in particular, in the sources consulted (see [Bibliography](#)).

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<sup>166</sup> ARC/Asylos, ‘[Ghana: State treatment of LGBTQI+ persons](#)’, (page 73) March 2021

<sup>167</sup> HRW, ‘[LGBT Activists Face Hardships After Detention](#)’, 20 September 2021

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- **Legal context** - considering laws that protect and/or discriminate (enforcement of the law is covered in the State attitudes and treatment section) - constitution, criminal, penal and civil codes, Sharia and caselaw - applicable to
  - general anti-discrimination provisions (and inclusion or absence of reference to LGBTI persons)
  - (being) a LGBTI person
  - same-sex sexual behaviour
  - same-sex couples, including civil union and marriage
  - gender reassignment/transition, and recognition of gender identity of trans persons
  - LGBTI organisations
  - relevant significant court cases and caselaw
- **State attitudes and treatment**
  - statements made by government figures and public officials
  - government policies/programmes that assist or discriminate against LGBTI persons
  - how the law is applied (including discriminatory application non-LGBTI specific laws). Numbers:
    - arrests and detentions
    - prosecutions
    - convictions
    - acquittals
  - restrictions/enforcement of law against LGBTI organisations
  - other state treatment, such as
    - harassment
    - blackmail
    - bribery
    - corrective therapy
  - access to public services

- education
  - healthcare
  - employment
  - justice
- state protection
  - description of security forces and their capabilities, including any specific units with remit to protect LGBTI persons
  - response and assistance provided, including arrests and prosecutions of persecutors, witness protection, assistance in relocation
  - oversight mechanisms and organisations, complaints process, investigations, outcomes and penalties
- geographic, socio-economic or other factors affecting variation in attitudes/treatment
- **Societal attitudes and treatment**
  - public opinion/views/surveys, including anti-LGBTI movements and public demonstrations
  - prevailing cultural and family attitudes to male/female relationships, family and non-conforming behaviour
  - religious group attitudes, statements and actions
  - media representation, language and discourse
  - treatment by the public, including family members
    - shunning and stigma
    - harassment and violence, including mob attacks and gender-specific forms such as corrective rape
    - accessing accommodation, education, employment and healthcare
  - geographic, socio-economic or other factors affecting variation in attitudes/treatment
- **LGBTI individuals, communities and groups**
  - size and location of LGBTI population
  - presence, projection and location of openly LGBTI persons and communities into public life
  - numbers, aims and location of openly LGBTI communities
  - services, meeting places and events, such as bars, restaurants and Gay Pride
  - operation, activities and restrictions of LGBTI civil society and other supportive groups or associations, including websites

- geographic, socio-economic or other factors affecting behaviour of individuals and groups.
- **Freedom of movement**
  - legal freedoms/restrictions, including documentation
  - safety of movement
  - vulnerabilities of different groups

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## Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **10 May 2022**

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### **Official – sensitive: Start of section**

The information on this page has been removed as it is restricted for internal Home Office use.

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### **Official – sensitive: End of section**

## Changes from last version of this note

Updated country of information

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