



Home Office

Country Policy and Information Note

Ghana: Sexual orientation and gender identity or expression

Version 2.0

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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 two main sections: (1) analysis and 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 – i.e. 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
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 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 \(COI\)](#), dated 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, and is from generally reliable sources. 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, and
- whether the COI is consistent with and/or corroborated by other sources.

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

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, 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: 18 May 2020

1. Introduction

1.1 Basis of claim

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

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 hereafter collectively as 'LGBTI persons'.
- 1.2.2 The experiences of each group within the LGBTI umbrella term may differ. Where source information is available this note describes and considers each group discretely. However, many sources treat LGBTI persons as a single group or community, which often, in practice reflects the experiences of the most dominant or visible in a particular society, usually gay men or trans persons.
- 1.2.3 For general guidance on considering claims from LGBTI persons, decision makers should refer to the Asylum Instructions on [Sexual orientation in asylum claims](#) and [Gender identity issues in the asylum claim](#).
- 1.2.4 Where a claim is refused for male applicants, 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.
- 1.2.5 For information on certification, see the instruction 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](#) and the [Asylum Instruction on Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).
- 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](#)).

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses applies. If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection. Each case must be considered on its individual facts and merits.
- 2.2.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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2.3 Convention reason(s)

- 2.3.1 Actual or imputed membership of a particular social group (PSG).
- 2.3.2 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 they are perceived as being different by the surrounding society.
- 2.3.3 Although LGBTI persons form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question is whether the particular person has a well-founded fear of persecution on account of their membership of such a group.
- 2.3.4 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#), [Sexual orientation in asylum claims](#) and [Gender identity issues in the asylum claim](#).

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2.4 Risk

a. General points

- 2.4.1 Paragraphs 35 and 82 of the determination of the Supreme Court's ruling in [HJ \(Iran\) and HT \(Cameroon\) v Secretary of State for the Home Department \[2010\] UKSC 31](#), heard 10,11,12 May and promulgated 7 July 2010, has set out the approach to take and established the test that should be applied when assessing a claim based on a person's sexual orientation, which can also be applied to claims based on a person's gender identity / expression.
- 2.4.2 If a person does not openly express their sexual orientation or gender identity and/or expression, consideration must be given to the reasons why they do not, taking into account whether it is a result of social and cultural reasons.
- 2.4.3 For further information, see the [Asylum Instruction on Sexual identity issues in the asylum claim](#). For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

b. State treatment

- 2.4.4 While there are protections for citizens' fundamental rights under the constitution, these do not extend to sexual orientation or gender identity and/or expression (see [Constitution](#)).
- 2.4.5 The criminal code under section 104 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, i.e. rape, is punishable with a term of imprisonment 'of not less than five and not more than twenty-five years'. 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 source suggest because the law's wording is vague it is not consistently interpreted and may be applied to and used to target women and trans/intersex persons too (see [Legal context](#)).
- 2.4.6 There are no legal provisions applicable to trans or intersex persons (see [Legal context](#)).
- 2.4.7 The government's unwillingness to de-criminalise same-sex activity between men and introduce provisions to protect the fundamental rights of all LGBTI persons reflects wider societal attitudes. Some sources suggest this shows tacit approval of and support for discrimination against LGBTI persons (see [Legal context](#)).
- 2.4.8 President Nana Addo Dankwa 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, incite violence towards LGBTI persons. However, the government's position is at times ambiguous and some elements of the state have been supportive of LGBTI persons. A government delegate told the UN in 2016 that Ghana that the laws of Ghana would not permit any individual to be persecuted because of their sexual orientation while officials informed the UN Special Rapporteur on human rights and extreme poverty in 2018 that there is no prohibition on same-sex couples. While Human Rights Watch 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 attitude](#) and [Violence and discrimination](#)).
- 2.4.9 There are no reported prosecutions or convictions of LGBTI persons for consensual same-sex sexual activity in the sources consulted. However, the UN Special Rapporteur on human rights and extreme poverty, Human Rights Watch and the US State Department (USSD) state that some LGBTI people have been arbitrarily arrested, primarily gay men, 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. The UN Special Rapporteur concluded that LGBTI persons endure intimidation, arbitrary arrest, violence, threats and blackmail and they lack access to remedies for such violations. However, sources do not provide information

about the number or how widespread such arrests are in order to determine their frequency or patterns of treatment (see [Arrests, prosecutions and detention, Police action, behaviour and responses to anti-LGBTI violence](#) and [Violence and discrimination](#)).

- 2.4.10 Conversely, the police have also been reported to assist LGBTI persons who have been the victims of crime linked to their sexual orientation or gender identity. Although some sources also indicate that fear of intimidation, stigma and the attitude of some police are reported to be factors in deterring LGBTI victims reporting incidents of abuse. Some LGBTI persons have also faced police harassment and extortion, although the nature or frequency of this is unclear. However, the USSD noted that there were not any cases of state violence in 2019 (see [Arrests, prosecutions and detention, Police action, behaviour and responses to anti-LGBTI violence, Violence and discrimination](#) and [Bibliography](#)).
- 2.4.11 LGBTI persons have reportedly experienced discrimination in accessing services such as healthcare, including access to HIV / AIDS treatment and services, education and employment, although the nature and frequency of this treatment is unclear (see [Access to services](#)).
- 2.4.12 The government permits the operation of a number of civil society groups that support LGBTI persons, although it reportedly reluctant to engage with these organisations. Additionally, the CHRAJ documents complaints of discrimination against LGBTI persons and engages in activities in support of them (see [LGBTI civil society](#) and [Commission for Human Rights and Administrative Justice](#)).
- 2.4.13 There is no specific information amongst the sources consulted on arrests or other discriminatory treatment of trans and intersex persons (see [Bibliography](#)).
- 2.4.14 The evidence suggests that while elements of the government have used anti-LGBTI rhetoric, the treatment of LGBTI persons by the police and other public agencies varies with, for example, some sources reporting that police have assisted LGBTI persons who have been the victims of crime linked to their sexual orientation or gender identity. There is an absence of data in the sources consulted regarding the number and frequency of arrests of LGBTI persons and there are no recent recorded cases of state violence, prosecutions or convictions under the same-sex laws. In general, the available evidence does not establish that LG and B persons who are open about their sexual orientation 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.
- 2.4.15 There is limited specific information about the state treatment of trans 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.
- 2.4.16 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status, Sexual orientation in asylum claims](#) and [Gender identity issues in the asylum claim](#).

c. Societal treatment

- 2.4.17 Ghana is a culturally and religiously conservative country and anti-LGBTI views are widespread. Sources indicate that there is strong societal intolerance of and discrimination against LGBTI persons. Religious leaders play a role in perpetuating stigmatization of same-sex relations and in some cases, incite violence towards LGBTI persons openly condemning 'homosexuality'. The media generally portrays LGBTI persons negatively. Anti-LGBTI rhetoric from government figures, as well as by religious groups, magnifies existing societal homophobia (see [Constitution](#), [Religious attitudes / treatment](#), [Media](#), [Public opinion](#) and [Societal norms and family treatment](#)).
- 2.4.18 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, and face harassment, intimidation, blackmail, loss of property and eviction, denial of educational opportunities, loss of employment, education and difficulties in accessing health care (see [Societal attitudes and treatment](#) and [Access to services](#)).
- 2.4.19 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 are also reportedly frequently victims of domestic violence and 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. Evidence of the extent and frequency of such family and societal violence against LGBTI persons is limited. However, the UN Special Rapporteur on extreme poverty and human rights noted that the absence of statistics relating to LGBTI persons are symptoms of the prevailing discriminatory attitudes (see [Arrests, prosecutions and detention](#), [Societal norms and family treatment](#), [Violence and discrimination](#)).
- 2.4.20 Sources report that there are a number of organisations operating in Ghana providing various forms of 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 (see [Government and political leaders](#), [Police response: protection and arrests of LGBTI persons](#) and [LGBTI 'community](#) and [LGBTI civil society](#)).
- 2.4.21 In general, LG and B persons who are open about their sexual orientation, or who are known to be perceived to be LGBTI, 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.

- 2.4.22 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.
- 2.4.23 For further guidance on assessing risk, see the instructions on [Assessing Credibility and Refugee Status](#), [Sexual orientation in asylum claims](#) 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 are in general unlikely to be able to avail themselves of the protection of 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. However, police treatment of LGBTI persons is variable. There are some signs that police attitudes to LGBTI persons are slowly improving and have provided assistance to some LGBTI people who have been victims of crime because of sexual orientation or gender identity. 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. Sources report that LGBTI persons have also been arrested because of their real or perceived sexual orientation. It is unreasonable to expect a LGBTI person to seek protection from the authorities if they may themselves face a risk of arrest. (see [Criminal code](#), [Arrests prosecutions and detention](#) and [Police action, behaviour and responses to anti-LGBTI violence](#)).
- 2.5.4 In general, the state is able but 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 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation taking full account of the individual circumstances of the particular person.
- 2.6.2 The Court of Appeal in *SC (Jamaica) v Home Secretary* [2017] EWCA Civ 2112 held that: "the evaluative exercise is intended to be holistic and ... no burden or standard of proof arises in relation to the overall issue of whether it is reasonable to internally relocate" (para 36).
- 2.6.3 In general, given the widespread societal and state hostility towards and discrimination against LGBTI persons, it will not, in general, be possible for a

person to relocate. However, each case must be considered on its facts, taking into account the person's specific circumstances. If it is determined that it is possible, consideration must be given to whether it is reasonable.

- 2.6.4 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity and/or expression in the proposed new location for fear of persecution.
- 2.6.5 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#), [Sexual orientation in asylum claims](#) 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: 18 May 2020

3 Legal context

3.1 Constitution

3.1.1 The Constitution states in chapter 5, Article 12(2) on fundamental human rights and freedoms: ‘... Every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest.’¹ However, it makes no mention of sexual orientation or gender identity / expression.

3.1.2 The US State Department (USSD) human rights report for 2019 noted ‘The law does not prohibit discrimination based on sexual orientation and gender identity.’²

3.1.3 The Human Rights Watch report ‘No choice but to deny who I am’, January 2018, based on primary and secondary sources including interviews with 114 LGBTI persons in Ghana in 2017, observed:

‘The 1992 Constitution of the Republic of Ghana guarantees a range of fundamental human rights and freedoms to all its citizens.³ 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.”[...] Neither sex, sexual orientation nor gender identity are enumerated as prohibited grounds of discrimination. The Constitution guarantees respect for human dignity, protection of personal liberty, and the right to privacy for all. Furthermore, 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.[...]’³

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3.2 Criminal code

3.2.1 The Criminal Code Act 29 of 1960, amended in 2003, in chapter 6 on Sexual offences, section 104 states 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

¹ Constitution of the Republic of Ghana (Ch5, A12(2)), undated, [url](#).

² USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 6), 11 March 2020, [url](#).

³ HRW, ‘No choice but to deny who I am’ (p13), January 2018, [url](#).

‘(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.’⁴

3.2.2 Section 99 - Evidence of Carnal Knowledge, i.e. 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.’⁵

3.2.3 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 convicted thereof shall be liable to imprisonment for a term not exceeding three years.’⁶

3.2.4 Human Dignity Trust on their website page for Ghana explained that: ‘The law is only applicable to sexual intercourse between men.’⁷

3.2.5 Similarly, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) stated that ‘Section 104 of the Criminal Code is understood to apply to males only.’⁸

3.2.6 The USSD human rights report for 2019 also observed: ‘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.” The offense covers only persons engaged in same-sex male relationships and those in heterosexual relationships.’⁹

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

‘It [Ghana] criminalizes “unnatural carnal knowledge” in section 104 (1) (b) of its Criminal Offences Act, which the authorities interpret as “penile penetration of anything other than a vagina.” However, the law is a colonial legacy that is rarely, if ever, enforced, and unlike several of its neighbors, Ghana has not taken steps in recent years to stiffen penalties against consensual same-sex conduct or to expressly criminalize sexual relations between women.’¹⁰

3.2.8 Similarly the same report stated:

⁴ Acts of Ghana First Republic, ‘Criminal Code 1960 (Act 29)’ (section 104), undated, [url](#).

⁵ Acts of Ghana First Republic, ‘Criminal Code 1960 (Act 29)’ (section 99), undated, [url](#).

⁶ Acts of Ghana First Republic, ‘Criminal procedure code 1960 (Act 30)’ (section 296), undated, [url](#).

⁷ HDT, ‘Ghana. Criminalises Sex Between Men’, 2018, [url](#).

⁸ ILGA, ‘2019 State Sponsored Homophobia Report’ (p328), March 2019, [url](#).

⁹ USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 6), 11 March 2020, [url](#).

¹⁰ HRW, ‘No choice but to deny who I am’ (p1), January 2018, [url](#).

'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 misdemeanor.[...]'¹¹

3.2.9 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.'¹² HRW did not provide further corroborating evidence with regard this statement.

3.2.10 HRW 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.'¹³

3.2.11 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 contact between them would violate the law. However, they also stated that since the law was rarely enforced, there was no problem in practice.'¹⁴ The UN SR in his report 2018 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

¹¹ HRW, 'No choice but to deny who I am' (pp22-23), January 2018, [url](#).

¹² HRW, 'No choice but to deny who I am' (p58), January 2018, [url](#).

¹³ HRW, 'No choice but to deny who I am' (p1-2), January 2018, [url](#).

¹⁴ UNHRC, UNSR report 2018 (para 39), 10 October 2018, [url](#)

sexual orientation and gender identity is urgently needed to uphold the country's commitment to equality and fairness.[...]¹⁵

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

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Section 4 updated: 7 May 2020

4 'General' treatment

- 4.1.1 The United Nations High Commissioner for Human Rights compilation on Ghana observed in its August 2017 report: 'Abuse of lesbian, gay, bisexual, transgender and intersex prisoners was a concern, exacerbated by prison overcrowding and reluctance to report abuse for fear of reprisals and further stigmatization.'¹⁶

- 4.1.2 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 population and recurrent homophobic statements by political leaders, members of Parliament and religious leaders are symptoms of the prevailing discriminatory attitudes.

'Stigmatization and discrimination make it impossible for them to become productive members of the community because when people know they are a LGBTI person they are thrown out from jobs, schools, homes and even from their community. [...] Discrimination against LGBTI people makes them vulnerable to extreme poverty and LGBTI people living in poverty experience intersecting forms of discrimination that prevent the full enjoyment of their human rights.'¹⁷

- 4.1.3 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, because of their sexual orientation and gender identity.'¹⁸

- 4.1.4 The same report stated:

¹⁵ UNHRC, UNSR report 2018 (para 42), 10 October 2018, [url](#)

¹⁶ UNHRC, 'Compilation on Ghana' (p4), 28 August 2017, [url](#)

¹⁷ OHCHR, 'Statement on Visit to Ghana' (section: v), 18 April 2018, [url](#).

¹⁸ HRW, 'No choice but to deny who I am' (p1), January 2018, [url](#).

‘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.’¹⁹

4.1.5 The UN SR report 2018 noted:

‘The issue of sexual orientation and gender identity is extremely controversial in Ghana... This is not the place to repeat all the arguments about equal treatment and respect for minorities, but it is the place to emphasize that there is a very important poverty dimension to the issue. The reality is that lesbian, gay, bisexual, transgender and intersex 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...

‘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 poverty they experience intersecting forms of discrimination that prevent the full enjoyment of their human rights.’²⁰

4.1.6 The Freedom House Freedom in the World Report 2019 noted: ‘Although the country has a relatively strong record of upholding civil liberties, discrimination against women and LGBT (lesbian, gay, bisexual, and transgender) people persists.’²¹

4.1.7 The USSD human rights report for 2019 noted: ‘Gay men in prison were vulnerable to sexual and other physical abuse.’²²

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Section 5 updated: 7 May 2020

5 State attitudes and treatment

5.1 Government and political leaders

5.1.1 The Africa Centre for International Law and Accountability (ACILA) conducted a study in June 2017 to gauge Ghanaians’ attitudes towards LGBTI issues, ACILA stated: ‘During the review and follow up a discussion by the Working Group, Ghana rejected (noted) recommendations to legalize same-sex marriage or decriminalize consensual sexual relations but

¹⁹ HRW, ‘No choice but to deny who I am’ (p13), January 2018, [url](#).

²⁰ UNHRC, UNSR report 2018 (paras 40-41), 10 October 2018, [url](#).

²¹ FH, ‘2019 Freedom in the World Report’ (section: Overview), February 2019, [url](#).

²² USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 6), 11 March 2020, [url](#).

accepted recommendations to provide Equal Protection of the Law from violence and discrimination against LGBTI people in accordance with Ghana's domestic law and international human rights law obligations.'²³

5.1.2 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.'²⁴

5.1.3 The same report opined:

'... key opinion leaders including government officials, notably parliamentarians, local officials and influential religious leaders, have made 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.'²⁵

5.1.4 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'.²⁶

5.1.5 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?"

'In March [2014], a Former Ghanaian politician and ex-High Commissioner to India reportedly told a group of anti-gay activists: "One thing I'll want to emphasise is that homosexuality today has become a cult. It has become a club. It has become a foundation. It has become something that some people are promoting and putting billions of dollars into so that this unusual

²³ ACILA, 'Research: Popular attitudes towards LGBTI issues in Ghana', June 2017, [url](#).

²⁴ HRW, 'No choice but to deny who I am' (p4), January 2018, [url](#).

²⁵ HRW, 'No choice but to deny who I am' (p15), January 2018, [url](#).

²⁶ HRW, 'No choice but to deny who I am' (p73), January 2018, [url](#).

and abnormal behaviour should be accepted by force by the world. This is the strength of the danger and for which matter we must stand up strongly against it.”

‘In February [2014], Alex Afenyo-Markin, a Ghanaian MP, called for the government to set out its position on gay rights. The minister did not say whether he was pro or anti-homosexuality but stressed the importance of picking a side in order to direct future policy: “If we are for gay practices and we say it’s a human rights issue, we are accepting it, we have to live with it, then we should provide facilities at the health centers to take care of them because people are dying.”’²⁷

- 5.1.6 Amnesty International stated in their report covering events in 2017 that: ‘In February [2017] the Speaker of Parliament stated in the media that the Constitution should be amended to make homosexuality completely illegal and punishable by law. In July [2017] he also stated in the media that Ghana would not decriminalize homosexuality as this could lead to bestiality and incest becoming legalized.’²⁸

- 5.1.7 Amnesty International stated in their report covering reports in 2019 that: ‘There was an increase in hate speech against LGBTI people from religious and political leaders and from the media. Plans to introduce comprehensive sex education in schools in 2020 were met with public outrage, largely due to widespread fear that the new curriculum would teach children about homosexuality.’

‘In October, the US-based World Congress of Families sponsored a regional conference in Accra advocating for increased criminalization of LGBTI people. Several Ghanaian politicians spoke at the conference, which framed LGBTI inclusion as “anti-African”, and called for “tougher laws” against the already vulnerable group.’²⁹

- 5.1.8 Africa news in April 2018 reported:

‘President Nana Addo Dankwa Akufo-Addo says: “It will NOT be under his presidency that same-sex marriage will be legalized in Ghana.”

‘A statement from the presidency was responding to a recent resurfacing of the issue. The main opposition National Democratic Congress (NDC) scribe had made the allegation warranting the response...

‘The president faced a backlash earlier this year when most Ghanaians accused him of not being emphatic enough on the same-sex question in an interview with Al Jazeera.

‘Asked why homosexuality remained a criminal offence in Ghana, the president said, “I don’t believe that in Ghana so far a sufficiently strong coalition has emerged which is having that impact of public opinion that will say, change it; let’s then have a new paradigm in Ghana.”

‘He adds that like in other parts of the world, it will take the activities of groups and individuals to try bringing it up for discussion.

²⁷ HDT, ‘Ghana: Types of criminalisation’ (section: statement by public figures), undated, [url](#).

²⁸ AI, ‘Ghana 2017/2018’, 22 February 2018, [url](#).

²⁹ AI, Ghana 2019, 8 April 2020, [url](#).

“At the moment, I don’t feel and I don’t see that in Ghana there is that strong current of opinion that is saying that this is something that we need to even deal with. It is not so far a matter which is on the agenda.” [...]

‘His views are slightly moderate to that of Ghana’s third most powerful man, Speaker of parliament Mike Ocquaye, who is an ardent anti-gay rights activist. In his most recent pronouncement on the issue he said Africa was getting tired of the seeming cultural imposition.’³⁰

5.1.9 Ghana Web, described as a publishing portal on its website reported on its news pages on 23 May 2018:

‘Pusiga MP, Hajia Laadi Ayamba, has warned gay campaigners not to lobby her or any legislator to push gay bills through Ghana’s parliament.

‘Ayamba said on the floor of parliament on Tuesday, 22 May 2018 that homosexuality “is horrible, not acceptable and I think that we in this House should be the first people to come out to put it right to anybody that is coming out with whatever they want to call it that we will not take it, we represent the people of Ghana, we represent our constituents [and] we would not have been here if men were marrying men or women marrying women”.

‘According to her, individuals who are gay, cannot be hiding their identities and rather be pushing MPs to legalise a practice that Ghanaian society abhors. [...]

‘Ghana’s Speaker of Parliament, Professor Aaron Mike Oquaye, also said recently that he will resign if a pro-gay bill is brought to parliament during his tenure. “If anybody should bring such a thing to parliament and I have to preside over that, I’d rather resign than subscribe to this delusion,” Prof Oquaye told Paul Adom-Otchere in an interview on Metro TV’s Good Evening Ghana current affairs programme on Thursday, 10 May 2018.’³¹

5.1.10 The USSD human rights report for 2019 stated:

‘Activists working to promote LGBTI rights noted great difficulty in engaging officials on these issues because of the topic’s social and political sensitivity. Speaker of Parliament Mike Oquaye said in October [2019] LGBTI persons should not be killed or abused, but rather should be handled medically or psychologically. Second Deputy Speaker of Parliament Alban Bagbin said in a radio interview in April 2018 that “Homosexuality is worse than [an] atomic bomb” and “there is no way we will accept it in (this) country.” President Akufo-Addo delivered remarks in April 2018 at an evangelical gathering where he assured the audience, “This government has no plans to change the law on same-sex marriage.”[...]

‘In a September 27 radio program, an executive of the National Coalition for Proper Human Sexual Rights and Family Values asserted that the Comprehensive Sexuality Education program, developed by education authorities in partnership with the United Nations, had a “clear LGBT agenda,” sparking an anti-LGBT backlash as religious leaders, both

³⁰ Africa News, ‘Ghana president says he will never oversee same-sex legalization’, 30 April 2018, [url](#).

³¹ Ghana Web, ‘Stay away from us - MPs tell gay lobbyists’, 23 May 2018, [url](#).

Christian and Muslim, vehemently voiced their opposition to the educational proposal. The issue prompted President Akufo-Addo to assure them that government would not introduce a policy that is “inappropriate.”³²

- 5.1.11 The Foreign and Commonwealth Office observed in its travel advice for British nationals updated in December 2019 that: ‘Anti LGBT rhetoric/hate speech by... government officials [amongst others]... tends to sensationalise homosexuality, can incite homophobia against the LGBT community.’³³

- 5.1.12 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.’³⁴

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5.2 Arrests, prosecutions and detention

- 5.2.1 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. Unlike several of its neighbors, not only has Ghana not introduced additional penalties for adult consensual same-sex conduct... , but 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.’

]... 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

³² USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 6), 11 March 2020, [url](#).

³³ FCO, ‘Foreign Travel Advice – Local laws and customs - Ghana, updated 20 December 2019, [url](#).

³⁴ HRW, ‘No choice but to deny who I am’ (p25), January 2018, [url](#).

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.’³⁵

5.2.2 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.

‘In June 2016, police arrested three women at a soccer training camp in Kumasi accused of being lesbians allegedly after being tipped off by the partner of one of the women. [...]

‘Victoria, a 29-year old lesbian from the Cape Coast, told Human Rights Watch that not only did her father disown her when he learned of her sexual orientation in July 2016, but he also reported her to the police, who arrested her. Fortunately for Victoria, her grandmother paid bail to facilitate her release. She was not formally charged with any offence, but instructed to report to the police station daily. Victoria reported to the police station approximately five times, but was not reporting at the time of the interview with Human Rights Watch [February 2017].

‘Emelia, a 35-year-old lesbian from Kumasi, told Human Rights Watch that in December 2014, her partner’s mother brought police officers to her home to arrest her and her partner. They were not formally charged with any offence, but spent three days in detention at Suame Police Station, and were released after paying 200 CEDIS (approximately US\$45).’³⁶

5.2.3 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.’³⁷

5.2.4 The USSD’s Overseas Advisory Council on Security in its crime and safety report of April 2019 noted: ‘Ghana’s criminal code outlaws “unnatural carnal knowledge,” which local authorities frequently interpret as consensual same-sex sexual relations. This is criminalized as a misdemeanor in Ghana. The U.S. Embassy is aware of arrests and related extortion attempts for such activities, but has not received reports of prosecutions.’³⁸

5.2.5 The USSD human rights report for 2019 stated: ‘There were reports of arbitrary arrests by police. In August lesbian, gay, bisexual, transgender, and intersex (LGBTI) activists reported that police briefly detained a young gay man reporting a robbery because he mentioned that he was gay’.³⁹

5.2.6 The USSD human rights report for 2017 stated: ‘...there were reports of the law also being applied to individuals in same-sex female relationships. While

³⁵ HRW, ‘No choice but to deny who I am’ (p14 & p1-2), January 2018, [url](#).

³⁶ HRW, ‘No choice but to deny who I am’ (p30-31), January 2018, [url](#).

³⁷ HRW, ‘No choice but to deny who I am’ (p22), January 2018, [url](#).

³⁸ USSD, OASC crime and safety report 2019, 29 April 2019, [url](#)

³⁹ USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 1), 11 March 2020, [url](#).

there were reports of adults being prosecuted for consensual same-sex sexual conduct, no convictions were reported.’⁴⁰

- 5.2.7 The USSD human rights report for both 2018 and 2019 noted that there were no reports of adults prosecuted or convicted for consensual same-sex sexual conduct.’^{41 42}
- 5.2.8 CPIT was not able to find any data on the number of arrests in the sources consulted ([see Bibliography](#)).

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5.3 Police response: protection and arrests of LGBTI persons

- 5.3.1 The United Nations High Commissioner for Human Rights compilation on Ghana observed in its August 2017 report: ‘The United Nations country team stated that sexual minorities often chose to avoid the justice system, even to bring charges of assault or harassment or of police brutality, out of fear of punishment or outing.’⁴³
- 5.3.2 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.’⁴⁴
- 5.3.3 The USSD human rights report for 2019 noted ‘LGBTI persons also faced police harassment and extortion attempts. There were 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 during the year [2019], stigma, intimidation, and the attitude of the police toward LGBTI persons were factors in preventing victims from reporting incidents of abuse.’⁴⁵
- 5.3.4 The same USSD report stated ‘In August [2019] LGBTI activists reported police abuse involving a young gay man robbed en route to meet a person he met on a dating site. When the man reported the incident to police, they took him briefly into custody because he mentioned to them that he was gay. Amnesty International reported in 2018 that authorities conducted involuntary medical tests on two young men who were allegedly found having sex.’⁴⁶
- 5.3.5 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

⁴⁰ USSD, ‘2017 Country report on human rights practices: Ghana’ (section 6), 20 April 2018, [url](#).

⁴¹ USSD, ‘2018 Human Rights Practices Report’ (section 6), 13 March 2019, [url](#).

⁴² USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 6), 11 March 2020, [url](#).

⁴³ UNHRC, ‘Compilation on Ghana’ (p4), 28 August 2017, [url](#).

⁴⁴ HRW, ‘No choice but to deny who I am’ (p33), January 2018, [url](#).

⁴⁵ USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 6), 11 March 2020, [url](#).

⁴⁶ USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 6), 11 March 2020, [url](#).

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 cases seriously. A lay LGBT person can't just walk into a police station and report a case.¹⁰³ Several interviewees confirmed this.⁴⁷

- 5.3.6 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 community⁴⁸. 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.'⁴⁹

- 5.3.7 The USSD human rights report for 2019 noted: '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 IGP-appointed uniformed liaison officers.'⁵⁰

- 5.3.8 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.'⁵¹

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

⁴⁷ HRW, 'No choice but to deny who I am' (p43-44), January 2018, [url](#).

⁴⁸ HRW, 'No choice but to deny who I am' (p1-2), January 2018, [url](#).

⁴⁹ HRW, 'No choice but to deny who I am' (p49), January 2018, [url](#).

⁵⁰ USSD, '2019 Country reports on human rights practices: Ghana' (section 6), 11 March 2020, [url](#).

⁵¹ HRW, 'No choice but to deny who I am' (pp1, 3-4), January 2018, [url](#).

‘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.”

‘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.”⁵²

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Section 6 updated: 7 May 2020

6 Societal attitudes and treatment

6.1 Religious groups

6.1.1 Human Rights Watch interviewed 114 LGBT Ghanaians for their 2018 report ‘No choice but to deny who I am’ the 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

⁵² HRW, ‘No choice but to deny who I am’ (p31-32), January 2018, [url](#).

stigma, discrimination, family rejection and violence against LGBT people in Ghana.[...]

‘All interviewees noted that conservative religious and cultural views fuel homophobic sentiments among the general population. [...]

‘Religion, particularly Christianity, has strong influence in Ghana and since the law does not operate in a vacuum, the combination of strong anti-homosexuality religious beliefs and criminalization of consensual adult same-sex conduct increase the vulnerability of LGBT people to violence in the home and in public spaces. [...]

‘Moral panics around sexuality, compounded by the fear of rapid social change, and the rise of Pentecostalism in Ghana mean that lesbian sexuality is perceived as a social threat, often associated with the occult, as depicted in popular Ghanaian video-films.’⁵³

6.1.2 The same report citing various sources stated:

‘Influential opinion leaders, primarily representing religious institutions outside of government are also responsible for homophobic discourse. For instance, in February 2017, Osempaka Kaakyire Kifi, president of Movement for the Kingdom Image, a religious group, in a statement to President Akufo-Addo called on the government to “make the defence of homosexuals a treasonable offence” in Ghana. The Movement for the Kingdom Image which regularly comments on public policy issues is a well-known group in the country. The statement, published in the media report, adds:

‘His Excellency the president of Ghana Nana Addo Dankwa Akufo-Addo has all the powers either to accept or decline the legalisation of the act, therefore, we are appealing to the president to see the need to enact harsh laws to deal recklessly with those outcasts who want legalisation of homosexuality in Ghana...

‘In a March 2017 radio interview, Osofo Kofitse Ahadzi, a cultural anthropologist and senior member of the Afrikania Mission, a neo-traditional religious movement in Ghana, reportedly called on gay people to “go and hang themselves “If they can’t live normal lives, they should go and commit suicide and save our generation from getting out of tune with reality.’⁵⁴

6.1.3 The same Human Rights Watch report stated ‘Homophobic statements, not only by local and national government officials, but also local traditional elders, and senior religious leaders, contribute to a climate of homophobia and in some cases, incite violence toward people on the basis of real or imputed sexual orientation or gender identity.’⁵⁵

6.1.4 The Ghana Broadcasting Corporation (GBC) reported in June 2018 that:

‘Evangelist Kofi Tawiah, Head Pastor of Osu Church of Christ, has called on [the] government not to legalise the Lesbian Gay Bisexual Transgender (LGBT) rights in Ghana “as the act is demonic and the Bible condemns it”.

⁵³ HRW, ‘No choice but to deny who I am’ (p15), 8 January 2018, [url](#).

⁵⁴ HRW, ‘No choice but to deny who I am’ (p16-17), 8 January 2018, [url](#).

⁵⁵ HRW, ‘No choice but to deny who I am’ (p4-5), January 2018, [url](#).

'Pastor Tawiah in an interview classified "LGBT as a life threatening practice and foreign to the norms, traditions and the Biblical teachings which the Ghanaians must flee from".

'He stated: "Homosexuality is considered as a capital offence which is abominable and is accompanied by capital punishment," adding that throughout the Holy Bible, people who engaged in this devilish act suffered destruction.

"Hence Ghanaian Christians must rise up and fight a just course for the country. It is unfortunate for anybody to think that today homosexuality is accepted by God."⁵⁶

- 6.1.5 In July 2019 the Methodist Church in Ghana published a 47-page booklet teaching the public, but aimed especially at young people, about the consequences of homosexual practices⁵⁷. The Ghanaian News agency reported: 'The Right Rev. Samuel K. Osabutey, Methodist bishop in Accra, said the church was willing to help members "who had been addicted to the LGBT lifestyle to come out of it."⁵⁸

- 6.1.6 The USSD human rights report for 2019 stated:

'In a September 27 radio program, an executive of the National Coalition for Proper Human Sexual Rights and Family Values asserted that the Comprehensive Sexuality Education program, developed by education authorities in partnership with the United Nations, had a "clear LGBT agenda," sparking an anti-LGBT backlash as religious leaders, both Christian and Muslim, vehemently voiced their opposition to the educational proposal. The issue prompted President Akufo-Addo to assure them that government would not introduce a policy that is "inappropriate."⁵⁹

- 6.1.7 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 prostitution, their action is against the Bible and we don't want our children to be victims."⁶⁰

- 6.1.8 Pink News in March 2020 reported:

⁵⁶ GBC, 'Pastor warns government against homosexual issues', 25 June 2018, [url](#).

⁵⁷ GNA, 'Methodist church launches booklet on homosexuality to educate youth', 14 July 2019, [url](#).

⁵⁸ GNA, 'Methodist church launches booklet on homosexuality to educate youth', 14 July 2019, [url](#).

⁵⁹ USSD, '2019 Country reports on human rights practices: Ghana' (section 5), 11 March 2020, [url](#).

⁶⁰ Pink News, 'Sex education in Ghana causes anti-LGBT backlash...', 2 October 2019, [url](#).

'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 [said], 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.⁶¹

- 6.1.9 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.⁶²

- 6.1.10 Human Dignity Trust on their website feature a list of primarily negative statements by public figures: that:

'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 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." [...]

⁶¹ Pink News, 'Ghana's chief imam uses his coronavirus address to the nation...', 17 March 2020, [url](#).

⁶² Pink News, 'Muslim leaders of Ghana blame coronavirus on 'transgender...', 27 March 2020, [url](#).

'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."' ⁶³

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6.2 Media

6.2.1 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.'" ⁶⁴

6.2.2 The USSD human rights report for 2019 stated: 'Media coverage regarding homosexuality and related topics was almost always negative...' ⁶⁵

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6.3 Public opinion

6.3.1 Pew research reported that 98% of Ghanaians questioned for a 2014 global morality survey believed that homosexuality to be morally unacceptable, which was the highest percentage of any country surveyed. ⁶⁶

6.3.2 Human Dignity Trust (HDT) on their website page for Ghana stated that:

'In April [2018], Dr. Charles Wereko Brobbey, Chief Policy Analyst at Ghana Institute for Public Policy Options, wrote on Facebook that, "Respect for an individual's rights must never be construed as an imposition of those rights on all individuals #supportlgbtrights!" In response, legal practitioner Moses Foh-Amoaning, stated "so if you are a homosexual let us help you out of it rather than using vestiges of colonialism to support this degenerate moral behaviour.'" ⁶⁷

⁶³ HDT, 'Ghana: Types of criminalisation' (section: statement by public figures), undated, [url](#).

⁶⁴ HRW, 'No choice but to deny who I am' (p17), 8 January 2018, [url](#).

⁶⁵ USSD, '2019 Country reports on human rights practices: Ghana' (section 6), 11 March 2020, [url](#).

⁶⁶ PRC, 'Global attitudes and trends – Ghana: Global morality', 15 April 2014, [url](#).

⁶⁷ HDT, 'Ghana: Types of criminalisation' (section: statement by public figures), undated, [url](#).

6.3.3 The same website also stated that: 'In February [2020], anti-LGBT campaigner Moses Foh-Amoaning called on the government to deny visas to the organisers/attendees of Pan Africa ILGA's 5th regional conference, to be held in Accra in July.'⁶⁸

6.3.4 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%⁶⁹.

6.3.5 The Africa Centre for International Law and Accountability (ACILA) conducted a study in June 2017 to gauge Ghanaians' attitudes towards LGBTI issues, ACILA stated:

'On November 7, 2017, Ghana appeared before the UN Human Rights Council (UNHRC) for a review of its human rights record under the Universal Periodic Review mechanism...

'ACILA is monitoring Ghana's acceptance of the recommendation to provide Equal Protection of the Law against violence and discrimination for LGBTI people in Ghana. [...]

Key findings:

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

⁶⁸ HDT, 'Ghana: Types of criminalisation' (section: statement by public figures), undated, [url](#).

⁶⁹ ILGA, 'The ILGA-RIWI 2016 Global Attitudes Survey...', (p.5, p.10), May 2016, [url](#)

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, 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. Majority of Ghanaians (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.’⁷⁰

6.3.6 Human Rights Watch in their 2018 report ‘No choice but to deny who I am’ stated: ‘Also in February 2017, Moses Foh-Amoaning, representative of the

⁷⁰ ACILA, ‘Research: Popular attitudes towards LGBTI issues in Ghana’, June 2017, [url](#).

National Coalition of Proper Sexual Rights and Family Values and senior law lecturer at the Ghana School of Law in Accra, called for “proper psychological treatment” for homosexuals in Ghana, adding that the coalition “will propose comprehensive legislation which is solution based to resolve this issue of gay and lesbians’ rights.”⁷¹

- 6.3.7 The Freedom House Freedom in the World Report 2019 noted: ‘People with disabilities and LGBT people also face societal discrimination. Same-sex sexual activity remains criminalized, encouraging police harassment and impunity for violence. [...]’⁷²
- 6.3.8 The USSD human rights report for 2019 stated: ‘According to a [unspecified] 2018 survey, approximately 60 percent of citizens “strongly disagree” or “disagree” that LGBTI persons deserve equal treatment with heterosexuals...’⁷³
- 6.3.9 CPIT was not able to find any more recent survey data on public opinion in relation to LGBTI rights in the sources consulted ([see Bibliography](#)).

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6.4 Societal norms and family treatment

- 6.4.1 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.’⁷⁴

- 6.4.2 The HRW report noted
- 6.4.3 ‘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.’⁷⁵

⁷¹ HRW, ‘No choice but to deny who I am’ (p1-2), January 2018, [url](#).

⁷² FH, ‘2019 Freedom in the World Report’ (section B), February 2019, [url](#).

⁷³ USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 6), 11 March 2020, [url](#).

⁷⁴ HRW, ‘No choice but to deny who I am’ (p3), 8 January 2018, [url](#).

⁷⁵ HRW, ‘No choice but to deny who I am’ (p19), 8 January 2018, [url](#).

a) Lesbian and bisexual women

6.4.4 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.'⁷⁶

6.4.5 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.'⁷⁷

6.4.6 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.'⁷⁸

6.4.7 The same report continued:

'Lesbians and bisexual women are vulnerable to domestic violence at the hands of family members. Human Rights Watch interviewed several who

⁷⁶ HRW, 'No choice but to deny who I am' (p18), 8 January 2018, [url](#).

⁷⁷ HRW, 'No choice but to deny who I am' (p3), 8 January 2018, [url](#).

⁷⁸ HRW, 'No choice but to deny who I am' (p32), 8 January 2018, [url](#).

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" 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.'⁷⁹

b) Gay and bisexual men

- 6.4.8 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.'⁸⁰

- 6.4.9 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.'⁸¹

c) Trans persons

- 6.4.10 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 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

⁷⁹ HRW, 'No choice but to deny who I am' (p39-40), 8 January 2018, [url](#).

⁸⁰ HRW, 'No choice but to deny who I am' (p20), 8 January 2018, [url](#).

⁸¹ HRW, 'No choice but to deny who I am' (p40), 8 January 2018, [url](#).

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.”⁸²

- 6.4.11 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.’⁸³

d) Intersex persons

- 6.4.12 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.’⁸⁴

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6.5 Violence and discrimination

- 6.5.1 The United Nations High Commissioner for Human Rights compilation on Ghana observed in its August 2017 report:

‘The United Nations country team stated that some particularly vulnerable and marginalized groups, such as lesbian, gay, bisexual, transgender and intersex persons, drug users, prisoners and stateless or unregistered people, needed special support and protection in order to enjoy equal rights and hence not to be left behind in the pursuit of achieving the Sustainable Development Goals and other national goals. The Human Rights Committee stated that Ghana should take the steps necessary to protect lesbian, gay, bisexual and transgender persons against all forms of discrimination and violence.’⁸⁵

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

‘According to the data from the state agency, the Commission on Human Rights and Administrative Justice (CHRAJ), 36 of the 75 discrimination cases filed with CHRAJ since August 2013, were filed by LGBT people.[...]

‘In 2015, Men Who Have Sex with Men Global Forum (MSMGF), in collaboration with The Centre for Popular Education and Advocacy, Ghana, (CEPEHRG) conducted a survey documenting human rights abuses against sexual and gender minorities in Ghana. [...] Fifty of the survey participants reported that on at least one occasion they had been victims of abuse and discrimination based on sexual orientation. [CPIT comment: there is no indication of the size of the survey, what proportion of the responders experienced abuse and the numbers of the types of abuse experienced by each responder provided.] The kinds of incidents included harassment or

⁸² HRW, ‘No choice but to deny who I am’ (p41), 8 January 2018, [url](#).

⁸³ HRW, ‘World Report 2019: Ghana’, 17 January 2019, [url](#).

⁸⁴ Ghana News, ‘Hermaphrodite narrates her ordeal...’, 10 October 2019, [url](#).

⁸⁵ UNHRC, ‘Compilation on Ghana’ (p3), 28 August 2017, [url](#)

intimidation in the community, causing the victim to flee for security reasons and losing access to their home and livelihood; sexual assault and abuse, resulting in physical and psychological harm; and denial of protection by the police, including certain cases in which LGBT individuals who file complaints have been subjected to extortion and arbitrarily arrested. A collective of human rights organizations submitted a [shadow report in 2016 for Ghana's Universal Periodic Review](#) at the UN Human Rights Council that reinforced these findings.[...]

'Human Rights Watch's research corroborates that LGBT people are often victims of mob attacks, physical assault, sexual assault, extortion, discrimination in access to housing, education and employment, and family rejection on the grounds of their sexual orientation or gender identity. In an environment in which homophobic views abound, and few are willing to publicly come to the defense of LGBT people, it is easy for violence to flourish.

'Numerous human rights advocates told Human Rights Watch they believe the law against "unnatural carnal knowledge" has contributed to the commission of these abuses. Furthermore, they stated that the law acts as an impediment to access to justice, deterring many LGBT victims of crime from seeking redress and contributing to a culture of impunity.

'Violence against lesbian, bisexual and gender-non-conforming women in Ghana often takes place in the privacy of their own homes. Numerous lesbian and bisexual women interviewees told Human Rights Watch that when their family members suspected that they were homosexual, they were beaten and evicted from the family home. Ghana's comprehensive law on domestic violence ought to protect women from family violence, but a fear that the Criminal Offences Act could be used against them, combined with social stigma, serves as a barrier to seeking access to justice.'⁸⁶

- 6.5.3 The same report also noted 'Human Rights Watch documented numerous cases involving severe physical abuse of LGBT individuals. In general family members or the public meted out the abuse but in some cases, [...], it was with the explicit involvement or acquiescence of the police or other state officials.'⁸⁷

- 6.5.4 ILGA, in its 2019 report, documented 'numerous cases of discrimination and physical and psychological abuse against LGBTI people [...]

'In February 2018, a mob tried to lynch two women perceived as lesbians but were stopped by the police. A couple of weeks before, two students had been allegedly arrested for engaging in same-sex activity and taken to hospital for genital examinations. In March, the partner of a man lynched by a mob because of his perceived sexual orientation claimed he was forced to go on the run and remain hidden in fear for his life. In May, it was reported that two high school students were expelled after a school investigation revealed that they had engaged in same-sex sexual acts and "initiating other students into homosexuality".'⁸⁸

⁸⁶ HRW, 'No choice but to deny who I am' (pp29-30), 8 January 2018, [url](#).

⁸⁷ HRW, 'No choice but to deny who I am' (p33), 8 January 2018, [url](#).

⁸⁸ ILGA, '2019 State Sponsored Homophobia Report' (p328-329), March 2019, [url](#).

- 6.5.5 The USSD human rights report for 2019 stated: ‘As of September [2019] the CHRAJ [Commission on Human Rights and Administrative Justice] had received 34 reports of discrimination based on sexual orientation or gender identity.’⁸⁹

a) Lesbian and bisexual women

- 6.5.6 Human Rights Watch in their 2018 report ‘No choice but to deny who I am’ stated: ‘Violence against women suspected of being lesbian or bisexual, thereby transgressing patriarchal expectations of women’s roles in the family and society, is more frequent than family violence against gay men. Family violence against lesbian and bisexual women has often gotten little attention because it tends to happen behind closed doors.’⁹⁰

b) Gay and bisexual men

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

‘Several young gay men described the role social media played in the physical abuse and victimization they suffered. The perpetrators take advantage of the stigma, shame and homophobic environment, confident that the victim will not report the crime to the police.

‘Felix, a 26-year-old gay man, met someone on a social media platform and after chatting for about three months, they decided to meet around May 2016. He told Human Rights Watch:

‘This man invited me to his house. As we were about to get intimate, he left the room and returned with three other men. They started asking me all kinds of questions about being gay and telling me it is an abomination. They told me to take off all my clothes. Then one of them started to rape me, the second guy was taking pictures, while the third was hitting me with a belt. All of this happened at the same time. When they were done, they told me to get dressed and leave. They took my phone and wallet.’⁹¹

- 6.5.8 Modern Ghana, an online media portal reported in March 2020 that a man in Accra narrowly escaped death after he was violently beaten by a group of men who suspected him of being gay after monitoring his movements. The victim Mr Okang said that he had experienced two other incidents but had not initially reported them to the police due to fear that gay people face bias and can be mistreated due to their sexual orientation⁹².

- 6.5.9 Pink News reported in January 2019: ‘Two men have been arrested in Ghana for using Grindr to rob and blackmail gay victims. The suspects, Philip Larbi and Sam Akai, allegedly used Grindr to invite men for sex before holding them at knifepoint until they handed over their money and other valuables.’⁹³

c) Trans persons

⁸⁹ USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 6), 11 March 2020, [url](#).

⁹⁰ HRW, ‘No choice but to deny who I am’ (p33), 8 January 2018, [url](#).

⁹¹ HRW, ‘No choice but to deny who I am’ (p41-42), 8 January 2018, [url](#).

⁹² Modern Ghana, ‘Businessman brutalised for being gay’, 11 March 2020, [url](#).

⁹³ Pink News, ‘Two arrested for using Grindr to blackmail and rob gay men...’, 15 January 2019, [url](#)

- 6.5.10 Information about the treatment of trans persons is limited. The HRW report of January 2018 documented the account of an assault by societal actors by a transgender woman::

‘... Solomon, a 31-year-old who identifies as a transgender woman but presents publicly as a man due to social stigma, said she met a man on a dating site sometime in 2010 and after chatting on text for about two weeks, they arranged to meet at a bar.[...] Solomon told Human Rights Watch that later in the evening, the man asked her to accompany him to his house so he could drop off keys for his brother. She agreed, but then realized she had been set up:

‘On the way, we were surrounded by six guys. Without saying a word, they started beating me and took everything I had, including my money and mobile phone. They took all the items and gave them to the man I had met with. They stripped me naked and beat me, with belts, sticks, fists and anything they could find in the street.’⁹⁴

- 6.5.11 The UN Special Rapporteur reported that ‘[...] transgender and intersex persons [...] endure intimidation, arbitrary arrest, violence, threats and blackmail and they lack access to remedies for such violations.’⁹⁵

- 6.5.12 Modern Ghana reported in August 2019 that:

‘A new study conducted by Redeemer Buatsi, a human rights activist in Ghana and whynotrights organization has revealed that at least 40% of homophobic attacks on LGBT persons in Ghana are based on suspicion.

‘According to the study titled “a survey of LGBT experiences in Ghana, a preliminary study”, 20 LGBT persons were interviewed and asked several questions pertaining to their level of safety and their experiences as LGBT persons in Ghana.[...]

‘Most of these respondents also revealed that they have been victims of fraud, blackmail, rape and theft. Although all these acts are crimes under Ghanaian law, most of the LGBT persons say they are afraid to report such cases to the police as they fear a homophobic police officer may arrest them for their sexual identity. Similarly, the study also found that 40% of all LGBT persons are discriminated against based on suspicion. In addition, the study also found that at least, 95% of LGBT persons have suffered some form of attack in their communities.’⁹⁶

- 6.5.13 CPIT was not able to obtain information that indicated the rate of violence against LGBTI persons in the sources consulted. Nor was it able to identify information about the treatment of intersex persons in the sources consulted ([see Bibliography](#)).

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6.6 Anti-LGBTI events / protests

- 6.6.1 Pink News reported in 21 August 2018:

⁹⁴ HRW, ‘No choice but to deny who I am’ (p42), 8 January 2018, [url](#).

⁹⁵ UNHRC, ‘UNSR report 2018’ (para 40), 10 October 2018, [url](#)

⁹⁶ Modern Ghana, ‘More than 40% LGBT persons in Ghana are attacked...’, 29 August 2019, [url](#)

‘Around 400 people will reportedly take part in a gay ‘cure’ therapy forum in Ghana.

‘The attendees, who have all allegedly signed up voluntarily, will receive “counselling” and “reformation” at the anti-gay conference, which has the theme: “Exploring the myths surrounding LGBT rights.”

‘The National Coalition for Proper Human Sexual Rights and Family Values (NCPHSRFV), which is running the forum, said in April that Prime Minister Theresa May’s pro-LGBT+ speech to Commonwealth leaders was part of a Western plan to reduce the continent’s population.

‘The organisation’s leader, Moses Foh-Amoaning, said that the “400 men and women voluntarily surrendered themselves and registered with the coalition to undergo counselling after a sexual evangelism programme recently.”

‘The event will take place in an undisclosed location in the country.

‘Foh-Amoaning then announced plans to open a “Holistic Sexual Therapy Unit” at the Korle Bu Teaching Hospital in Accra which will also attempt to ‘cure’ queer people of their sexuality, according to the state-owned [Daily Graphic](#).

‘He said that religious leaders and people versed in “traditional medicine” would “treat” people alongside medical staff.’⁹⁷

6.6.2 Pink News reported in November 2019:

‘A homophobic Christian hate group is holding a two-day international conference to promote so-called “conversion therapy” in Ghana.

‘The World Congress of Families (WCF) is a US-based organisation that opposes LGBT+ rights and abortion in favour of the “natural family”. [...]

‘They are currently pushing their Ghana agenda which involves positioning Africa “as a more active advocate within the global pro-family movement.”

‘On October 31 and November 1 the WCF is hosting a two-day “Africa regional gathering” in Ghana’s capital, Accra, seeking to influence religious leaders and the political elite against LGBT+ rights.

‘Among those present at the summit will be Sharon Slater, president of another hate group called Family Watch International, which spreads the horrific depiction of LGBT+ people as pre-disposed to committing crimes against children.

‘In 2012, Slater called on activists in Nigeria to oppose efforts by international institutions to support the decriminalisation of LGBT+ people. And this year she characterised sex education as an attack on family values.

‘These insidious views are particularly harmful in a country like Ghana, where homosexual activity is criminalised and LGBT+ people are routinely subject to persecution.’⁹⁸

⁹⁷ Pink News, ‘Hundreds of gay people to be ‘treated for homosexuality...’, 21 August 2018, [url](#).

⁹⁸ Pink News, ‘Homophobic Christian hate group is going to great lengths...’, 1 November 2019, [url](#).

- 6.6.3 Amnesty International in their 2019 report also reported that: ‘In October, the US-based World Congress of Families sponsored a regional conference in Accra advocating for increased criminalization of LGBTI people. Several Ghanaian politicians spoke at the conference, which framed LGBTI inclusion as “anti-African”, and called for “tougher laws” against the already vulnerable group.’⁹⁹

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6.7 Pro-LGBTI events / marches / gay pride

- 6.7.1 The Accra Pride website gave details of its Accra Pride Gay Parade on 1 December 2019. It was described as a free family friendly event. Their website stated that: ‘Our main flagship event is ACCRA PRIDE GAY PARADE 2019 which seeks to provides the main platform for a celebration of the diversity of the LGBT+ community in a context of entertainment, inclusivity and fun. The event is a focus for the visibility of the LGBT community in Accra and provides an opportunity to draw attention to important LGBT issues.’¹⁰⁰ There were no future events listed on its website page.
- 6.7.2 Pan Africa International Lesbian, Gay, Bisexual, Trans and Intersex Association (PAI) announced on their website in February 2020 that Accra is to be the host of its 5th Regional Conference between 27-31 July 2020, the first PAI conference to be held in West Africa¹⁰¹. The website notes that it has been postponed because of the Covid-19 virus.¹⁰²
- 6.7.3 Reuters reported on 12 March 2020 that the July 2020 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.”’¹⁰³

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6.8 LGBTI ‘community’

- 6.8.1 The Foreign and Commonwealth Office observed in its travel advice for British nationals that: ‘Although there’s a small gay community, there is no “scene” and most Ghanaians don’t accept that such relationships exist.’¹⁰⁴
- 6.8.2 Ghana Web reported in May 2018 of a gay and lesbian event in Accra, describing it as a ‘massive weekend party’ involving ‘tens’ of people¹⁰⁵.
- 6.8.3 Erasing 76 crimes reported in August 2019:

⁹⁹ AI, Ghana 2019’, website 2020, [url](#).

¹⁰⁰ Accra Pride, ‘Accra Pride 2019’ undated website, [url](#).

¹⁰¹ PAI, ‘5th Regional conference 2020 – Accra, Ghana’, February 2020, [url](#).

¹⁰² PAI, ‘Statement from Pan African ILGA on the Postponement...’, 14 March 2020, [url](#).

¹⁰³ Reuters, ‘Ghana bans LGBT+ conference after Christian groups protest’, 12 March 2020, [url](#).

¹⁰⁴ FCO, ‘Foreign Travel Advice – Local laws and customs - Ghana, updated 20 December 2019, [url](#).

¹⁰⁵ GhanaWeb, ‘Lesbians and gays party hard in Accra’, 31 May 2018, [url](#).

'In Africa, trans people are subjected to frequent abuse and discrimination on the basis of their gender identity. Yet Oke, a model who lives openly as a trans woman in Ghana, has been allowed by the organizers to compete in the 2019 edition of the Miss Europe Continental, occurring this month in Ghana.

'She is now officially recognized as the first trans woman allowed to openly compete in a mainstream beauty pageant in Africa.'¹⁰⁶

- 6.8.4 Reuters reported in November 2019 how rappers and singers are using music videos to embrace LGBT+ life and fight homophobia in Ghana.

"Definitely this is the strongest way to create change," said Emmanuel Owusu-Bonsu, part of the rap duo FOKN Bois.

"The main thing the youth consume is music videos."

'In one new video, young men dance provocatively in a gay club. In another, a singer wanders through a wonderland populated by scantily clad women and drag queens...

'Known for controversial social commentary, the group FOKN Bois was offered \$100,000 by an investor this year to tone down its "gay vibe", Owusu-Bonsu said, referring to its pink album cover showing the two artists, bare-chested, sharing a smile.

'They refused, instead releasing a music video that addressed the "gay vibe" outright, filmed with members of the LGBT+ community in a gay-friendly nightclub in Ghana's capital Accra.

"We are friends with many people in this community, and we need to show our 'solidarity," said Owusu-Bonsu by phone.

'The song, featuring Nigerian pop star Mr. Eazi, is called "True Friends".

'In YouTube comments, some viewers disparaged the group, but others discussed how homosexuality used to be accepted in traditional Ghanaian culture and had only become stigmatized with the arrival of Europeans and Christianity.

"People are having real conversations and it's been more positive than negative," said Bondzie Mensa Ansah, the other member of Fokn Bois.

"I feel like that's the most important thing. Once people start talking about it, some change will happen," he said.'¹⁰⁷

- 6.8.5 CPIT was not able to find other specific information on a 'gay scene' or 'community' in the sources consulted ([see Bibliography](#)).

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¹⁰⁶ Erasing 76 Crimes, 'Nigerian model becomes the first trans contestant...', 8 August 2019, [url](#).

¹⁰⁷ Reuters, 'Gay sex is banned - so Ghanaians dance against homophobia', 28 November 2019, [url](#).

7 LGBTI civil society

- 7.1.1 The Freedom House Freedom in the World Report 2019 noted: 'NGOs are generally able to operate freely and play an important role in ensuring government accountability and transparency.'¹⁰⁸
- 7.1.2 Yen.com.gh a Ghanaian digital entertainment and news platform provides a list of [civil society organisations in Ghana](#) on its website page although none are LGBTI specific organisations¹⁰⁹.
- 7.1.3 Outright Action International a human rights NGO registered in the US state on their website that it is not possible to register LGBTIQ organisations in Ghana¹¹⁰. Although it is not clear from the source where this information was obtained or under what law prevents this.
- 7.1.4 The FHI 360 2018 Civil Society Sustainability Index covering sub-Saharan Africa of November 2019, observed 'Although issues of sexual orientation are not publicly discussed in Ghana, a couple of [civil society organisations] CSOs advocate in this area. In 2018, the Perfector of Sentiments Foundation publicly called on the government to recognize the rights of lesbian, gay, bisexual, transgender, and intersex people.'¹¹¹
- 7.1.5 The International Lesbian and Gay Association (ILGA) listed member organisations for Ghana:
- 'Community and Family Aid Foundation-Ghana (associate member)
 - 'Centre for Popular Education and Human Rights of Ghana [CEPEHRG]
 - 'Courageous Sisters Ghana
 - 'Hope Alliance Foundation
 - 'Interfaith Diversity Network of West Africa
 - 'Key Watch Ghana
 - 'LGBT+ Rights Ghana
 - 'Priorities on Rights and Sexual Health.'¹¹²
- 7.1.6 [The Centre for Popular Education and Human Rights](#), Ghana (CEPEHRG) is a 'leading national NGO working to ensure Sexual and Reproductive Health and Rights (SRHR) Services for key populations, especially men who have sex with men in Ghana.'¹¹³
- 7.1.7 Yen.com.gh reported in May 2019:

¹⁰⁸ FH, '2019 Freedom in the World Report' (section E), February 2019, [url](#).

¹⁰⁹ Yen, 'List of civil society organizations in Ghana', 2 October 2018, [url](#).

¹¹⁰ Outright Action International, 'Ghana: At a glance', undated, [url](#).

¹¹¹ FHI 360, CSO sustainability index 2018 (p92), November 2019, [url](#)

¹¹² ILGA, 'Member Organisations-Ghana, undated, [url](#).

¹¹³ CEPEHRG, 'About us', undated, [url](#).

'A new group has been formed by Ghanaians with the sole purpose of trying to fight for rights of Ghana's LGBT community but the prospects for this group, at this point in time, does not look very bright.

'A report available to YEN.com.gh via author Redeemer Buatsi has it that human rights campaigners, Sisters of the Heart, have called on Ghanaians to lend their care and support for the cause of lesbian, gay, bi and trans (LGBT) people in Ghana.

'In partnership with [Alliance for Dynamics Initiative](#), Sisters of the Heart held a one-day stakeholder meeting to dialogue on the need to protect the rights of LGBT individuals in Ghana.'¹¹⁴ A [Facebook page](#) of Sisters of the Heart is online.

- 7.1.8 The USSD human rights report for 2019 stated: 'A coalition of LGBTI-led organizations from throughout the country, officially registered in November 2018, held its first general assembly in September [2019]. Its objectives included building members' capacity, assisting with their access to resources and technical support, and fostering networking.'¹¹⁵

- 7.1.9 Erasing 76 Crimes reported:

'In the new video "Voices of the Rainbow," LGBTIQ+ Ghanaians describe myths and misconceptions about their community and tell how straight people can be good allies.

'Solace Initiative, a non-profit working at the grassroots level to support LGBTIQ+ people, released the video, which [features Ghanaian LGBTIQ+ people](#). They state, for example:

"We believe God himself made us. Got bored with the norm and sprinkled on us some glitter. He made us just a tad bit different but still in his image."

'Solace Initiative, established in 2012 and registered in April 2013, has organised over 15 LGBT community engagements in Ghana with support from the Canada Local Initiative Fund. In those programs, it has worked with more than 1,000 LGBT people across the country.

'The organization also helped to develop potential leaders from the gay and lesbian communities through the project "Empowerment through Community Strengthening," which was funded by the Planet Romeo Foundation in 2016.

'On its hotlines, Solace Initiative has helped more than 100 LGBT people with issues ranging from partner abuse to blackmail and violence.'¹¹⁶

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7.2 [Commission on Human Rights and Administrative Justice](#)

- 7.2.1 Human Rights Watch in their 2018 report 'No choice but to deny who I am' stated:
- 7.2.2 '... 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.¹¹¹ The CHRAJ receives and processes

¹¹⁴ Yen, 'LGBT rights group Sisters of the Heart pleads with Ghanaians to care...', 14 May 2019, [url](#).

¹¹⁵ USSD, '2019 Country reports on human rights practices: Ghana' (section 6), 11 March 2020, [url](#).

¹¹⁶ Erasing 76 Crimes, 'Ghana: God 'made us a tad different but still in his image', 4 March 2020, [url](#).

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. Cephas Essiful Ansah, officer in charge of the online discrimination reporting system at CHRAJ, told 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.’¹¹⁷

7.2.3 The USSD human rights report for 2019 stated:

‘The CHRAJ [Commission on Human Rights and Administrative Justice], 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 obstacle was lack of adequate funding, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other governmental organizations and NGOs. As of October the CHRAJ had 111 offices across the country, with a total of 696 staff members. Public confidence in the CHRAJ was high, resulting in an increased workload for its staff.’¹¹⁸

7.2.4 The USSD human rights report for 2019 also noted:

‘Activists also cited improved CHRAJ-supported [Commission on Human Rights and Administrative Justice], activities, such as [LGBT] awareness raising via social media. As one example, the CHRAJ published announcements about citizen rights and proper channels to report abuses on

¹¹⁷ HRW, ‘No choice but to deny who I am’ (p48-49), 8 January 2018, [url](#).

¹¹⁸ USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 5), 11 March 2020, [url](#).

an LGBTI dating site. A leading human rights NGO held a legal education workshop for law enforcement for the first time in the conservative Northern Region'¹¹⁹

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Section 8 updated: 7 May 2020

8 Access to services

8.1 Healthcare, HIV, Aids and discrimination

8.1.1 The USSD human rights report for 2019 stated:

'Discrimination against persons with HIV/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. As of September the CHRAJ received two cases of discrimination based on HIV status. 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.

'A 2016 law penalizes discrimination against a person infected with or affected by HIV or AIDS by a fine of 100 to 500 penalty units (1,200 cedi to 6,000 cedis, or \$230 to \$1,150), 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/AIDS and those suspected of having HIV/AIDS, including the right to health, education, insurance benefits, employment/work, privacy and confidentiality, nondisclosure of their HIV/AIDS status without consent, and the right to hold a public or political office.

'In April [2019] the Ghana AIDS Commission (GAC) raised concerns about how high stigma and discrimination contribute to the rapid spread of HIV/AIDS in the country. GAC cited the Bono, Bono East, and Ahafo regions where, because of fear of stigma, sexually active persons did not use free HIV/AIDS voluntary counseling and testing to ascertain their status and help prevent the spread of the virus. GAC noted a growing population of female sex workers in the regions, and other experts reported that persons in rural areas mostly had unprotected sex.'¹²⁰

8.1.2 The [Centre for Popular Education and Human Rights of Ghana](#) (CEPEHRG) an organisation formed to combat the impact of AIDS in Ghana, stated on their webpage detailing current programmes that 'Sisters of the Heart also aims to inform women of their sexual rights and sexual health matters, which they may not otherwise have access to.

¹¹⁹ USSD, '2019 Country reports on human rights practices: Ghana' (section 6), 11 March 2020, [url](#).

¹²⁰ USSD, '2019 Country reports on human rights practices: Ghana' (section 6), 11 March 2020, [url](#).

- 8.1.3 CPIT was not able to find other specific information on LGBTI persons access to healthcare in the sources consulted ([see Bibliography](#)).

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8.2 Employment and education

- 8.2.1 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.”¹²¹

- 8.2.2 The USSD human rights report for 2019 stated: ‘Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced widespread discrimination in education and employment. In June [2019], following his visit to the country in April, UN Special Rapporteur Alston noted that stigma and discrimination against LGBTI persons made it difficult for them to find work and become productive members of the community.’¹²²
- 8.2.3 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.’¹²³
- 8.2.4 The UN SR report 2018 further noted: ‘Stigmatization and discrimination make it impossible for them to become productive members of the community because when people know they are a LGBTI person they are thrown out from jobs, schools, homes and even from their community.’¹²⁴
- 8.2.5 CPIT was not able to find other specific information on LGBTI persons access to employment and education in the sources consulted ([see Bibliography](#)).

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¹²¹ HRW, ‘No choice but to deny who I am’ (p13-14), 8 January 2018, [url](#).

¹²² USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 6), 11 March 2020, [url](#).

¹²³ USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 7), 11 March 2020, [url](#).

¹²⁴ OHCHR, ‘Statement on Visit to Ghana’ (section: v), 18 April 2018, [url](#).

8.3 Accommodation

- 8.3.1 CPIT was not able to find other specific information on LGBTI persons access to accommodation in the sources consulted ([see Bibliography](#)).

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Section 9 updated: 7 May 2020

9 Freedom of movement

- 9.1.1 The USSD human rights report for 2019 stated: ‘The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.’¹²⁵
- 9.1.2 The Freedom House Freedom in the World Report 2019 noted: ‘Freedom of movement is guaranteed by the constitution and respected by the government, and Ghanaians are free to change their place of residence. However, poorly developed road networks and banditry can make travel outside the capital and touristic areas difficult. Police have been known to set up illegal checkpoints to demand bribes from travelers. Bribery is also rife in the education sector.’¹²⁶
- 9.1.3 CPIT was not able to find specific information on whether there are areas where it may be possible for LGBTI persons to relocate.

¹²⁵ USSD, ‘2019 Country reports on human rights practices: Ghana’ (section 2), 11 March 2020, [url](#).

¹²⁶ FH, ‘2019 Freedom in the World Report’ (section G), February 2019, [url](#).

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 ToRs, 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
 - Constitution
 - Legislation
 - Criminal/Penal code
- State attitudes and treatment, incl. the law in practice
 - Arrests and detention of LGBTI persons and prosecutions for same sex acts and other offences
 - Police violence
 - Police responses to reports of anti- LGBTI violence
- LGBTI groups, civil society and human rights NGO's
- Societal attitudes and treatment
 - Societal norms
 - Violence and discrimination
 - Anti-LGBTI protests
 - Pro-LGBTI marches/gay pride
 - Gay 'scene' or 'community'
- Access to services
 - Healthcare
 - Accommodation
 - Employment and Education

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Version control

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **20 May 2020**

Changes from last version of this note

Updated country information and assessment

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