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Ghana: LGBT Activists Face Hardships After Detention

Extreme Anti-LGBT Bill Stokes Hostility



Area 51 Police Station, Ho, Ghana: A.G, a lesbian, was held here for 22 days from May 20, 2021 with four other lesbians after being arbitrarily arrested at a human rights workshop in Ho, Volta region. © 2021 Wendy Isaack/Human Rights Watch, 15 July 2021

(Johannesburg) – Arbitrary arrests and detention of lesbian, gay, bisexual, and transgender (LGBT) people in [Ghana](#), and a proposed draconian anti-LGBT bill are causing serious economic hardship and psychological stress for LGBT people, Human Rights Watch said today.

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

“It is shocking that the police who should be protecting Ghanaians raided a peaceful meeting, arrested the participants, and subjected them to three weeks in

harsh detention conditions on a charge that never should have been brought in the first place,” said [Wendy Isaack](#), LGBT rights researcher at Human Rights Watch. “If the bill before parliament becomes law, it will no doubt intensify abuse against LGBT people.”

In July, eight members of parliament introduced the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill 2021, which would [proscribe and criminalize any advocacy of LGBT identity](#). It is an affront to dignity, privacy, and non-discrimination, and an assault on freedoms of speech, expression, association, and assembly.

The bill is currently under review by the Parliamentary Select Committee on Constitutional, Legal and Parliamentary Affairs (Committee). On September 15, the committee published a call for written memoranda in respect of the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill 2021, with the deadline set for September 30, 2021.

During a 13-day research mission to Ghana in July, Human Rights Watch, with support from two organizations, the Centre for Popular Education and Human Rights, Ghana (CEPEHRG) and Alliance for Dynamics Initiative (ADI), interviewed the twenty-one people who were arrested and one of six other meeting participants who escaped arrest. Human Rights Watch also met with Cephass Essiful Ansah of Ghana’s Commission on Human Rights and Administration of Justice (CHRAJ), Chief Superintendent Jones Blantari, programme coordinator of Ghana Police AIDS Control Programme, and the head of the crime unit for the Volta region, Brown Mercy Wilson.

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

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

hostel, where their rooms were searched for “evidence” that they were committing a crime.

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

A.G., a 25-year-old lesbian, described the conditions in the cell where she was held with four other women, as being dungeonlike, with no window or light. Activists brought them the only food and drinking water she and fellow inmates received. “My family did not visit me while I was in the cells,” she said. “I felt suicidal and really wanted to die while I was in there. Even though we are out on bail, I am still having suicidal thoughts because this is far from over.”

Lawrence Shone Edem Adjei, director of Key Watch Ghana, a Ho group that co-sponsored the meeting with One Love Sisters Ghana from Accra, told Human Rights Watch that while he was on a call outside the conference room, police officers told him that “there is an illegal activity going on here and we have come to verify.” He said he offered one of the police officers 5,000 CEDIS [US \$830] and offered himself as the organizer of the workshop for arrest if the police would leave the other participants alone, but the police officers refused.



Police detention cell in Area 51 police station: A.G, a lesbian, was held here for 22 days from May 20, 2021
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The experience of a 24-year-old IT student and equipment technician who was among those arrested highlights the arbitrary nature of the arrests and the dangers of the proposed law, which would make any engagement with LGBT advocacy illegal. He had been hired by the workshop organizers to fix their equipment and was waiting to be paid when the police arrived. “I tried to explain to the police, but they refused to listen to me,” he said. “I was just at the wrong place

at the wrong time.” He remained in detention for 22 days with the others and lost his job as a result.

A 21-year-old intersex person said she was tortured in police custody. She said she was held in a cell with male detainees for the first night because the police insisted that she is not female.

The arrests prompted an international outcry from human rights bodies. On June 4, 10 United Nations human rights experts [expressed deep concern](#) about the arrests. On June 9, Rémy Ngoy Lumbu, the African Commission on Human and Peoples’ Rights (ACHPR)’s special rapporteur on human rights defenders and focal point on reprisals in Africa, [strongly condemned](#) the arrests for violating freedoms of expression, assembly and association enshrined in articles 9, 10 and 11 of the [African Charter on Human and Peoples’ Rights](#).

The Ghanaian parliament should ensure that any bill it passes concerning LGBT rights complies with international standards on freedom of expression. It should also reflect the 1993 Supreme Court ruling in *New Patriotic Party v. Inspector General of Police* that, except in a time of war or when a state of emergency has been declared, no executive agency should suppress the free expression of any opinion, however unpopular. The court said that all Ghanaians, including lesbians and homosexuals, are entitled to freely express their views, to assemble and demonstrate in support of those views and to propagate those views.

“The trauma of unlawful arrest, weeks of arbitrary detention and five court hearings, for a misdemeanor charge of unlawful assembly is unconscionable,” Isaack said. “The Ghanaian authorities should be concerned that the police are harassing law abiding citizens and denying them their right of assembly.”

Circumstances of the Arrests

Lawrence Shone Edem Adjei, director of Key Watch Ghana, one of the organizers of the meeting in Ho, told Human Rights Watch that while he was on a call outside the conference room, police officers in civilian clothes approached him and said, “There is an illegal activity going on here and we have come to verify.”

He described what happened next:

They told me to go back into the conference room and get everyone to calm down so that they can be arrested. I offered one of the police officers 5,000

CEDIS [US \$830], and suggested he arrest just me as the organizer and leave the participants alone. He refused. I went into the conference room, tried to organize and hide our training material. They grabbed me and four of them started beating me with their hands, fists.

When one participant took a video recording the incident, they stopped hitting me and started physically attacking the other participants. Then they called the SWAT team, heavily armed with body armor, weapons, and loud sirens. At first the police wanted to immediately go into the participants' hotel rooms, but the hotel accountant would not let them do that without a warrant. While they were beating me and when there was chaos, six participants managed to escape.

The police took all our workshop materials, laptops, cell phones, flip charts, and banners. They confiscated our materials for 56 days, and we only got the stuff back today.

Everyone Human Rights Watch interviewed confirmed that the police refused to provide a warrant and blocked the conference room exits. They said that the journalists who accompanied the police immediately started taking their photos. They don't know what was done with them.

Detention Conditions

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

H.T., whose full name as with the others is not being used for her protection, said that police officers humiliated her and other lesbians in detention. She said that police officers guarding them would sometimes enter their cell with their friends and say, "Come and look at the lesbians, they were the ones who were caught at the hotel doing lesbianism."

She said that the detainees were unable to bathe and that the authorities did not provide blankets, mattresses, food, or drinking water. She had been living with her aunt, but after she was released and her sexual orientation had been exposed, the aunt told her not come back to the house. She said she has two children, whom

she is no longer allowed to see. At the time of the interview, she was living with a friend and had no income or livelihood.

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

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

[POS Foundation](#), a Ghanaian human rights organization, said it is standard practice for the government not to provide food or water for people in pre-trial detention. Instead, families and friends are expected to provide these necessities. The former UN special rapporteur on extreme poverty, Philip Alston, following a visit to Ghana from April 9 to 18, 2018, [noted](#): "The incidence of excessively prolonged and arbitrary pretrial detention has been widely documented and criticized by human rights bodies and organizations... Despite the existence of a number of constitutional and legal safeguards designed to prevent arbitrary pretrial detention, they appear to be routinely ignored and violated by the law enforcement and judicial authorities."

The treatment of detainees during pre-trial detention, including lack of basic necessities, including water and bedding, tiny cells with little or no ventilation, drew the attention of Juan E. Méndez, former special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. In his [March 2014 report](#) on conditions in Ghana to the Human Rights Council, he said: "International human rights standards are not met in the Ghanaian prison system. The extreme level of overcrowding extends to those on remand, the convicted and the condemned, and results in a number of serious violations: inadequate nutrition, insufficient access to medical care, poor sanitation, personal insecurity and the absence of rehabilitation services."

Abuse of Intersex Detainee

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

That is when the problems started for me. They told me to take off my clothes in front of everyone, so that they could check my genitals. I had no choice. One of the police officers took pictures of my body, and genitals. Later that day, a female officer took me into the washroom to also check my body and genitals physically. They told me if I insist that I am a female, they will get some of the male inmates to rape me to prove it. The first night I stayed in a male cell, I did not sleep at all. I stood in the corner all night because I was afraid of being raped.

On the second day, A.H. was transferred to a female cell, and spent the rest of her time in custody with five lesbians. A.H. said she experienced severe trauma because of her experiences in detention: “I must leave Ghana, or I will kill myself. My family has disowned me, because of being intersex and because of the arrest and detention. When we were released on bail, I had nowhere to go, so I fled to Benin [a neighboring nation] to try to join a soccer team there.” In this way, she hoped to pick up on her soccer career, which was thwarted when she was dismissed from the Ghana female national team, prior to the arrest, on grounds that she was intersex.

Socioeconomic Impacts

The arrest and detention also had a severe impact on the individuals’ access to basic services related to socioeconomic rights, including health care, housing, employment, and education. Of the twenty-one arrested: nine were disowned by their families and were forced to find alternative accommodations, three are unable to continue their studies because their parents refuse to pay their school fees, four have lost their jobs, and most of the detainees said they experienced mental health problems in detention. Two fell ill while in detention and had to be hospitalized after being released.

S.O., a 30-year-old lesbian psychology student at a university in Accra, suffered an ulcer attack while detained at the police headquarters. She waited two days for medication. She missed one of her exams while in detention and must pay a 3,000 Ghana Cedi (\$490) penalty. She said that when she contacted her father on the day of her arrest, he told her not to call him again.

U.Y., a 24-year-old lesbian who fell ill in detention at Sokode Bagble, was hospitalized for four days. She said:

There was a picture us that went viral, and I think my cousin showed my uncle and father the picture of me. While in detention, I learned that my uncle was looking for me and insisting that the family needs to call a spiritual person to drive these demons (me being a lesbian) out of me. Because it is abnormal, and I have spiritual problems. I have not returned home since leaving the safe house, living with my partner who provides for me, but I can't go back to school because I do not have money to pay fees.

Alston, the former UN special rapporteur on extreme poverty, said in his report that “stigmatization and discrimination make it impossible for LGBT 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.”

And in an August 2021 [letter](#) to Ghana's president, 10 UN experts said that “LGBT persons are at a disadvantage in all social indicators determining quality of life, including education and political and civic participation, and other factors contributing to economic instability, homelessness and ill-health.”

Impact on Health

All those interviewed said they have experienced long-term mental health problems, and five said they had severe physical health problems, including the two who had to be hospitalized.

Prior to her arrest, A.F., a 31-year-old lesbian from Ho, lived in her partner's family home with her partner, P.B. She was detained at Sokode Bagble police station in Ho. P.B. was at the conference but managed to escape arrest. However, neither has escaped the impact of A.F.'s arrest and detention on their mental health. A.F. said:

When I was in there, my whole world crashed. After the first court appearance, my mother came to tell me that my grandmother had died. I bled heavily for a week. When we were released on bail, another family member died. My uncle told me to come to the funeral so he can convene a meeting to deal with my sexuality. I was scared, so I did not go to the funeral.

I don't know what to do with my life now. I cannot go back to Ho. My partner has lost her child – her family kicked us out and told her she is no longer allowed to see her daughter. My partner is in Ho living with friends – we both have no income to survive.

P.B said that her parents continue to deny her access to her daughter. At the time of the interview, P.B. was staying with a friend in Ho because she cannot return home.

K.B, a lesbian, was detained in Deme cells and while there fell sick. She said that she was taken to a hospital for treatment but had to wait for LGBT activists to pay the hospital bill. Since her release she has not been able to get a job or continue her training as a technician. She is terrified to return home because of the publicity around her arrest and detention:

Now there is no work, and I am no longer staying where I used to live. I used to work in a male dominated environment because I am an operator, and I was nearly done with training. After the release I haven't been able to get my license and all my money is gone. I cannot go and apply for a job without the technical license certificate. Speculations about my sexual orientation and some people were saying they cannot work with a lady lesbian because we are Africans.

M.T, a lesbian from Ho who was detained in the Deme cells, described the effects on her physical and mental health:

I got a rib infection because of sleeping on the floor. They took me to hospital, and I got treatment. My mother found out about me being one of "the 21," and I had to find my own place to live because I couldn't go home. I am going through a lot and have a hard time sleeping and flashbacks. When I sleep, I feel like I am in the cell again. I brought a friend to come sleep at my place so that I feel safe and don't do anything to harm myself.

Impact on Housing

The nine who were disowned by their families lost their housing.

K.E., a 27-year-old transgender man who spent one week at the police headquarters before being transferred to Sokode Bagble, said:

I can't go back to Ho. My mother has disowned me and said I can't come back home because of the shame of the arrest for my sexual orientation. I have a 7-year-old son, and he does not want to go to school anymore because other kids bully and tease him because of what happened to us. My mother is not speaking to me, and my stepfather took away the car I was using as a taxi driver.

D.J., a 30-year-old transgender man from Ho, now living in Accra, was detained in Area 51. Prior to his arrest he worked as a car mechanic. He said he really did not understand why he was in prison just for attending a human rights meeting. His adoptive family disowned him, saying he was no longer welcome in their home. He now has nowhere to live and has also lost his job.

M.F., a bisexual woman, mother of three, and third wife in a polygamous Muslim marriage, said that her life has been difficult since she was released. She said that the journalists who came into the conference room with the police took pictures of them, and she fears that these may have been shared with members of the public. "One of the other wives knows everything," she said, "and is now making me pay bribes to be quiet and threatening to tell our husband. My business selling handbags was destroyed while I was in police cells, so I have no income."

Impact on Employment

LGBT people in Ghana are already marginalized, and many live in a precarious economic situation as a result of their sexual orientation or gender identity. The arrests, detention, court appearances, and publicity have had direct consequence for the 4 people who lost their jobs, and indirect consequences for the 17 others and P.B. who have lost their means of family support.

A.U, a lesbian from Ho detained at Sokode Bagble, said she immediately informed her father of her arrest, as she was concerned for her young daughter. She said that her family is still very angry with her, and she has been unable to return home. She now lives with her cousin and can only visit her daughter late at night and in secret. She also lost her job, and her former employer has refused to pay the portion of her salary they still owe her.

LGBT People Under Siege

In January 2018, Human Rights Watch found in a [report](#) that while Ghana retains section 104 (1) (b) of its Criminal Offences Act, which criminalizes "unnatural

carnal knowledge,” a colonial-era law, it was rarely, if ever, enforced. However, Human Rights Watch also found that the existence of the law contributed to a climate of discrimination and violence.

The effort to pass a bill criminalizing any support of LGBT activity was led by [Samuel Nartey George](#), an opposition member of the National Democratic Congress, but has the support of the Parliament speaker, Alban Bagbin. It had its first reading on August 2 and was sent to the 18-member Parliamentary Select Committee on Constitutional, Legal and Parliamentary Affairs. The bill will be open for public comment after the committee review.

The bill, which discriminates against people based on sexual orientation or gender identity, could also affect any individual or organization that expresses support for LGBTI people or questions the narrow understanding of human sexuality prescribed by the bill. [If passed](#), the bill would violate fundamental human rights of all Ghanaians, including LGBTI people, who are protected under international and African human rights treaties that Ghana has ratified.

On July 27, Sidie Mohammed Tunis, speaker of parliament of the Economic Community of West African States (ECOWAS), [cautioned](#) against the bill, stating: “as ECOWAS generally, we do not interfere in the domestic affairs of member countries, however if we find out there are issues that will bring about human rights issues, that will bring about insecurity, that will bring about undemocratic principles we will come in.” On August 12, nine United Nations experts [issued a statement](#) calling the proposed law a “recipe for conflict and violence” and urging the government to reject it.

Ghana’s Legal Obligations

The unlawful and arbitrary arrest of the 21 activists violated fundamental rights to freedom of assembly, association, and expression, protected under international and African human rights law and [Ghana's Constitution](#). Chapter five of Ghana’s Constitution guarantees a range of fundamental human rights and freedoms to all its citizens, including LGBT individuals. Article 17(1) and (2) guarantees equality before the law and prohibits discrimination on grounds of “gender, race, colour, ethnic origin, religion, creed or social or economic status.”

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

of personal liberty under article 14, and the right to privacy for all under article 23, rights that should be understood to extend to everyone, including LGBT people.

Ghana ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in September 2000. The living conditions in detention, lack of access to housing, and deprivation of livelihoods that the majority of the 21 activists have experienced as a direct result of their unlawful arrest and arbitrary detention is a violation of their fundamental rights protected under the covenant, including the right to an adequate standard of living.

Ghana is one of 127 member states and one non-member observer state with standing invitations to all United Nations experts, known as thematic special procedures. The government of Ghana should extend an official invitation to Victor Madrigal-Borloz, the UN independent expert on protection against violence and discrimination based on sexual orientation and gender identity, and Commissioner Rémy Ngoy Lumbu, special rapporteur on human rights defenders and focal point on reprisals in Africa of the Africa Commission on Human and People's Rights, to further investigate the arbitrary arrest and detention of the 21 people, the restrictions to freedom of assembly and association, the routine violence and discrimination suffered by LGBT people in Ghana, and the human rights impact of the anti-LGBT Bill.

Recommendations

To the President

- Refuse to assent to the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021.
- Publicly condemn all threats and acts of violence against lesbian, gay, bisexual, and transgender people, including violence by family members.
- Adopt measures and take steps to raise public awareness of the harm of the homophobia that prevails in the country, and the need to combat it. In particular hold public officials who make homophobic statements accountable.
- Propose comprehensive legislation that prohibits all forms of discrimination, including on the grounds of sexual orientation and gender identity.
- Invite the African Commission on Human and Peoples' Rights and the country rapporteur for the Republic of Ghana to conduct an official visit to

engage in constructive dialogue with the government and all stakeholders on the progress and challenges to domestic implementation of the African Charter on Human and Peoples' Rights, and other relevant regional human rights treaties that Ghana has ratified.

To Parliament

- Reject the proposed Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill 2021.
- Introduce legislative and policy measures to prevent, punish, and provide effective remedies for violence against lesbian, gay, bisexual and transgender people on the basis of their real or imputed sexual orientation and gender identity and ensure their constitutional rights to equality and non-discrimination.
- Follow-up effectively on recommendations from the human rights treaty bodies, the universal periodic review and UN experts to ensure improved protection from violence and discrimination on the basis of sexual orientation and gender identity, in particular the recommendations contained in the Concluding Observations adopted by the United Nations Human Rights Committee in August 2016 pursuant to consideration of Ghana's initial report to:
 - Take necessary steps to protect lesbian, gay, bisexual, and transgender people against all forms of discrimination, intimidation, and violence, and amend section 104 of the Criminal Offences Act, 1960, to ensure that sexual relations between consenting adults of the same sex are not considered a misdemeanour or punishable by law.

To the Inspector General of Police: Ghana Police Services

- Ensure that police apply the provisions on equality, human dignity and discrimination in the constitution in all their dealings with LGBT people.

Office of the Attorney-General and Ministry of Justice

- Issue clear directives to prosecutors and members of the judiciary to ensure that reported cases of violence against LGBT people are effectively prosecuted without delay and those responsible are punished in accordance with the law.

- Conduct training programs for court officials and related personnel and integrate human rights of LGBT people into educational curricula to enhance officials' understanding of constitutional rights and sexual orientation and gender identity.

To the Commission on Human Rights and Administrative Justice

- In accordance with the mandate to promote human rights set out in relevant provisions of the 1992 Constitution and Commission on Human Rights and Administrative Justice Act 456, 1993, create public education programs focusing on LGBTI rights.
- Submit a memorandum to parliament opposing the proposing anti-LGBT Bill.

To the African Commission on Human and Peoples' Rights

- Urge Ghana to submit its long-overdue report on the general human rights situation in the country, including information relating to violence and discrimination based on sexual orientation and gender identity.
- Visit Ghana to assess the government's compliance with regional human rights treaties it has ratified and to engage in constructive dialogue with all stakeholders, including LGBTI people, on progress, obstacles, plans, and measures adopted to ensure implementation of ACHPR Resolution 275 on the Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity.

To Donors

- Provide more financial and technical support to civil society organizations providing services to lesbian, gay, bisexual, and transgender people who have suffered violence, including domestic violence, and discrimination on the basis of their sexual orientation and gender identity.
 - Specifically, increase funding for community organizing, advocacy, and direct services, including short and long-term shelters, legal aid, crisis hotlines, counselling, medical assistance, and job training to lesbians, bisexual women, and transgender persons.
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