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COI QUERY RESPONSE - GHANA - INFORMATION ON THE LGBTQ COMMUNITY IN GHANA AND THE TREATMENT OF MEMBERS OF THE LGBTQ COMMUNITY

In March 2024 *BBC* states that: “Homophobia is not uncommon in Ghana, where gay sex is already against the law and carries a three-year prison sentence, but now the LGBTQ+ community is feeling terrorised. A new bill, passed by MPs last week, will impose a jail term of up to three years for simply identifying as LGBTQ+ and five years for promoting their activities. “A relative told me if this bill is passed, any chance he gets, he is going to poison me because I am an abomination to the family,” Mensah, whose name has been changed to protect his identity, tells the *BBC*. Dressed in an all-black outfit, the young man in his late teens looks visibly terrified: “I am very worried anyone can snitch on me, even in my own neighbourhood. It’s going to be very hard to live here.”¹

This document further notes that: “He has been living for some time with sympathetic friends in Ghana’s capital, Accra, since falling out with his family.”²

“It is not clear how large the LGBTQ+ community is in Ghana, a religious and traditionally conservative nation, but they tend to help each other out when one of them faces life as an outcast. Mensah says when his mother discovered several years ago that he was attracted to boys, she started taking him to churches for prayers with the hope he would change.”³

“No friends except my church friends were allowed to see me. I had to study the Bible 24/7, pray and I would sit at the back anytime we went for meetings.” He says he was practically shunned at home - the wider family would not talk to him and he found their stares unbearable.”⁴

The same document points out that: “Mensah’s experiences are not uncommon. LGBT people are commonly referred to in the local Akan language as “kojo besia”, literally “man-woman”. They have always co-existed within Ghanaian communities, although there were occasional attacks. These have become more common in recent years.”⁵

¹ BBC (7 March 2024) Ghana’s LGBT terror: ‘We live in fear of snitches’

² *ibid*

³ *ibid*

⁴ *ibid*

⁵ *ibid*

Human Rights Watch in March 2024 mentioned that: “Ghana's parliament on February 28, 2024 passed a draconian bill that increases criminal penalties for consensual same-sex conduct and criminalizes individuals and organizations who advocate for the rights of lesbian, gay, bisexual, and transgender (LGBT) people...”⁶

This document further notes that: “After the introduction of the bill in 2021, twenty-one LGBT activists were unlawfully arrested and detained for holding a human rights education meeting, on the ground that they were promoting homosexuality and that the gathering was an unlawful assembly. Police also raided a center for the LGBT community and the center was subsequently shut down.”⁷

In February 2024 *Amnesty International* states that: “LGBTI people have already reported forced evictions, loss of jobs, increased violence and other violations of the rights guaranteed by the country's Constitution since the bill was introduced in parliament.”⁸

Human Rights Campaign (USA) in February 2024 reported that: “LGBTQI+ Ghanaians have faced increased levels of discrimination and fear over the past several years. In February, 2021, police raided and shut down a LGBTQ+ resource center. In May that same year, 21 LGBTQ+ activists were arrested during a human rights assembly in Ho, Ghana, and have not yet been released. LGBTQI+ people throughout the country have faced evictions and various other forms of systematic discrimination.”⁹

Reuters in February 2024 points out that: “There is no comprehensive data on the abuse LGBTQ+ people face in Ghana, but local news is filled with reports of suspected gay and transgender people suffering mob justice countrywide. Few such incidents make it to the courts”¹⁰

The Federal Office for Migration and Refugees (Germany) in January 2024 reported that: “In January 2024, the human rights NGO Amnesty International (AI) released a report on discriminatory laws against LGBTIQ individuals in selected African countries. With regard to Ghana, AI observed an increase in violence in the 2023 reporting period. AI is working with a local NGO that documented over 70 human rights violations against members of the LGBTIQ community between January and September 2023. According to the NGO, many affected LGBTIQ individuals do not report assaults to the police out of fear. It says these individuals fear further harassment, intimidation and criminal prosecution. The attacks are not isolated to a specific geographic area but are alarmingly widespread in all parts of the country. According to Ghanaian LGBTIQ activists, homophobia and homophobic rhetoric are becoming more mobilised and organised. LGBTIQ organisations also report to Amnesty International that it is becoming increasingly difficult to find safe spaces to carry out their human rights work because a lot of doors are being closed to organisations that are seen or perceived as LGBTI organisations.”¹¹

⁶ Human Rights Watch (5 March 2024) Ghana: President Should Veto Anti-LGBT Bill

⁷ *ibid*

⁸ Amnesty International (29 February 2024) Ghana: President Nana Akufo-Addo must not sign deeply discriminatory anti-LGBT law

⁹ Human Rights Campaign (USA) (28 February 2024) Ghana's new Anti-LGBTQ+ Legislation is cruel and aims to strip away the humanity of its people

¹⁰ Reuters (7 February 2024) Ghana LGBTQ+ activists see church blessings as distant luxury

¹¹ Federal Office for Migration and Refugees (Germany) (29 January 2024) Briefing Notes 29 January 2024 - Ghana: AI: increase in violence against LGBTIQ individuals

In January 2024 *Amnesty International* states that: “LGBTI people continue to face discrimination and other human rights violations in Ghana and might face increased risks if the Ghanaian Parliament passes one of the most draconian anti LGBTI rights bills in the continent”¹²

Erasing 76 Crimes in January 2024 mentioned that: “The LGBTQ+ rights advocates of Rightify Ghana are battling against human rights abuses at Ghana schools that may be linked to an anti-homosexuality policy in effect at the nation's senior high schools (SHS). The Ghana Education Service (GES) recently updated its Code of Conduct for Ghana schools, declaring that "Any sexual conduct between students of the same sex shall constitute misconduct.”¹³

This document further notes that: “One distressing incident involved 6 male students brutally attacked on campus by about 30 masked peers who accused them of being gay due to their perceived effeminate qualities.”¹⁴

A report issued in December 2023 by *Human Rights Watch* states that: “...LGBT people in Ghana have historically faced serious human rights abuses, including physical and psychological violence, extortion, and discrimination in their daily life. Many live in constant fear of being attacked just for who they are”¹⁵

In November 2023 the *International Lesbian, Gay, Bisexual, Trans and Intersex Association* states that: “Section 104(1)(b) of the Penal Code (1960), as amended in 2003, establishes that whoever has "unnatural carnal knowledge" of any person of 16 years or over with his consent is guilty of a misdemeanour. As per Article 296(4) of the Criminal Procedural Code, it carries a maximum penalty of three years' imprisonment. Additionally, Section 278 criminalises acts of "gross Indecency" in public imposing the same penalty. Section 99 further provides that "unnatural carnal knowledge" shall be deemed complete "upon proof of the least degree of penetration...”¹⁶

The report further mentioned that: “On 31 January 2021 a local organisation, LGBT+ Rights Ghana, formally opened its new office and community space in the capital of Accra. The opening was attended by a number of diplomats from the European Union. News of the event seems to have caused widespread debate and even threats of violence against the activists. These tensions culminated in a police raid on the property on 24 February, after the landlord reported the group to the authorities. The acting Minister for Gender, Children, and Social Protection stated at the time that "the issue of the criminality of LGBT is nonnegotiable and our cultural practices also frown on it”.”¹⁷

“Police in Accra reportedly arrested 29 men in the early hours of 26 June 2022, after being called to the scene of a robbery. A group of thieves entered a house in the city, and when the men present called the police, the thieves told the officers that it was a "gay party". Authorities allegedly asked the men for a bribe, but it could not be paid, and so they were taken into custody at Gbawe North police station in an unoccupied women's cell. The thieves were not arrested. Later that day several lawyers and activists attempted to post bail for the group but were only successful in freeing one - a

¹² Amnesty International (9 January 2024) Africa: We are facing extinction: Escalating anti-LGBTI sentiment, the weaponization of law and their human rights implications in select African countries, p.19

¹³ Erasing 76 Crimes (15 January 2024) Ghana schools adopt anti-homosexuality policy; homophobia flourishes

¹⁴ ibid

¹⁵ Human Rights Watch (12 December 2023) Ghana's Anti-LGBT Push Will Harm Its Democracy

¹⁶ International Lesbian, Gay, Bisexual, Trans and Intersex Association (12 November 2023) Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions 2023 [Ghana excerpt], p.2

¹⁷ ibid

man who had been severely injured in the arrest and could not walk. On Monday 27 June after more than 24 hours in custody the rest of the group was released on bail, having been charged with "unlawful assembly". A 30th individual, a transgender woman, was en route to the party and tried to leave the area when she saw the police, but was arrested as well. She was asked to pay a bribe of 2,000 cedis (approximately USD 240) but did not have the money and so was taken to Gbawe Lafa station. One officer allegedly told her that she was being separated from the others "so [she] can feel safe". Later she was transferred to the rest of the group and released on bail as well. Police attempted to "out" her to her family and asked her mother "what do you want to do about it?", but the family already knew of her identity. Local activists have reported that several of the 29 arrested men were subsequently disowned by their families, however." ¹⁸

A report issued in March 2023 by the *United States Department of State* commenting on events of the preceding year notes that: "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. There were no reports of adults prosecuted or convicted for consensual same-sex sexual conduct, but police used the law to harass the LGBTQI+ community through detention, extortion, and arbitrary arrest. Police and local leaders also used arrests to "out" members of the LGBTQI+ community to humiliate and alienate them" ¹⁹

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¹⁸ ibid

¹⁹ United States Department of State (20 March 2023) 2022 Country Reports on Human Rights Practices: Ghana, p.14

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