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## BRIEFING PAPER

### GHANA

**Title:** Updates on anti-LGBTQ legislation and impact on LGBTQ civil rights in

Ghana **Date:** September 18, 2023

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**ISSUE:** Violence against gender and sexual minorities has increased recently in Ghana, following introduction of a proposed extreme anti-LGBTQ+ bill there on July 7, 2023, titled, "Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill 2022." The proposed bill was passed unanimously by Ghana's 275 Members of Parliament and tightens existing laws against LGBTQ+ individuals. Ghana's 1960 penal code already outlaws same sex relations. The proposed bill has subsequently been revised and is not yet law.<sup>i</sup>

If passed, it would impose wide-ranging restrictions by criminalizing the promotion, advocacy and acts of homosexuality, and prescribes "strict punishments for simply existing, including fines, imprisonment and conversion practices," according to a comprehensive August 2022 report by Outright International.<sup>ii</sup> An initial draft of the law in 2021 called for ten years in prison for LGBTQ+ advocates and three years in prison for identifying as LGBTQ+, and a withdrawal of health services, including HIV medication, to LGBTQ+ individuals. The bill would also require family members and communities to report LGBTQ+ individuals to the police and imposes a penalty on anyone viewed as supporting LGBTQ+ persons.

Ghanaian civil society and human rights organizations, LGBTQ+ groups and stakeholders are strongly opposed to the pending law. They say it will deeply harm LGBTQ+ individuals, undermine protections for LGBTQ+ individual and groups, and erode Ghana's global health and HIV progress, and point to recent human rights reports documenting increased abuses.<sup>iii</sup>

**BACKGROUND:** In June 2021, Ghana's Speaker of the Parliament, Albin Bagbin, and eight conservative MPs proposed a draconian and expansive anti-LGBTQ+, updated in 2022. In August 2022, Outright International released its monitoring report on Ghana, in collaboration with Rightify Ghana,<sup>iv</sup> documenting an intense backlash being directed at LGBTQ+ individuals and organizations there linked to the proposed family values bill.

Their research included interviews with 44 LGBTQ+ Ghanaians. The proposed bill, they found, had "created an unsafe environment for LGBTIQ persons, leading to severe human rights violations by law enforcement and members of the general public. These included mob attacks, physical violence, arbitrary arrests, blackmail and online harassment, gang rape and other acts of sexual violence, conversion practices, forced

evictions and homelessness, employment discrimination, and robbery.”<sup>v</sup>



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Other monitoring organizations including Human Rights Watch and Amnesty International, among others, have documented attacks and a worsening climate for LGBTQ+ Ghanaians.<sup>vi</sup>

**GLOBAL PERSPECTIVES:** Many groups worldwide have expressed opposition to this extreme legislation and believe it violates international law. In 2021, an independent experts appointed by the United Nations Human Rights Council concluded that adopting the legislation in its current or any partial form would be tantamount to a violation of a number of human rights standards, including the absolute prohibition of torture. The proposed law “seeks to establish a system of State-sponsored discrimination and violence against the LGBTQ+ community,” the UN experts concluded.

In 2021, UNAIDS viewed the draft bill as undermining the basic human rights of the Ghanaian LGBTQ+ community, as well as international law. “Given that LGBTQI people are present in every family and every community, it is not very difficult to imagine how, if it were to be adopted, this legislation could create a receipt for conflict and violence,” stated UNAIDS in 2021.<sup>vii</sup>

Some activists from Rightify Ghana also point a big finger of blame at US rightwing evangelical groups and leaders who they accuse of funding and stoking anti-LGBTQ sentiment in Ghana, as they do in Uganda. Among them, Family Watch International is a US hate group that has worked to years to fund and share its focused anti-LGBTQ+ agenda with pan-African leaders and religious groups, labeled as a family values campaign.

“As if the anti-gay laws inherited through the British colonial legacy wasn’t enough, the LGBTQI community in Ghana and other African countries are now battling religious hate groups from the USA who are funding and ghostwriting anti-LGBTQ+ bills like the one in Ghana,” stated Rightify Ghana in late 2022, as conservatives began pushing harder to advance the proposed family values bill.<sup>viii</sup>

**CURRENT SITUATION:** Ghanaian legal advocates, working with LGBTQ+ groups and activists, have mobilized to counter the proposed hostile bill and prevent its passage into law. They are pushing the UN and its agencies, Member States, other governments, global and regional stakeholders, to act with urgency to prevent passage of this bill, which poses a severe threat to “lives, livelihood, health, housing and education,” as Outright and Rightify Ghana have reported. The 2022 report includes a list of critical recommendations and steps for governments and civil society actors.

UN experts have pointed out that the legislation runs counter to Millennium Development Goals on health, education, employment, housing, and gender justice. As the world community gathers for UNGA 78, civil society activists call for urgent action and solidarity by world leaders, governments, and duty bearers to defend the lives and human rights of all LGBTQ+ Ghanaians.

<sup>i</sup> Ghana legislative update, speaker presentation at UNGA 78 Side Event on “Accelerating Civil Society Organization

Response to LGBTQ+ Human Rights Rights in Africa, the US, and Globally,” New York, September 18, 2023. (Ghana CSO speaker name withheld for security reasons.) To watch event video:  
<https://drive.google.com/file/d/13ZjUIN635I08pjNzKO5AqAcbUwiergVH/view?usp=sharing>



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<sup>ii</sup> “WE DESERVE PROTECTION,” Anti-LGBTIQ Legislation and Violence in Ghana report, Outright International. August 2022. "We Deserve Protection": Anti-LGBTIQ Legislation and Violence in Ghana | Outright International <sup>iii</sup> Ibid.

<sup>iv</sup> Ibid.

<sup>v</sup> Iguar, Robert. “Ghana – Anti-LGBTIQ Bill already leading to violence,” *Mambo Online*. August 29, 2022. Ghana | Anti LGBTIQ bill already leading to violence - MambaOnline - Gay South Africa online

<sup>vi</sup> LGBTI Activists in Ghana Sue Over Abusive Arrest and Detention | Human Rights Watch (hrw.org) <sup>vii</sup>

UNAIDS strongly supports calls for the rejection of draft law targeting LGBTI people in Ghana | UNAIDS

<sup>viii</sup> Twitter post by Rightify Ghana. August 6, 2022.