



Submission to the Universal Periodic Review of Ghana

Human Rights Watch

July 2022

Introduction

1. Human Rights Watch submits the following information regarding Ghana's implementation of recommendations it accepted through its third Universal Periodic Review (UPR) in 2017, as well as information about additional international human rights obligations and issues not addressed in the 2017 review. This submission is not a complete review of the implementation of all recommendations either fully or partially supported by Ghana, nor is it a comprehensive review of the Ghana's protection of human rights in the domestic sphere. The submission focuses on two areas: 1) human rights abuse against people with disabilities and 2) human rights abuse on the basis of sexual orientation and gender identity.

2. Human Rights Watch documented abuses against persons with psychosocial disabilities in prayer camps and psychiatric hospitals in Ghana between 2012 and 2019 and continues to monitor the situation through engagement with the government and local partners. Human Rights Watch research has found that, despite a positive shift in the attitudes and practices of some mental health professionals, persons with psychosocial disabilities in Ghana often experienced a range of ongoing human rights abuses in prayer camps and psychiatric hospitals, including stigmatization and discrimination, shackling, involuntary admission and arbitrary detention, overcrowding and poor hygiene, solitary confinement and restraints, and denial of food.

3. Separately, Human Rights Watch has documented instances of violence perpetrated by state and non-state actors towards lesbian, gay, bisexual, transgender, and intersex (LGBTI) people in Ghana in recent years. Human Rights Watch has also reported on the negative socioeconomic and psychological effects of the arrest, by police and other security personnel, of 21 individuals participating in a workshop in 2021 on how to document human rights violations against LGBT people. A proposed bill introduced in 2021, that contains extreme anti-LGBTI provisions, and has been accompanied by heightened anti-LGBTI rhetoric, has exacerbated a climate in which discrimination and violence is already rife.

Abuses against Persons with Disabilities

4. During its last UPR review in 2017, the government of Ghana supported 10 out of 11 recommendations addressing the rights of people with disabilities (146.16, 146.19, 146.103, 146.108, 146.110, 146.120, 146.196, 146.197, 146.198, 146.199), including recommendation 146.110 calling on the government to “prevent, investigate and prosecute inhumane treatment in prayer camps or witch camps and psychiatric hospitals,” and “address societal attitudes condoning such violations and abuses of rights of persons with mental disabilities.”¹

5. In February 2019, the World Health Organization (WHO) launched its QualityRights initiative in Ghana, a training program for mental health professionals aimed at promoting attitudes and practices that respect the dignity and rights of people with psychosocial and intellectual disabilities.² As of December 2021, 17,401 people had completed the QualityRights e-training and received a WHO certificate.³

¹ UN Human Rights Council (UNHRC), Report of the Working Group on the Universal Periodic Review: Ghana, A/HRC/37/7, December 16, 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/367/88/PDF/G1736788.pdf> (accessed June 29, 2022).

² Ibid.; “QualityRights in Mental Health – Ghana,” WHO QualityRights, <https://qualityrights.org/in-countries/ghana/> (accessed February 7, 2022).

³ “QualityRights in Mental Health – Ghana,” WHO QualityRights, <https://qualityrights.org/in-countries/ghana/>.

6. Interviews carried out by Human Rights Watch with seven mental health professionals and advocates in November 2019, most of whom had completed the training, suggest that there has been a marked positive shift in the attitudes and practices of staff in Accra Psychiatric Hospital and among mental health professionals who administer medication to people in some prayer camps.⁴

7. While some of the health care workers interviewed by Human Rights Watch in November 2019 acknowledged the importance of respecting the rights of people with psychosocial disabilities and noted a reduction in restraints, isolation and forced medication, staff nurses told us that these practices were still used in Accra Psychiatric Hospital as of that time.

8. Furthermore, as of 2019, Human Rights Watch found that persons with psychosocial disabilities in Ghana still experience a range of human rights abuses, including shackling, involuntary admission and arbitrary detention, overcrowding and poor hygiene, solitary confinement and restraints, and denial of food.⁵

9. Due to prevalent stigma and inadequate support and mental health services, people with real or perceived psychosocial disabilities in Ghana can be shackled, chained, or locked in a confined space.⁶

10. Human Rights Watch research found that shackling in Ghana is used in church-affiliated prayer camps, traditional or religious healing centers, as well as in state-run or private social care institutions as a form of restraint, punishment, or “treatment,” often based on the belief that the person is possessed by evil spirits or may run away or might hurt themselves or others. Men, women, and children with psychosocial disabilities have been shackled for periods ranging from days and weeks, to months, and even years.⁷

11. The UN Special Rapporteur on torture, Juan E. Méndez, explicitly noted following his 2015 visit to Ghana that shackling “unequivocally amount[s] to torture even if committed by non-State actors under conditions in which the State knows or ought to know about them.”⁸

12. Despite the head of Ghana’s Mental Health Authority, Dr. Akwasi Osei, announcing in October 2017 that the government would enforce the 2012 Mental Health Act provision that people with psychosocial disabilities “shall not be subjected to torture, cruelty, forced labour and any other inhuman treatment,” including shackling, and stating that it was “illegal to put

⁴ “Ghana: Faith Healers Defy Ban on Chaining,” Human Rights Watch news release, <https://www.hrw.org/news/2019/11/27/ghana-faith-healers-defy-ban-chaining>.

⁵ Human Rights Watch, “*Like a Death Sentence*”: *Abuses against Persons with Mental Disabilities in Ghana*, October 2, 2012, <https://www.hrw.org/sites/default/files/reports/ghana1012webwcover.pdf>; “Ghana: Oversight Needed to Enforce Shackling Ban,” Human Rights Watch news release, October 9, 2018, <https://www.hrw.org/news/2018/10/09/ghana-oversight-needed-enforce-shackling-ban>;

“Ghana: Faith Healers Defy Ban on Chaining,” Human Rights Watch news release, <https://www.hrw.org/news/2019/11/27/ghana-faith-healers-defy-ban-chaining>;

⁶ Human Rights Watch, “*Like a Death Sentence*,” <https://www.hrw.org/sites/default/files/reports/ghana1012webwcover.pdf>, p. 45-47; Human Rights Watch, *Living in Chains*, https://www.hrw.org/sites/default/files/media_2020/10/global_shackling1020_web_2.pdf, p. 37.

⁷ Ibid.

⁸ UN Human Rights Council (UNHRC), Follow up report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his follow-up visit to the Republic of Ghana, A/HRC/31/57/Add.2, February 25, 2015, <https://undocs.org/en/A/HRC/31/57/Add.2> (accessed February 10, 2022).

anyone in chains,” faith-based and traditional healing centers in Ghana continued to hold people with psychosocial disabilities in chains in inhumane conditions.⁹ The head of the Mental Health Authority has repeatedly called for the prosecution of those who violate these provisions, but to date, there has been no accountability.¹⁰

13. In June 2017, in an effort to enforce the law, the Mental Health Authority freed 16 people, including two girls, at Nyankumasi Prayer Camp in central Ghana.¹¹ Those freed, some of whom had psychosocial disabilities, were taken to nearby Ankafu Psychiatric Hospital.

14. Of the six prayer camps or traditional healing centers Human Rights Watch visited in Ghana in November 2019, dozens of people were chained in two facilities, either inside fully built and semi-permanent structures, or to a tree or concrete floor outside.¹² Of the approximately 30 people who were staying at Adwumu Woho Herbal and Spiritual Centre in Senya Beraku, a center run by a herbal healer who learned her trade from her mother, at least half were shackled. At Edumfa Heavenly Ministry Prayer Camp in Cape Coast, people with real or perceived psychosocial disabilities were confined in cages that they were rarely allowed to leave, based on our regular visits between 2011 and 2019.¹³ Most cages were so narrow that the people could not even stretch out their arms.

15. In some cases, those in chains were not allowed to join prayers or other activities in the camp and had no movement beyond the length of the chains—usually about two meters: they had to bathe, defecate, urinate, change sanitary towels, eat, and sleep on the spot where they were chained.¹⁴

16. Human Rights Watch found that many individuals were chained 24 hours a day; some said they had been restrained for several months.¹⁵ A person who is shackled can be affected

⁹ Shantha Rau Barriga, “Ghana Breaks The Chains On Mental Health,” commentary, Human Rights Watch Dispatch, October 16, 2017, <https://www.hrw.org/news/2017/10/16/ghana-breaks-chains-mental-health>; Human Rights Watch, *Ghana Breaks the Chains on Mental Health*, video, October 16, 2017, <https://www.youtube.com/watch?v=7idmUmMccgw>; “Ghana: Oversight Needed to Enforce Shackling Ban,” Human Rights Watch news release, <https://www.hrw.org/news/2018/10/09/ghana-oversight-needed-enforce-shackling-ban>; “Ghana: Faith Healers Defy Ban on Chaining,” Human Rights Watch news release, <https://www.hrw.org/news/2019/11/27/ghana-faith-healers-defy-ban-chaining>; Human Rights Watch, *Living in Chains*, https://www.hrw.org/sites/default/files/media_2020/10/global_shackling1020_web_2.pdf, pp. 37, 45.

¹⁰ Mental Health Authority to prosecute entities abusing patients, *Modern Ghana*, August 30, 2017, <https://www.modernghana.com/news/799092/mental-health-authority-to-prosecute-entities-abus.html>; Shantha Rau Barriga, “Ghana Breaks The Chains On Mental Health,” commentary, Human Rights Watch dispatch, October 16, 2017, <https://www.hrw.org/news/2017/10/16/ghana-breaks-chains-mental-health>.

¹¹ “Ghana: Oversight Needed to Enforce Shackling Ban,” Human Rights Watch news release, October 9, 2018, <https://www.hrw.org/news/2018/10/09/ghana-oversight-needed-enforce-shackling-ban>.

¹² “Ghana: Faith Healers Defy Ban on Chaining,” Human Rights Watch news release, <https://www.hrw.org/news/2019/11/27/ghana-faith-healers-defy-ban-chaining>.

¹³ “Ghana: Faith Healers Defy Ban on Chaining,” Human Rights Watch news release, <https://www.hrw.org/news/2019/11/27/ghana-faith-healers-defy-ban-chaining>; Human Rights Watch, *Living in Chains*, https://www.hrw.org/sites/default/files/media_2020/10/global_shackling1020_web_2.pdf, p. 48.

¹⁴ Human Rights Watch, “*Like a Death Sentence*,” <https://www.hrw.org/sites/default/files/reports/ghana1012webwcover.pdf>, pp. 45-46; *Living in Chains*, https://www.hrw.org/sites/default/files/media_2020/10/global_shackling1020_web_2.pdf, pp. 18, 43-44, 48-49; “Ghana: Faith Healers Defy Ban on Chaining,” Human Rights Watch news release, <https://www.hrw.org/news/2019/11/27/ghana-faith-healers-defy-ban-chaining>.

¹⁵ Human Rights Watch, “*Like a Death Sentence*,” <https://www.hrw.org/sites/default/files/reports/ghana1012webwcover.pdf>, pp. 46, 48.

by post-traumatic stress, malnutrition, infections, nerve damage, muscular atrophy, and cardiovascular problems.¹⁶

17. Human Rights Watch has also documented severe cases of physical and verbal abuse against persons with psychosocial disabilities in the family, community, and prayer camps in Ghana.¹⁷

18. In its initial report to the Committee on the Rights of Persons with Disabilities, submitted in 2018, the government of Ghana acknowledged that “[p]rayer and healing camps [had] also become centres where Persons with disabilities [were] subjected to inhumane treatments.”¹⁸

19. The Mental Health Authority has repeatedly committed to establishing Visiting Committees, as called for the 2012 Mental Health Act, tasked with conducting investigations to ensure enforcement of the act. The Mental Health Board, mandated to set up the Visiting Committees, was inaugurated in late June 2022, but the committees have yet to be set up or function.¹⁹

20. Recommendations to the government of Ghana:

- Implement and enforce the existing ban on shackling, and ensure that those subject to shackling are freed and provided with appropriate support;
- Prosecute those responsible for torture, cruelty and other inhumane treatment, including shackling, against persons with psychosocial disabilities;
- Progressively develop voluntary and accessible community-based mental health and support services, in consultation with persons with psychosocial disabilities and with the support of international donors and partners. This should include development of psychosocial support services and integration of mental health services in the primary healthcare system;
- Create and carry out a deinstitutionalization policy and a time-bound action plan, based on the values of equality, independence, and inclusion of persons with disabilities; and
- Comprehensively investigate state and private institutions in which persons with psychosocial disabilities live, including prayer camps, with the goal of stopping chaining and ending other abuses.

¹⁶ Human Rights Watch, *Living in Chains*,

https://www.hrw.org/sites/default/files/media_2020/10/global_shackling1020_web_2.pdf, p. 49.

¹⁷ Human Rights Watch, “*Like a Death Sentence*,” <https://www.hrw.org/sites/default/files/reports/ghana1012webwcover.pdf>, pp. 61-63; Human Rights Watch visit to Ghana, November 2019; “Ghana: Faith Healers Defy Ban on Chaining,” Human Rights Watch news release, <https://www.hrw.org/news/2019/11/27/ghana-faith-healers-defy-ban-chaining>.

¹⁸ UN Committee on the Rights of Persons with Disabilities, Initial report submitted by Ghana under article 35 of the Convention, due in 2014, CRPD/C/GHA/1, June 5, 2018, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fGHA%2f1&Lang=en (accessed February 4, 2022), para. 240.

¹⁹ Human Rights Watch correspondence with Dr. Akwasi Osei, head of Ghana’s Mental Health Authority, June 29, 2022 (on file with Human Rights Watch).

Abuses against Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Communities

21. Recommendations during Ghana's last UPR in 2017 related to the repeal of provisions of the Criminal Code that criminalize adult consensual same sex conduct were not accepted by the government. Criminalization, and related discrimination and violence, remains a defining issue that requires urgent attention.

22. In 2012, Ghana did accept and considered already implemented, 2 out of 12 recommendations relating to sexual orientation and gender identity made during that UPR.²⁰ These recommendations related to preventing violence, impartial investigation of violence, and threats of violence against LGBTI people. In practice, these recommendations cannot be considered implemented, given the high levels of violence perpetuated against LGBTI people by state and non-state actors.

23. Research by Human Rights Watch has shown the negative effects of Section 104 (1)(b) of the penal code that prohibits 'unnatural carnal knowledge' (widely interpreted to mean same-sex conduct).²¹ Criminalization of consensual same-sex conduct contributes to a climate in which violence and discrimination against LGBT people is widespread. Human Rights Watch research shows that this provision of the penal code gives tacit state approval for discrimination against LGBTI people including in access to health services, employment, housing, and education, and facilitates blackmail and extortion, which are pervasive according to our research findings. Criminalization of consensual same-sex conduct contributes to a climate in which violence and discrimination against LGBT people is widespread. Human Rights Watch research shows that this provision of the penal code gives tacit state approval for discrimination against LGBTI people including in access to health services, employment, housing, and education, and facilitates blackmail and extortion, which are pervasive according to our research findings.

24. The situation for LGBTI people in Ghana deteriorated significantly when, in July 2021, lawmakers introduced the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill 2021. The [bill](#) makes extreme proposals, including a total ban on expression of identity or advocacy for the rights of LGBTI people, forced surgeries for intersex people, and coercive conversion therapy as an alternative to imprisonment for same-sex conduct. The bill includes a 'duty to report' provision that would require individuals to report known or suspected LGBTI people, or face arrest and criminal prosecution. The owners of media companies would be held liable for any reporting that portrayed LGBTI in a neutral or positive light.

25. If passed the bill (which is still under parliamentary review) will have far-reaching consequences for various sectors of Ghanaian society, including medical professionals providing care for LGBTI people, journalists perceived to be promoting LGBTI issues through reporting, and family members who do not report their LGBTI loved ones to the authorities. The bill has been condemned by several international human rights groups, including Amnesty International and the United Nations Independent Expert on Sexual Orientation and Gender Identity, Mr. Victor Madrigal-Borloz, who called the bill "a recipe for violence."

²⁰ [United Nations \(ohchr.org\)](https://www.ohchr.org/)

²¹ ["No Choice but to Deny Who I Am": Violence and Discrimination against LGBT People in Ghana | HRW;](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/88530/101255/F575989920/GHA88530.pdf)
<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/88530/101255/F575989920/GHA88530.pdf>

26. Rhetoric by political, religious, and cultural leaders continues to fuel a hostile environment for LGBTI people in Ghana. Human Rights Watch is particularly concerned that members of Ghana's Parliament have publicly stated their support for the bill, including the Speaker of Parliament, Mr. Alban Bagbin, who has referred to LGBTI people as "worse than the COVID pandemic." The bill is an affront to human dignity and the rights to privacy and non-discrimination, and an assault on freedoms of speech, expression, association, and assembly. The bill has added to an already hostile social environment in which there is pervasive violence against LGBTI people by state and non-state actors.

27. In February 2021, an LGBTI community space was raided and eventually shut down by police, despite Ghana's constitutional right to freedom of assembly and association. In March 2021, 22 people were arrested in the Eastern Region for allegedly holding a lesbian wedding ceremony. In May, Ghanaian police and security personnel arrested 21 participants in an unlawful raid on a paralegal human rights workshop on how to document abuses against LGBTI people held in Ho, Ghana. In October 2021, five men were beaten for suspected homosexual behavior. After being assaulted, the five men were then arrested by police and charged with "unnatural carnal knowledge."

28. Human Rights Watch has documented deplorable conditions in prison for LGBTI people in Ghana, including unsanitary and crowded cells, alleged torture of an intersex woman, and lack of access to medical care.

29. A recent report by a Ghanaian LGBTI rights group sheds light on discriminatory school policies, including corporal punishment, counselling and expulsion for students who engage in same-sex conduct. The National Coalition for Proper Human Sexual Rights and Family Values, comprised of elite members across the political, religious, cultural and academic sectors, has actively propagated hate speech against LGBTI people in the media, which has created an increasingly unsafe environment.

30. Recommendations to the government of Ghana:

- Repeal section 104(1)(b) of the Criminal Code, 1960, that criminalizes consensual same-sex conduct;
- Withdraw the proposed Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021;
- Uphold Ghana's commitments to international human rights standards, by ensuring the protection of all Ghanaian citizens, irrespective of their sexual orientation and gender identity;
- Ensure that complete and impartial investigations are conducted into allegations of attacks and threats against persons based on their sexual orientation or gender identity and bring those responsible to justice in conformity with the provisions of the Criminal Code, 1960, and the recommendations set out in African Commission on Human and People's Rights Resolution 275: Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed sexual orientation and gender identity and relevant international human rights standards;
- Collect disaggregated data on cases where individuals are attacked based on their sexual orientation or gender identity and ensure confidentiality and privacy;
- Conduct training programs for law enforcement officials, actors in the criminal justice system, including prisons, and social services officials to respect and fully

protect the human rights of all Ghanaians, including lesbian, gay, bisexual, transgender and intersex individuals;

- Adopt measures and take steps to raise public awareness of, and to combat the harms of the homophobia that prevail in the country. In particular, censure public officials who make anti-LGBTI statements;
- Propose comprehensive legislation that prohibits all forms of discrimination, including on the grounds of sexual orientation and gender identity;
- Follow-up effectively on recommendations from human rights treaty bodies, the universal periodic review, and UN experts to ensure improved protection from violence and discrimination based on sexual orientation and gender identity, in particular the recommendations contained in the Concluding Observations adopted by the UN 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 misdemeanor or punishable by law.”²²

²² <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session28/GH/MatriceRecommendationsGhana.docx>