



“WE DESERVE PROTECTION”

Anti-LGBTIQ Legislation and Violence in Ghana



OUTRIGHT
ACTION INTERNATIONAL



OutRight Action International works at global, regional and national levels to eradicate the persecution, inequality and violence faced by lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) people around the world. With staff in over 10 countries and headquarters in New York, OutRight builds capacity of LGBTIQ movements, documents human rights violations, advocates for inclusion and equality, and holds leaders accountable for protecting the rights of LGBTIQ people everywhere. OutRight was founded in 1990 and has recognized consultative status at the United Nations.

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Cover photo: Va-Bene Elikem Fiatsi, 40, a trans woman who is an artist and LGBT+ activist, holds up a gown at her home and studio in Oduom, Ashanti Region-Ghana. December 22, 2021. "To say I'm afraid is an understatement, but I am what I am," said Fiatsi "It feels like waiting to be slaughtered,.". REUTERS/Francis Kokoroko



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Glossary of Terms

Cisgender: Denoting or relating to a person whose sense of personal identity and gender corresponds with their sex assigned at birth.

Cisheteronormativity: A pervasive belief system that centers and naturalizes heterosexuality and the binary female-male sexes to the extent that the only two normal ways of being are cisgender heterosexual masculine men and cisgender heterosexual feminine women.

Gay: A synonym for homosexual in many parts of the world; in this report, used specifically to refer to the sexual orientation of a man whose primary sexual and romantic attraction is toward other men.

Gender Identity: A person's internal, deeply felt sense of being female or male, both, or something other than female or male.

Gender Nonconforming: Behaving or appearing in ways that do not fully conform to socially prescribed gender roles and norms.

Heterosexual: The sexual orientation of a person whose primary sexual and romantic attraction is toward people of another sex.

Homophobia: Fear of, contempt of, and/or discrimination against homosexuals or homosexuality, usually based on negative stereotypes of homosexuality.

Homosexual: The sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex.

Intersex: An umbrella term that refers to a range of biological traits and conditions that cause individuals to be born with chromosomes, gonads, and/or genitals that vary from what is considered typical for female or male bodies.

LGBTIQ: Lesbian, gay, bisexual, transgender, intersex, and queer; an inclusive term for groups and identities sometimes also grouped as "sexual and gender minorities." We also use LGBTQ

(lesbian, gay, bisexual, queer, and transgender), and LGBT (lesbian, gay, bisexual, and transgender) as needed when referring to laws or developments that do not appear to impact intersex people. When discussing specific women's issues, we use LBQ (lesbian, bisexual, and queer), or LBQI (lesbian, bisexual, queer, and intersex), or LBQT (lesbian, bisexual, queer, and transgender), as appropriate. Although Ghana's proposed law also mentions "asexual" people in its title, it includes no specific provisions targeting asexual people and we did not document incidents of violence against asexual people, so this report does not primarily use the asexual-inclusive acronym LGBTIQ.

Nonbinary: The gender identity for people who do not identify exclusively as female or male, or as women or men. This term is sometimes used interchangeably with the term "genderqueer."

Outing: Revealing the sexual orientation and/or gender identity of a lesbian, gay, bisexual, transgender, intersex, or queer person, without their consent or permission.

Queer: An inclusive umbrella term covering multiple identities, sometimes used interchangeably with "LGBTQ." It is also used to describe divergence from heterosexual and cisgender norms without specifying new identity categories.

Sexual Orientation: The way or ways in which a person's sexual and romantic desires are directed. The term describes whether a person is attracted primarily to people of the same or different sex or to both or others.

Sexual Violence: Any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person, regardless of their relationship to the victim, in any setting.

Stud: A term used to describe Black or Latinx masculine-presenting lesbian women or nonbinary lesbians.

Transgender: The gender identity of people whose sex assigned at birth does not conform to their identified or lived gender. A transgender person usually adopts, or would prefer to adopt, a gender expression in consonance with their gender identity but may or may not desire to permanently alter their physical characteristics to conform to their gender identity.

Transgender Men: Persons designated female at birth but who identify and may present themselves as men. Transgender men are generally referred to with male pronouns.

Transgender Women: Persons designated male at birth but who identify and may present themselves as women. Transgender women are generally referred to with female pronouns.



Executive Summary

Violence against gender and sexual minorities has surged recently in Ghana, largely stimulated by an expansive anti-LGBTIQ bill now under consideration in Parliament. Though the legislation was introduced in June 2021 and has not yet been adopted, its backers have succeeded in creating an anti-LGBTIQ climate well before they proposed specific legislation. Hostility toward lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people has only intensified since.

Ghana already criminalizes consensual same-sex relations in a law that dates to British colonialism. Human rights organizations have long documented cases in which people in Ghana have been assaulted because of their actual or perceived sexual orientation or gender identity, and activists in Ghana report that such violence appeared to increase in 2019, when the World Congress of Families (WCF), a US-based religious extremist group that has supported anti-LGBTQ efforts around the world, held a conference in Accra, attended by many Ghanaian members of political and religious leaders. Vigilante groups, neighbors, family members, the police, healthcare workers, religious leaders, politicians and lawmakers all have participated in violations of the rights of LGBTIQ persons.

The new proposed legislation, titled the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021 (the Bill), targets all gender and sexual minorities by prescribing strict punishments for simply existing, including fines, imprisonment, and conversion practices. The Bill empowers persons and institutions to report, arrest, detain, and prosecute LGBTIQ persons. They are also empowered to discriminate against gender and sexual minorities at work, home, and in health care and other public goods and services. The Bill indirectly sanctions hatred and violence against LGBTIQ persons by its mere introduction in Parliament.

To document the impacts of the Bill on sexual and gender minority persons in Ghana, OutRight Action International (OutRight) interviewed 44 Ghanaians of various minority gender identities, sexual orientations, and sex characteristics. This research finds that the Bill has created a hostile and dangerous situation for sexual and gender minorities in Ghana, leading to multiple forms of human rights violations without redress. These include mob attacks, physical violence, arbitrary arrests, blackmail and online harassment, verbal harassment, gang rape and other acts of sexual violence, conversion practices, forced evictions and homelessness, employment discrimination,

and robbery. In addition, the police violate persons' rights based on perceived or actual sexual orientation, gender identity or expression, and sex characteristics, including arbitrary arrests, detentions and court cases, forced searches, verbal and physical harassment, extortion and intimidation, among others.

“Honestly, I felt that my life was not just on hold, but my life was being gambled with.”

– Rebecca, activist charged with “Ho 21,” where 21 people were arrested in Ho, a city in the Volta region

As a result, LGBTIQ Ghanaians feel unsafe in their own country, where the Bill has contributed to an increasingly hostile climate that threatens their lives, livelihoods, health, housing, and education.

The Bill promotes violence and discrimination against persons for their sexual orientation, sex characteristics, and gender identity, contrary to principles of non-discrimination and equality. It also prescribes conversion practices which can amount to torture and are against international human rights standards. Ghana is a signatory to several international and regional human rights treaties that provide for the protection of human rights, including through prohibitions on discrimination and torture and protection of the right to privacy. The criminalization of LGBTIQ persons, associations, and allies is contrary to established human rights standards which Ghana is bound to follow, including Ghana's 1992 Constitution that obligates the state to protect fundamental rights and freedoms.

“Before the Bill, it was normal. But now, people look at us like we're satanic. Like, we are the cause of the issues happening in Ghana. We used to have safe places to go to, but now we don't.”

– Moses, a bisexual man who lives in the Ashanti region

Accordingly, Parliament should immediately cease consideration of the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021. Government officials and religious and cultural leaders, including the Ministry of Chieftaincy and Religious Affairs, should wield their influence to decry violence while promoting inclusion and acceptance of LGBTIQ persons in Ghana. In the long term, Ghanaian institutions including Parliament, the Office of the President, and the Ministry of Justice should take necessary steps to comply with Ghana's Constitution and human rights obligations to prevent abuse of LGBTIQ persons, including repealing existing laws against same-sex acts.



Key Recommendations

To the Parliament in Ghana

- Stop considering the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021 at the committee stage.
- Repeal section 104(1)(b) of the Criminal Offences Act of 1960 (Act 29), which criminalizes same-sex conduct between consenting adults.
- Revise section 104(2) of the Criminal Offences Act of 1960 to remove same-sex acts as “unnatural carnal knowledge.”

To the President

- Refuse assent to the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021 if passed by Parliament.
- Publicly condemn the perpetration of violence and discrimination against persons based on perceived or actual sexual orientation, gender identity, or sex characteristics.

To the Office of the Attorney-General and Ministry of Justice, Ghana

- Work with the Commission on Human Rights and Administrative Justice (CHRAJ) in formulating and implementing mass sensitization and education efforts to raise public awareness of gender and sexual diversity and inclusion and the negative impacts of widespread homophobia and transphobia in Ghana.

To the Law Reform Commission

- Recommend a revision of section 104 of the Criminal Offences Act, 1960 to repeal section 104(1)(b) and remove same-sex acts from section 104(2).
- Issue a moratorium on prosecutions for consensual same-sex relations between adults, until section 104 of the Criminal Offences Act is revised accordingly.

To the Inspector General of Police and the Ghana Police Service

- Collaborate with the Office of the Attorney-General and Ministry of Justice and the Law Reform Commission to issue a moratorium on arrests for consensual same-sex relations between adults, until section 104 of the Criminal Offenses Act is revised in accordance with international human rights standards,
- Initiate a revision of the Ghana Police Service Standard Operating Procedures to include the requirement that police officers should not discriminate against anyone in handling complaints, including on the basis of sexual orientation, gender identity, gender expression, and sex characteristics.
- Establish an independent police oversight body or other safe reporting mechanism through which individuals can report cases of violence and discrimination by members of the Ghana Police Service, including against sexual and gender minorities.

To the Commission on Human Rights and Administrative Justice (CHRAJ), Ghana

- Publicly condemn the perpetuation of violence and discrimination against persons based on perceived or actual sexual orientation, gender identity, or sex characteristics.
- Publicly condemn the Promotion of Proper Human Sexual Rights and Family Values Bill, 2021.
- Implement effective data collection, monitoring, reporting, and documentation of human rights violations based on sexual orientation, gender identity or expression, and sex characteristics by state and non-state actors in Ghana.

Methodology

OutRight began research for this report in January 2022 in collaboration with Rightify Ghana. Between January and June 2022, OutRight interviewed people in Ghana who were familiar with the impacts of the anti-LGBTIQ Bill, through in-person interviews in Accra and in Ghana's Northern, Ashanti, and Central Regions, and virtual interviews through online platforms. The people we interviewed include 44 people who are lesbian, gay, bisexual, transgender, intersex, or queer. All names used in this report are pseudonyms to protect interviewees' privacy and security, except for three individuals we interviewed who have public profiles and requested to be identified by name. In some cases, an individual's pronouns or their specific gender identity or sexual orientation are not disclosed for reasons of privacy and security. The names of most of the organizations referred to in this research are also withheld for security reasons.

OutRight Action International obtained informed consent from all interviewees. We explained the purpose of the research and how we would utilize all information shared with the interviewer. We told interviewees that they could decline to be interviewed or to answer any questions that made them uncomfortable. They were also told they could withdraw from the interview at any time, including after completion. All interviews were conducted in English.

Of the LGBTIQ people interviewed by OutRight, most of the interviewees were in their late 20s to 30s. A few were in their early 20s and two were in their 40s. We interviewed seven cisgender lesbian or bisexual women, four transgender women, two transgender men, eleven gender nonconforming, genderqueer, and nonbinary persons (one of whom was intersex), and twenty cisgender gay or bisexual men.

Our research faced some limitations. First, because we were only able to identify one intersex person to interview for this report, it likely does not adequately capture the forms of interphobia that intersex Ghanaians have been subjected to by state and non-state actors. Second, for reasons of their security, we did not interview any LGBTIQ Ghanaians under 18. There is good reason to assume that human rights abuses facing LGBTIQ children, including conversion practices, domestic violence, and violence and discrimination in school and other settings, may have increased in the wake of the introduction of the anti-LGBTIQ Bill. However, hostile rhetoric equating consensual same-sex relations with child abuse makes it difficult if not impossible for Ghanaian LGBTIQ organizations to document abuses against, or provide legal support for, victims of human rights violations who are under 18.



Background

The Legal and Political Environment

This report primarily addresses the human rights violations carried out against Ghanaians who are, or who are presumed to be, lesbian, bisexual, gay, transgender, intersex, and queer (LGBTIQ) as a result of the introduced anti-LGBTIQ Bill. A background of the legal and political environment in Ghana leading up to the formulation of the Bill is important in understanding the context within which members of Parliament introduced the proposed law.

Before recent efforts to clamp down on gender and sexual diversity in Ghana, section 104 of the Criminal Offences Act of 1960 – a relic of British colonialism – already criminalized same-sex acts. The section provides:

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
 - b. of any person of sixteen years or over with his consent is guilty of a misdemeanour; or
 - c. of an animal is guilty of a misdemeanour.

2. Unnatural carnal knowledge is sexual intercourse with a person in an unnatural manner, or with an animal.¹

Until recent years, there were few reports of enforcement of this law, although it gave rise to homophobic attacks and the widespread infringement of the rights of LGBTQ persons in Ghana.²

¹ Criminal Offences Act, 1960 (Act 29), <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/88530/101255/F575989920/GHA88530.pdf> (accessed 3 August 2022).

² Human Rights Watch, “No Choice but to Deny Who I Am: Violence and Discrimination against LGBT People in Ghana,” 8 January 2018, <https://www.hrw.org/report/2018/01/08/no-choice-deny-who-i-am/violence-and-discrimination-against-lgbt-people-ghana> (accessed 3 August 2022).

In 2013, Moses Foh-Amoaning founded the National Coalition for Proper Human Sexual Rights and Family Values with the stated purpose of “providing a focused and researched intellectual response to the growing menace of Lesbian, Gay, Bisexual and Transgender (LGBT) Rights activities in the world.”³ The organization has contributed to a significant uptick in anti-LGBTQ and anti-diversity rhetoric in Ghana.⁴

Past and present Ghanaian political leaders have made public statements opposing LGBTQ people’s rights. They have also sought to conflate the decriminalization of same-sex conduct with the legalization of same-sex marriage, although there is no movement calling for marriage equality in Ghana. In February 2017, the then-speaker of Parliament, Aaron Michael Oquaye, stated that Ghana would not legalize homosexuality or same sex marriage.⁵ Oquaye compared homosexuality to pedophilia, kleptomania, and psychosis, and described gay persons as having a “deficiency” that should be the subject of psychological treatment, not human rights.⁶ He also maintained that homosexuality was an agenda pushed by a “powerful international lobby” that recruited young men to the United States and Western Europe and that “before they returned, they were wearing Pampers.”⁷ Oquaye stated that he would not preside over any session seeking to repeal the provisions of section 104 of the Criminal Offences Act on unnatural carnal knowledge or to legalize homosexuality as it is a “matter of serious principle including my Christian ideals.”⁸

In February 2017, the then-speaker of Parliament, Aaron Michael Oquaye ... described gay persons as having a “deficiency” that should be the subject of psychological treatment, not human rights.

Ghana’s current President, Nana Akufo-Addo, also declared in 2018 that he would never legalize same sex marriage.⁹ An online news outlet reported in March 2021, in relation to the attempted lynching of a man presumed to be gay near Kumasi, that Akufo-Addo’s “statement that gay practice

3 “National Coalition for Proper Human Sexual Rights and Family Values,” Facebook, <https://www.facebook.com/groups/390179361460683> (accessed on 3 August 2022).

4 Kwame E. Otu, “Skewing Sexuality,” *Africa is a Country*, 20 December 2019, <https://africasacountry.com/2019/12/skewing-sexuality> (accessed 3 August 2022).

5 Signify Research Limited, “Ghana anti-LGBTQ Bill: Source, Promoters and Public Impact,” Report Summary, unpublished report on file with OutRight Action International, January 2022, p. 12. Oquaye’s name is also spelled Ocquaye in some publications, and both spellings are used in official sources.

6 “Stop Tempting African Leaders to Legalize Homosexuality – Speaker of Parliament,” *Ghana Web*, 11 May 2018, <https://content.jwplatform.com/previews/CdD9JzDB> (accessed 3 August 2022). See also “Homosexuality is Evil; I Will Give Up My Job Over its Legalization – Speaker,” *Ghana Web*, 11 May 2018, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Homosexuality-is-evil-I-will-give-up-my-job-over-its-legalization-Speaker-650913> (accessed 3 August 2022).

7 “Homosexuality Has Become a Powerful International Lobby – Speaker of Parliament,” *Ghana Web*, 11 May 2018, <https://content.jwplatform.com/previews/3QnHfECn> (accessed 3 August 2022).

8 “Stop Tempting African Leaders to Legalize Homosexuality – Speaker of Parliament,” *Ghana Web*, <https://content.jwplatform.com/previews/CdD9JzDB>.

9 The Presidency of the Republic of Ghana, Communications Bureau, “Re: President Akufo-Addo Has Approved Gay Marriage,” Press Release, 28 April 2018, <https://presidency.gov.gh/index.php/briefing-room/press-releases/635-re-president-akufo-addo-has-approved-gay-marriage-2> (accessed 3 August 2022). The release described claims by an opposition leader that Akufo-Addo would legalize same-sex marriage as a “baseless and vile fabrication” and stated: “It will NOT be under his presidency that same-sex marriage will be legalized in Ghana” (emphasis in original).

will not be allowed in Ghana” was “gaining momentum.” The news outlet claimed that “Youth groups nationwide have vowed to fight the canker with their last blood to ensure homosexuality will not have a place in Ghana.”¹⁰

The 2019 World Congress of Families Event and the Rise of Political Homophobia in Ghana

Growing anti-gay sentiment transformed into proposed legislation following an October 2019 conference in Accra that brought foreign religious extremist activists to Ghana. It was organized by the World Congress of Families (WCF), a US-based group that has supported anti-LGBTQ efforts around the world, in partnership with Moses Foh-Amoaning’s National Coalition for Proper Human Sexual Rights and Family Values.¹¹

The WCF conference hosted influential Ghanaian political and religious leaders.¹² An Islamic leader, Sheik Salmon Mohammed Alhassan, asserted during the conference that mass bathing in secondary schools fosters homosexuality.¹³ According to Sheik Alhassan:

We say this is a girls’ school and so girls can be bathing in one bathhouse naked, they are all girls and so no problem. We sometimes say this is a boys’ school so boys can come into one big bathhouse and bath together, they are looking at each other and we think it’s no problem. These are spots where negative tendencies can thrive so all of these things must be checked because at that time when they go to the secondary school that is when hormonal changes can happen in them.¹⁴

Brian Brown, an American who is the president of the International Organization for the Family and global president of WCF also spoke about the “mission to unite organisations, families and individuals around the shared vision of the natural family.”¹⁵ Other speakers asserted that overcrowded prisons led to homosexuality and discussed Ghana’s “cultural structures to contain homosexuality.”¹⁶

Most key politicians who went on to be proponents of the 2021 anti-LGBTIQ Bill in Ghana, including Edem Sesanu, Moses Foh-Amoaning, Opoku Onyinah and Julius Coomson, were present at the October 2019 WCF conference. All have strong ties not only with the WCF, but also with the religious fundamentalist groups Citizen Go and the Forum of Christian Leaders, a US-based

10 Addo Kamaldeen, “Aboabo Youth Chase 2 Suspected Gays,” *Modern Ghana*, 15 March 2021, <https://www.modernghana.com/news/1067876/aboabo-youth-chase-2-suspected-gays.html> (accessed 3 August 2022).

11 Signify Research Limited, “Ghana anti-LGBTQ Bill: Source, Promoters and Public Impact,” p. 12.

12 Rufaro Samanga, “The World Congress of Families is Expanding its Homophobic Agenda into West Africa,” *Okay Africa*, 7 November 2019, <https://www.okayafrika.com/world-congress-of-families-holds-anti-lgbt-conference-in-ghana> (accessed 3 August 2022).

13 Mass Bathing in SHS Could Promote Gayism – Muslim Group,” *Ghana Web*, 31 October 2019, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Mass-bathing-in-SHS-could-promote-gayism-Muslim-group-795079> (accessed 3 August 2022).

14 Ibid.

15 Rita Nketiah, “‘God Has a New Africa’: Undercover in a US-led Anti-LGBT ‘Hate Movement,’” *OpenDemocracy*, 11 December 2019, <https://www.opendemocracy.net/en/5050/god-has-a-new-africa-undercover-in-a-us-led-anti-lgbt-hate-movement> (accessed 3 August 2022).

16 Ibid.

evangelical organization.¹⁷ Two Ghanaian health officials also attended the WCF event: Akwasi Osei, the chief of Mental Health Authority, and Honorable Alex Kodwo Kom Annan, the deputy minister of health.¹⁸

Cancellation of the 2020 Pan Africa ILGA Conference

In December 2019, Pan Africa ILGA, the African branch of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), announced that it would be holding its fifth regional conference in Accra in June 2020.¹⁹ The Pan Africa ILGA conference, aimed at sharing ideas and fostering relationships between LGBTIQ human rights activists, would have been the network's first conference in West Africa.²⁰

When religious and political leaders in Ghana became aware of the plans for the conference, they opposed it virulently, asking “the government not to issue visas to its organizers.”²¹ Advocates for Christ Ghana, a group founded after the WCF conference, wrote to the President that holding such a conference would be “clearly illegal,” and a group opposing the conference organized an online petition that garnered about 19,000 signatures within one week.²² In response to pressure, the government announced that it would not permit the conference.²³ Pan Africa ILGA later announced that it would postpone the conference due to the COVID-19 pandemic.²⁴

Closure of the LGBT+ Rights Ghana Community Center

In February 2021, amid growing anti-LGBTIQ sentiment stoked by politicians, the Ghana Police Service raided the office of LGBT+ Rights Ghana, a civil society organization, and arrested staff members. LGBT+ Rights Ghana was founded in 2018 to create a safe space for LGBT persons and other sexual minorities to freely express themselves and access support.²⁵ According to Alex Donkor, its founder and Executive Director, the organization started with an activist blog geared towards providing information – and addressing misinformation – on sexual orientation and gender diversity from the perspective of LGBTIQ persons. The center was then set up to provide health, psychosocial, and legal support to LGBTIQ persons in the community.²⁶

The formal inauguration of the center in January 2021 was publicized and attended by several persons, including representatives from foreign embassies in Ghana. Religious groups such as the

17 Signify Research Limited, “Ghana anti-LGBTQ Bill: Source, Promoters and Public Impact,” p. 12.

18 Ibid.

19 “SANKOFA: Looking Back to Our Roots – Reclaiming Our Rights,” Pan Africa ILGA, 12 September 2020, http://panafricailga.org/wp-content/uploads/2019/12/PAI-5thRegionalConference_ANNOUNCEMENT_Eng_09-12-2020.pdf (accessed 3 August 2022).

20 Kwasi G. Asiedu, “Ghana Bans LGBT+ Conference after Christian Groups Protest,” *Reuters*, 12 March 2020, <https://www.reuters.com/article/us-ghana-lgbt-religion-idUSKBN20Z31L> (accessed 3 August 2022).

21 Ibid.

22 Ibid.

23 Ibid.

24 “PAN Africa ILGA Postpones 5th Regional Conference Due to Coronavirus Concerns,” *Rustin Times*, 17 March 2020, <https://therustintimes.com/2020/03/17/pan-africa-ilga-postpones-5th-regional-conference-due-to-coronavirus-concerns> (accessed 3 August 2022).

25 OutRight interview with Alex Kofi Donkor, location withheld, January 2022.

26 Donkor interview.

Ghanaian Catholic Bishop's Conference protested, urging the authorities to shut it down.²⁷ On 24 February 2021, the Ghanaian police service, accompanied by media personnel and traditional leaders, raided the center.²⁸ Donkor reported that “we had all these people come into the center, taking photos and videos as if the space was a crime scene.”²⁹ As a result of security concerns related to the raid, activists closed the center down.

On 8 March 2021, LGBT+ Rights Ghana sent a letter to President Akufo-Addo, detailing instances of abuses and emphasizing the need to respect human rights, given that the president is a human rights lawyer.³⁰ The president did not reply to the letter.

The Arrest of the Ho 21

On 20 May 2021, three months after the closure of the LGBT+ Rights Ghana center, the Ghanaian Police Service raided a human rights training workshop in Ho, a town in the Volta region.³¹ They arrested 21 people and detained them for 22 days before a judge ordered their release on bail.

Duku, a gender non-conforming lesbian who lives in Accra and was among those arrested, said the charges were never made clear to them. Duku said:

[The police] claimed we were being arrested under section 104 – promoting unnatural carnal knowledge. Initially, it was ‘unlawful assembly,’ then they said, ‘promoting unnatural carnal knowledge.’ Trust me, I don’t even know why I was arrested.³²

Over the course of several court hearings, the police did not bring a formal charge, claiming that they were still investigating.³³ The extended detention for more than 48 hours without charge violates Ghana’s Criminal Procedure Act.³⁴ According to several of the persons who were detained, police told the court they wanted to seek the advice of the Attorney-General before they filed a charge against the 21 persons.³⁵ On 11 June 2021, the Ho Circuit Court ordered them released on

27 Emmanuel Akinwotu, “Ghanaian LGBTQ+ Centre Closes After Threats and Abuse,” *Guardian*, 25 February 2021, <https://www.theguardian.com/global-development/2021/feb/25/lgbtq-ghanaians-under-threat-after-backlash-against-new-support-centre> (accessed 3 August 2022).

28 Donkor interview; “Ghana Security Forces Shut Down LGBTQ Office: Rights Group,” *Al Jazeera*, 24 February 2021, <https://www.aljazeera.com/news/2021/2/24/ghana-shuts-down-lgbt-office-rights-group> (accessed 3 August 2022). See also tweet by LGBT+ Rights Ghana: “This morning, our office was raided by National Security. A few days ago, traditional leaders threatened to burn down our office but the police did not help.” LGBT+ Rights Ghana, Tweet, 24 February 2021, https://twitter.com/LGBT-RightsGhana/status/1364535380071092224?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Cwterm%5E1364535380071092224%7Ctwgr%5E%7Ctwcon%5Es1_c10&ref_url=https%3A%2F%2Fwww.aljazeera.com%2Fnews%2F2021%2F2%2F24%2Fghana-shuts-down-lgbt-office-rights-group (accessed 4 August 2022).

29 Donkor interview.

30 LGBT+ Rights Ghana, Facebook post, 8 March 2022, <https://www.facebook.com/LGBTRightsGhana/posts/pfbid0W-Zh9sFag5CRXKnXduqu9a4rgQwiGboiT2EpSBzuwqeYbqU6kApRfqpwSntG9kgkRl> (accessed 4 August 2022).

31 See also “Ghana: LGBT Activists Face Hardships After Detention: Extreme Anti-LGBT Bill Stokes Hostility,” Human Rights Watch, 20 September 2021, accessed 4 August 2022).

32 OutRight Interview with Duku, location withheld, January 2022. Unlawful assembly means “a gathering of three or more people with the intent to commit an offense.”

33 Duku interview.

34 Republic of Ghana, Criminal Procedure Code 1960, amended 2002, <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/gh/gh011en.html> (accessed 4 August 2022), section 15.

35 Separate OutRight interviews with Rebecca, Duku, Thema and Peace in January 2022 in different locations. These four LBQI

bail after charging them with “unlawful assembly.” The court finally dismissed the case for lack of evidence on 5 August 2021.

OutRight interviewed five of the Ho 21 who described the arrest, detention, harassment, and public outing as a result of the arrest. According to Duku:

We went for a capacity building training to get ourselves equipped on the laws and ways to protect ourselves in cases of abuse. We were there when the police barged in, eight of them, claiming they had intel that we were doing something illegal. They took pictures and then took us in the police van to the CID headquarters in the Volta Region. From there, they brought us back to the hostel we were lodged in, claiming they had a warrant to search our things. The only thing they showed us was an ID card. After this, they divided us into different cells.³⁶

The arrested persons reported that police subjected some of them to cruel, inhuman, and degrading treatment while in police custody. Duku said:

There was an intersex lady among us. During the compulsory strip and search, they just saw a male organ and immediately threw her into the male cell. She kept insisting that she had both genitalia and if only they would check again. We pleaded with them as well, but they refused. They were not willing to listen. If you tried to go against them, you’ll either be physically assaulted or verbally abused. I remember one of my colleagues getting a hot slap because she insisted that the intersex lady was a lady and she had to be at the female cell instead of the male cell. And the last thing we could hear was the police officer saying that if she claims she’s a woman, then the other cellmates in the male cell should show her what women go through. They were insinuating that the male persons in the cell should rape her.³⁷

Blue, a 25-year-old transgender man, stated that a particular police officer would come to the cells at night and point torchlights at the victims. He said:

I felt disrespected. I didn’t know what he wanted to see because you don’t know; we could be bathing or in the toilet. The toilet had no doors and no curtains. Those moments were traumatizing.³⁸

More so, police officers brought people to the cells to expose the victims. Blue reported:

They [the police] would bring people to us and say things like ‘These are the people that they’ve been showing on TV. These are the lesbians that were arrested.’ They were acting like the people were tourists and we were on display.³⁹

activists had been arrested and charged as part of the Ho 21. OutRight also had an additional interview in May 2022 with Blue, a transgender man, who was part of the Ho 21.

36 Duku interview. Duku, a gender non-conforming lesbian, lives and works in Accra.

37 Ibid.

38 OutRight interview with Blue, virtual, May 2022.

39 Ibid.

Deplorable prison conditions impact all persons detained in Ghana, including the Ho 21. The US State Department has described prison conditions in Ghana as “generally harsh and sometimes life threatening due to overcrowding, inadequate sanitary conditions, lack of medical care, physical abuse, and food shortages.”⁴⁰ Rebecca, a 30-year-old lesbian, described being held in “a dungeon with a big metal gate with small holes for us to breathe through.” She could hear fighting from a men’s cell nearby, causing “constant panic attacks.”⁴¹ Thema, an intersex and gender non-conforming lesbian who was also arrested during the raid, described the detainees spending nights “lying down on the floor in the cold, with mosquitoes.”⁴² Peace, a 25-year-old lesbian, told OutRight, “When it rained, the wind would blow the rain inside. We had two blankets, so we spread them on the floor for five of us.”⁴³

Police officers made it difficult for the 21 detained persons to receive visitors. Duku told OutRight that the police questioned the visitors and probed the activists about their relationship with visitors:

They would ask us: Why is this person here? What relationship do you have with this person? Why is it that it is only girls that visit? Why don’t guys visit? Don’t you have boyfriends? Don’t you have parents? We’ve never seen any parents here. We’ve never seen anyone coming to say, ‘My daughter is here.’ So why is it only this kind of people coming to visit you?⁴⁴

Eventually, the activists asked friends to stop visiting to avoid the harassment.⁴⁵

The three months between their arrest in May 2021 and the dismissal of charges in August 2021 were extremely difficult for the activists. Rebecca said her whole life was disrupted: “Honestly, I felt that my life was not just on hold, but my life was being gambled with. I felt that the charge was gambling with my life.”⁴⁶

Even after their release from detention in June 2021 and the dismissal of charges in August, the incident continued to have extensive negative impacts on the lives of these activists. Like during the closure of the LGBT+ Rights Ghana center, pictures and videos of the arrest were circulated on TV, online, and on messaging apps., “It got to the extent that I would have to cover my face with the hijab when I want to go out,” said Thema.⁴⁷

Rebecca, a university student, said that the arrest and detention negatively impacted her education. “I was arrested, and the next day, I was to write exams [at school]. I still have an F from school,” she said.⁴⁸ After the release from detention, Rebecca added:

40 U.S. Department of State, “2021 Country Reports on Human Rights Practices: Ghana,” March 2022, <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/ghana> (accessed 4 August 2022).

41 OutRight interview with Rebecca, location withheld, January 2022.

42 OutRight interview with Thema, location withheld, January 2022.

43 OutRight interview with Peace, location withheld, January 2022.

44 Duku interview.

45 Ibid.

46 Rebecca interview.

47 Thema interview.

48 Rebecca interview.

It was a struggle for me to move back to school. It was a struggle for me to move back to church. It was a struggle for me to reconnect with my family because my father is a deacon in the church. He felt I had embarrassed him, and so I came back to face the whole family disciplinary thing.⁴⁹

Blue, a transgender man whose father is an Islamic leader and scholar also found it difficult to reconnect with his devout Muslim family after the arrest:

They think that it is a spiritual problem, for me to love girls and not boys, even to the extent of advocating for these [LGBTIQ persons]. They were going to take me to Benin to a man of God to convert me to be 'normal.'⁵⁰

Blue was also accosted by persons in his university. He said that the confrontations were getting abusive. "People would push [my] head, [my] body and ask, 'Are you the one we saw on TV?' and so on."⁵¹

The arrests had a chilling effect on LGBTIQ activists and advocacy activities. Oko, a gay activist from Accra, referred to this incident as "the biggest violence."⁵²

Thema described the challenges of community organizing among LGBTIQ people in the wake of the arrest:

[Now], when you invite them to programs, they don't want to come. They want to know what is at stake, what you are doing, and the people involved. They want to be completely assured that their security is in place. It gets really difficult engaging community members on anything that has to do with advocacy.⁵³

Edith, a queer woman activist, described the Ho 21 incident as "one of the things that really broke me as an activist." She added, "2021 was the year I was most vulnerable in my years of being an activist."⁵⁴

At the time of this writing, a coalition of LGBTIQ organizations has filed two suits: one challenging the government for the human rights violations brought about through the arrest and detention, and the other seeking redress for the harassment and discrimination of the intersex woman.⁵⁵

49 Ibid.

50 Blue interview.

51 Ibid.

52 OutRight interview with Oko, location withheld, January 2022.

53 Thema interview.

54 OutRight interview with Edith, virtual, May 2022.

55 Rita Nketiah, "LGBTI Activists in Ghana Sue Over Arrest and Detention: Unlawful Arrests during Workshop Latest in Anti-LGBTI Campaign," Human Rights Watch, 22 June 2022, <https://www.hrw.org/news/2022/06/22/lgbti-activists-ghana-sue-over-abusive-arrest-and-detention> (accessed 4 August 2022).

The Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021

Efforts towards restricting gender and sexual diversity in Ghana intensified throughout 2021, culminating in the introduction of an extensive anti-LGBTIQ Bill.

During this period, the media was rife with homophobic and incendiary comments against LGBTIQ persons. The leader of the Journalists Against LGBT+ group, Boamah Darko, who is also a member of the National Coalition for Proper Human Sexual Rights and Family Values, equated homosexuality with armed robbery in an interview and urged Ghanaians to join demonstrations to show that they are not in support of LGBTIQ rights.⁵⁶ He also reportedly called a local radio station in April 2021 to say: “We will expose and show where the gays and lesbians live; 98% of Ghanaians are against it and if Ghanaians want to beat them, so be it.”⁵⁷

While clearly taking inspiration from other homophobic and transphobic legislation such as Nigeria’s Same Sex Marriage Prohibition Act and Russia’s so called “gay propaganda law,” the Bill goes much further than any legislation targeting LGBTIQ people currently on the books anywhere in the world.

On 29 June 2021, Samuel Nartey George and seven other members of Parliament introduced the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021 (the Bill) as a Private Members Bill.⁵⁸ While clearly taking inspiration from other homophobic and transphobic legislation such as Nigeria’s Same Sex Marriage

Prohibition Act and Russia’s so called “gay propaganda law,” the Bill goes much further than any legislation targeting LGBTIQ people currently on the books anywhere in the world.⁵⁹

The Bill’s sweep is made clear from the list of people it purports to target. Its provisions are said to apply to all persons, activities, and organizations that are “LGBTIQIAAP+” related. According to the Bill, the acronym includes:

Lesbian, Gay, Bisexual, Transgender, Transsexual, Queer, Questioning, Intersex, Ally, Asexual, Pansexual and any other sociocultural notion of sex and sexual relationship that is contrary to the sociocultural notion of male and female assigned at birth.⁶⁰

56 “Every Ghanaian should Get Involved and Let’s Kick Against LGBTQ+ - Leader of Journalist Against LGBTQ+,” *Ghana Web*, 25 February 2021, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Every-Ghanaian-should-get-involved-and-let-s-kick-against-LGBTQ-Leader-of-Journalist-Against-LGBTQ-1189648> (accessed 4 August 2022).

57 See Lydia Namubiru, “The Media Disinformation Campaign against Ghana’s Queer Community,” *OpenDemocracy*, 21 March 2022, <https://www.opendemocracy.net/en/5050/ghana-lgbt-queer-community-media-disinformation-campaign> (accessed 4 August 2022).

58 Jonas Nyabor, “Sam George; 7 Other MPs Sponsor Bill for Criminalization of LGBTQI+ Activities,” *Citi Newsroom*, 29 June 2021, <https://citinewsroom.com/2021/06/sam-george-7-other-mps-sponsor-bill-for-criminalization-lgbtqi-activities> (accessed 4 August 2022). The text of the Bill can be found here: “Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021,” Memorandum, <https://cdn.modernghana.com/files/722202192224-0h830n4ayt-lgbt-bill.pdf> (accessed 4 August 2022).

59 Nigeria, Same Sex Marriage (Prohibition) Act, 2013, <https://www.refworld.org/pdfile/52f4d9cc4.pdf> (accessed 4 August 2022). “The Russian Federal Law ‘On Protection of Children from Information Harmful to their Health and Development,’” <https://www.refworld.org/docid/5492c81c4.html> (accessed 4 August 2022).

60 See “Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021,” <https://cdn.modernghana.com/>

It is remarkable that the proponents of the Bill coined the LGBTTTQQAAP acronym to capture every person possibly associated with gender and sexual diversity, including intersex persons with innate biological differences. The Bill's focus is to punish "the activities of LGBTTTQQAAP+ persons," which supposedly "do not accord with the values of any ethnic group in Ghana."⁶¹ Its drafters target not only sexual and gender minorities, but everyone who supports their rights, apparently aiming to enforce cisheteronormativity, erase diversity, promote hate, and advance the agenda of religious fundamentalists and political opportunists.

The Bill also prohibits same-sexual acts and identities. It conflates consensual sexual relations between adults with bestiality. It prohibits gender diversity, including gender-affirming medical procedures, with a term of up to five years in prison and/or a fine. The Bill also prohibits same-sex marriages and tries to capture transgender, nonbinary, and gender nonconforming persons by outlawing marriages of persons "contrary to the binary categories of male and female" and any marriage with a "person who has undergone gender or sex reassignment."⁶² For these "offences," the Bill prescribes three to five years imprisonment with or without a fine. The Bill includes a provision stating that if such a marriage is conducted by a foreign authority, it is unenforceable in Ghana. People who administer or witness these marriages in Ghana are also regarded as offenders.⁶³ Under the Bill, LGBTTTQQAAP+ persons cannot adopt or foster children, premised on the claim that sexual and gender diverse persons and their allies "groom" children.⁶⁴

The Bill also imposes a duty on every Ghanaian citizen to promote and protect its provisions.⁶⁵ It explicitly names parents, guardians, teachers, churches, mosques and other religious bodies, creative and media personnel, members of government bodies, and other constitutional bodies. In this manner, it places a duty on every person, including lay citizens, to report "offences" in the Bill to the police and assist in investigating and prosecuting offenders.⁶⁶ The effect is that everyone is a watchdog for the proponents of the Bill to make Ghana more unsafe for sexual and gender minorities to exist and thrive. This provision is perhaps the most feared. LGBTIQ persons interviewed for this research state that many people, especially neighbors, already take it upon themselves to fish out "suspects" so they are seen to be in compliance with the Bill, which they regard as already law.⁶⁷

[The Bill]...places a duty on every person, including lay citizens, to report "offences"... to the police and assist in investigating and prosecuting offenders.

files/722202192224-0h830n4ayt-lgbt-bill.pdf, clauses 1, 2.

61 Ibid.

62 Ibid, clauses 6, 10.

63 Ibid., clauses 11(2), 11(3).

64 Ibid., clauses 17,18, memorandum.

65 Ibid., clause 3.

66 Ibid., clause 5.

67 OutRight separate interviews with Rebecca, Andy, Williams, Thema, Oko, and Kplorm, LGBTIQ activists, locations withheld, January 2022.

In addition, the Bill labels certain acts as “LGBTQQIAAP+ propaganda, advocacy, support and other promotional activities,” thus criminalizing activism with five to ten years in prison⁶⁸ The Bill also targets social media platforms if they allow material that supports LGBTIQ rights, specifically naming Facebook, Twitter, and Instagram as platforms that could face liability.⁶⁹

Furthermore, the Bill mandates conversion practices and intersex genital mutilation.⁷⁰ These dehumanizing and harmful acts are promoted under the guise of “approved medical help or treatment” or “special treatment” and “assistance” for “questioning” and “intersex” persons to “align with” a binary gender.⁷¹ The Bill lists methods of conversion practices in its definition of medical help and treatment, including psychiatric, psychological and psychosocial services, endocrinological, medical, and surgical services.⁷²

The Bill also seeks to make offenses it provides for extraditable.⁷³ This means that its proponents seek to target all Ghanaians within and outside Ghana under its provisions.

In Clause 22, the drafters of the Bill included a provision outlawing extrajudicial acts against the persons it seeks to criminalize, in an apparent attempt to legitimize of the offending and

“I don’t even feel safe at home. I’m tempted to advocate at home, but the probability of me getting kicked out is higher than me advancing in my advocacy. One time they were talking about the Bill on the radio, and my father said that ‘they should just kill all these LGBT people.’ I couldn’t say anything.”

– Peace, Ghanaian activist

dehumanizing provisions of the Bill and deflect criticism that the Bill contributes to violence. Such a provision is meaningless when LGBTIQ people are rendered second-class citizens and are unable to seek the protection of the state. More so, extrajudicial offenses against persons viewed as sexual and gender minorities in Ghana are now prevalent and unabated.

The Bill has passed through the public hearing stage and is now in the Committee stage for hearing before the Constitutional, Legal and Parliamentary Affairs Committee. The Bill has already led to widespread abuses against LGBTIQ persons through the country, as described in the following chapter.

68 The Bill, clauses 12-16, memorandum p. 12.

69 Ibid., clause 13.

70 Ibid., clauses 20, 21, 23. In respect to intersex genital mutilation, MP Samuel Nartey George, one of the promoters of the Bill, says that they will provide opportunities for parents to ‘assist’ intersex persons to access medical treatment as most people cannot afford them. See “How Ghana’s anti-LGBTQI Bill Will Institute Medically Unnecessary Surgeries on Intersex Persons,” TV3Ghana NewDay, video, shared by Rightify Ghana, 23 February 2022, <https://www.youtube.com/watch?v=Vow7vxi4AFE> (accessed 4 August 2022).

71 “Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021,” <https://cdn.modernghana.com/files/722202192224-0h830n4ayt-lgbt-bill.pdf>, clauses 20, 21, 23.

72 Ibid., clause 2 (“Interpretation”).

73 Ibid., clause 25.



Impacts of the Bill: Violence and Discrimination Against LGBTIQ Persons in Ghana

Before the Bill, it was normal. But now, people look at us like we're satanic. Like, we are the cause of the issues happening in Ghana. We used to have safe places to go to, but now we don't.⁷⁴

When MP Sam George introduced the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill in Parliament in June 2021, he referred to it as a “world-class piece of legislation,” stating that: “Homosexuality is not a human right. It is a lifestyle choice. A sexual preference.”⁷⁵ The Speaker of Parliament, Alban Bagbin, described “LGBTQ activities” as worse than COVID-19 and assured MPs that “good will always triumph over evil.”⁷⁶

Anti-LGBTIQ political activists and religious leaders appear to have spent several years laying the ground work for the introduction of the Bill. As noted above, most co-sponsors of the Bill were present at the 2019 World Congress of Families conference in Accra. Following this conference, a group of religious activists founded “Advocates for Christ Ghana,” which is now one of the major proponents of the anti-LGBTIQ rights Bill.⁷⁷ Their activism has promoted hostility against LGBTIQ people, including through sustained media promotion efforts following the introduction of the Bill. Also, a media company that has radio and online platforms sponsored the WCF conference

74 OutRight interview with Moses, a bisexual man who lives in the Ashanti region, location withheld, January 2022.

75 Jonas Nyabor, “Sam George; 7 Other MPs Sponsor Bill for Criminalization of LGBTIQ+ Activities,” Citi Newsroom, <https://citinewsroom.com/2021/06/sam-george-7-other-mps-sponsor-bill-for-criminalization-lgbtqi-activities> (accessed 4 August 2022). Sam George has since been named the “Overall Best MP in 2021.” “The Anti-Gay Bill and All the Other Major Projects Sam George is Spearheading in 2022,” *Ghana Web*, 26 January 2022, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/The-anti-gay-bill-and-all-the-other-major-projects-Sam-George-is-spearheading-in-2022-1454317> (accessed 4 August 2022).

76 Jonas Nyabor, “Sam George; 7 Other MPs Sponsor Bill for Criminalization of LGBTIQ+ Activities,” Citi Newsroom, <https://citinewsroom.com/2021/06/sam-george-7-other-mps-sponsor-bill-for-criminalization-lgbtqi-activities> (accessed 4 August 2022).

77 Signify Research Limited, “Ghana anti-LGBTQ Bill: Source, Promoters and Public Impact,” p. 12.

and is an ardent supporter of the Bill.⁷⁸ In addition, religious evangelicals in the US and Spain also champion international support for the Bill.⁷⁹

Some activists believe that the criminalization of homosexuality and the introduction of the Bill in Ghana reflect the views of a small cadre of opportunist politicians and religious fundamentalists and not the priorities of Ghanaians across the board. One of the foremost LGBTIQ rights activists in Ghana, Kplorm, said:

It is the politicians and those given money from the World Congress of Families who are doing everything to make sure that they criminalize homosexuality within this part of the world. But, apart from that, I will say that we are from the community, we are from the society, and people love us.⁸⁰

The Bill, however, combined with hostile media coverage of LGBTIQ people, has propagated hate. While Parliament is still debating the legislation, LGBTIQ people who spoke to OutRight said they felt its effects immediately. Kwame, who has been working on sexual minority issues in Ghana for years, told OutRight: “I feel that the Bill is exposing LGBT+ issues and giving people wrong information. The Bill is teaching people how to hate us.”⁸¹ Osei, living and working in northern Ghana, also said:

The Bill has given people ideas. Those who didn’t know about LGBTIQ issues now know, and the Bill gives them ideas. In this small community, I know about 67 LGBTIQ persons and we have all experienced one form of violence or the other.⁸²

Raymond, a queer 20-year-old man who works as driver and volunteers as a paralegal, said:

They use this opportunity to violate our basic human rights. As I know, everyone has freedom and rights, but because of the laws and the Bill, people abuse us and are violent against us because we are queer.... They harass us online, [and] in person. There is blackmail and scams against us just because of our sexual orientation and identity. They do everything; intimidation, sexual harassment, physical violence, everything. Everything is happening here in Ghana.⁸³

Comprehensive statistics for anti-LGBTIQ abuse in Ghana are not collected, but data from one LGBTIQ rights organization that works across three regions in Ghana indicates how violence against LGBTIQ persons has grown since the introduction of the Bill. Similarly, Joshua, a gay man who is the program director at the organization, told OutRight:

78 JoyFM radio and MyJoyOnline.com under the network MultiMediaGhana. MultiMediaGhana also has other media outlets including TV, which are supporters of the Bill. Signify Research Limited, “Ghana anti-LGBTQ Bill: Source, Promoters and Public Impact,” p. 12. Some of the works posted on these platforms are referenced in this research.

79 Signify Research Limited, “Ghana anti-LGBTQ Bill: Source, Promoters and Public Impact,” p. 12.

80 OutRight interview with Kplorm, location withheld, January 2022.

81 OutRight interview with Kwame, location withheld, January 2022.

82 OutRight interview with Osei, location withheld, January 2022.

83 OutRight interview with Raymond, location withheld, January 2022.

A lot of people have reported violence they have experienced since the Bill came up. They reach out for help; they reach out for places to sleep. People are destabilized. They face evictions, physical violence, verbal violence and all those things.⁸⁴

Joshua told OutRight that while the organization recorded four cases of human rights violations against LGBTIQ people in the first quarter of 2021, this number increased to ten in the second quarter.⁸⁵ In the last quarter of the year, they recorded 30 cases of violence against LGBTIQ persons as well as six arbitrary arrest cases and four blackmail cases.⁸⁶ This does not include the arrests in Ho.⁸⁷ Joshua told OutRight that some of the cases in the latter part of 2021 “may be due to the Bill because people are also taking advantage of the messages they hear. It is a serious challenge.”⁸⁸

Religious bodies have played a role in fueling anti-LGBTIQ sentiment during discussions of the Bill.⁸⁹ During the Parliamentary Committee public hearing on the Bill, a representative of the Presbyterian Church in Ghana said that “the punishment prescribed by the Bill appeared too lenient” and that offenses “should not attract an equivalent jail term of fewer than three years.”⁹⁰ An interviewee told OutRight that the day after Islamic leaders held a conference in Accra in October 2021, numerous mosques in the area preached against homosexuality.⁹¹ While the Anglican Bishops in Ghana expressed in a statement that the “criminalization sections of the bill are severe and must be reviewed,” they also stated that “LGBTQI+ activities are frowned upon by the Ghanaian ethnicity” and that “traditions, values, cultural and social frameworks must not only be regarded but, respected and appreciated.”⁹²

Police Violations Against LGBTIQ People

Persons interviewed by OutRight described human rights violations carried out by the Ghana Police Service that included arbitrary arrests, beatings, extortion, forced nudity, violations of privacy rights, and discriminatory treatment.

84 OutRight interview with Joshua, location withheld, January 2022.

85 Ibid.

86 Ibid.

87 Ibid.

88 Ibid.

89 Wunpini F. Mohammed, “An Anti-LGBTQI Bill in Ghana is the Outcome of Institutionalized Homophobia,” *Washington Post*, 8 September 2021, <https://www.washingtonpost.com/outlook/2021/09/08/an-anti-lgbtq-bill-ghana-is-outcome-institutionalized-homophobia> (accessed 4 August 2022).

90 The Freedom Radio, “LGBTQ+: Presby Church Demands Stiffer Punishment in Anti-gay Bill,” 11 March 2022, <https://freedomradiogh.com/lgbtq-presby-church-demands-stiffer-punishment-in-anti-gay-bill> (accessed 25 March 2022). See also “LGBTQIA+ Activities are Inimical to the Existence of Human Race – Presbyterian Church,” *MyJoyOnline.com*, 10 March 2022, <https://www.myjoyonline.com/lgbtqia-activities-are-inimical-to-the-existence-of-human-race-presbyterian-church> (accessed 4 August 2022); “LGBTQIA+ Activities Inimical to the Existence of Human Race – PCG,” *GhanaWebTV*, 11 March 2022, <https://www.youtube.com/watch?v=jlz9-T-bqBA>, (accessed 4 August 2022).

91 OutRight interview with Andy, founder of an LGBTIQ rights organization in Ghana focused on documentation and advocacy, location withheld, January 2022.

92 Madeleine Davies, “Anti-LGBT Bill is ‘Severe and Must be Reviewed’ say Ghana’s Bishops,” *Church Times UK*, 2 February 2022, <https://www.churchtimes.co.uk/articles/2022/4-february/news/world/anti-lgbt-bill-is-too-severe-say-ghana-s-bish-ops>, (accessed 4 August 2022).

Arbitrary Arrests, Detention and Police Extortion of LGBTIQ People

Arbitrary arrests of sexual and gender minorities in Ghana did not begin with the introduction of the Bill. For example, Kizito, a gay man who lived in the western region, told OutRight that his first experience with such detention and prosecution was in 2010. The case of “unnatural carnal knowledge” against him dragged out for two years before the court dismissed it.⁹³ Following this persecution, Kizito relocated to the Eastern region. A year later, police officers detained and beat him after he reported a theft. “The thief outed me to the police as a gay man. They now arrested, beat and detained me for about a week. The police officers abused me.”⁹⁴ During the immediate leadup to the Bill’s introduction in June 2021, Peace, an activist, reported that her organization handled a case in which police detained a gay man for five days and “beat him up, stripped him and took pictures of him.”⁹⁵ Peace’s organization paid the bribe that police demanded in exchange for David’s release and took him to the hospital. Peace told OutRight, “The beating had caused David to have problems with his eyes. His entire face was swollen.”⁹⁶ The organization helped David to secure new accommodation, far away from his friend’s parents who had reported him to the police.⁹⁷

While arbitrary arrests and abuses were not unheard of in previous years, Ghanaian LGBTIQ activists report that heightened scrutiny of LGBTIQ people in 2021 resulting from the bill means that human rights violations by the police are more prevalent and concerted. Donald, a paralegal and LGBTIQ rights activist in Accra, added that it was difficult to identify lawyers willing to defend clients accused of same-sex relations.⁹⁸

In October 2021, neighborhood residents attacked and beat Yafeu, a nonbinary 29-year-old who lives near Accra. They took Yafeu to the police station and reported them as gay.⁹⁹ They also reported other neighborhood residents, including a friend of Yafeu named Frank. Later that day, police came to Frank’s house, arrested him, and interrogated him at the police station, telling him “the boys have mentioned his name as part of the gay people in the area.”¹⁰⁰

Yafeu said the police commander demanded “bail”—meaning a bribe—but that officers in the Criminal Investigation Department did not allow a paralegal from an LGBTIQ rights organization “who is a bit effeminate, to bail [them].”¹⁰¹ They also told OutRight the police did not want bail from a representative of a non-governmental organization (NGO) because they would ask for a receipt.¹⁰² Instead, police asked for their family members to come and put forth the bribe, forcing the detained persons to out themselves to family members. Yafeu said, “I had to call my senior brother on Sunday morning and explain what happened to [me].”¹⁰³ Yafeu said that another person

93 OutRight interview with Kizito, location withheld, January 2022.

94 Ibid.

95 Peace interview.

96 Ibid.

97 Ibid.

98 Donald interview.

99 OutRight interview with Yafeu, location withheld, January 2022.

100 OutRight interview with Frank, location withheld, January 2022.

101 Yafeu interview.

102 Ibid.

103 Ibid.

detained with them also had to call family members for help, and that the person's mother and sister sold some clothing items to be able to raise the sum the police demanded.¹⁰⁴

Frank had to call several people to obtain loans before he got 1,200 Ghana cedis (about \$US148) to pay the bribe. While in detention, Frank said that police allowed members of the public to come to the cell and take pictures of him and Yafeu.¹⁰⁵

The Case of The Tamale 5

On 19 October 2021, Aminu was at a hotel where he worked as a cleaner when two men came and asked Aminu to follow them. "They took me to the car and asked me if I knew one of the guys there. I said yes. Then they asked me to get into the car."¹⁰⁶ The men took Aminu to the community chief's palace, where Aminu found that three other people had already been detained, paraded, and beaten. Aminu said many people were gathered there, screaming and insulting Aminu and the others. Aminu told OutRight:

They didn't beat me in particular, but one old man slapped me... People there were saying they should kill us. They said they have identified the gay people in the area. The chief was the one who said that they should take us to the police station.¹⁰⁷

Police placed Aminu and the other three people in a cell. In detention, other cellmates bullied Aminu, demanding that he pay about 70 cedis (about \$US9) for "protection." They also made Aminu clean up after them: "I would wash the toilet and clean up the place nicely."¹⁰⁸

The police arrested a fifth person separately. Nana Aisha, a mother to three young children, owns a shop in Tamale, northern Ghana, where she sells clothes, bags, and perfumes. She was in her shop with her mother on 19 October 2021 when the police arrived to arrest her. Nana Aisha told OutRight that she was in shock because had no idea what was going on.¹⁰⁹ At the police station,



Signboard of Tamale District Court. Photo courtesy of OutRight

104 Ibid.

105 Frank interview.

106 OutRight interview with Aminu, Tamale, January 2022.

107 Ibid.

108 Ibid.

109 OutRight interview with Nana Aisha, Tamale, January 2022.

police officers accused her of “being the leader of the gays and lesbians in the community.”¹¹⁰ They extorted her for a bribe rather than detaining her, releasing her the same day based on her father’s pleas that she was married with three children and pregnant. She said:

The police took 450 Ghana cedis [about \$US56] from my father before releasing me that night. The next day I had to report early in the morning, and I paid another 150 Ghana cedis [about \$US19] before I was allowed to go that night. On the third day when we got to court, the police told me that they were going to remand us. My father had to beg for me again. There, I paid 600 Ghana cedis [about \$US74].¹¹¹

Osei, a transgender activist, said that police also attempted to arrest her when she went to the police station to attempt to assist the victims:

When people are arbitrarily arrested, and you go to follow up or assist, you become a target... In the Tamale case, I was there and almost arrested because the regional commander of the Police directed that they arrest me. I had to quickly leave the scene.¹¹²

Police detained the five people for two weeks before charging them with “unnatural carnal knowledge,” contrary to section 104 of the Criminal Offences Act of 1960 (Act 29), before the Tamale District Court. Although the court eventually granted bail, Aminu said he also had to pay a bribe of 1000 cedis (about \$US123) to the police to ensure his release from detention.¹¹³

An OutRight researcher witnessed the penultimate court session in January 2022 when a new police prosecutor and judge presided. The judge appeared to be vested in ensuring that the prosecution presented evidence to meet the requirements of the law for the said unnatural offenses. After several appearances in court, the case was finally discharged on 21 February 2022 as the judge found that there was no evidence to support the charge.¹¹⁴

Nonetheless, there has been an array of negative impacts on the victims. The psychological effects are extensive, especially in a community where they cannot easily access mental health care. Aminu, who said he used to be popular and loved by the community, told OutRight:

It is not easy for me at all. I am always thinking. People in the street, even small children, will be pointing at me and mocking me. I now only walk in the streets late at night or very early in the morning. My friends have all run away. Even when you call them, they won’t answer.¹¹⁵

In addition, Aminu is suffering financial deprivation after the hotel where he worked terminated his employment. The letter of “indefinite suspension” reads:

110 Ibid.

111 Ibid.

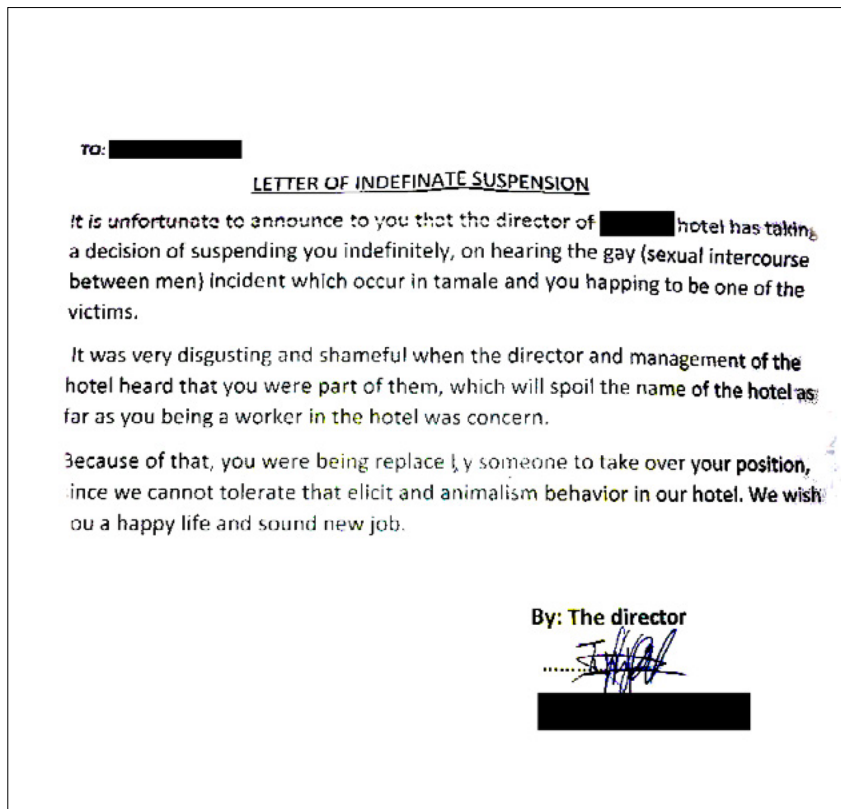
112 Osei interview.

113 Aminu interview.

114 Colin Stewart, “Ghana Drops Charges Against 5 Who were Beaten and then Arrested,” *Erasing 76 Crimes*, 21 February 2022, <https://76crimes.com/2022/02/21/ghana-drops-charges-against-5-who-were-beaten-and-then-arrested/> (accessed 4 August 2022).

115 Aminu interview.

It is unfortunate to announce you that the director of [name withheld] hotel has taking [sic] a decision of suspending you indefinitely, on hearing the gay (sexual intercourse between men) incident which occur in tamale and you happening to be one of the victims. It was very disgusting and shameful when the director and management of the hotel heard that you were part of them, which will spoil the name of the hotel as far as you being a worker in the hotel was concern [sic]. Because of that, you were being replace [sic] by someone to take over your position, since we cannot tolerate that elicited and animalism behaviour in our hotel [sic]. We wish you a happy life and sound new job.



Nana Aisha said she lost friends and customers because of this arrest and prosecution:

They don't want to come close to me because they are afraid that people will also tag them. People don't want to buy things from me again. I can only go out in the morning to drop my children at school and in the evening when it's dark [to avoid people seeing me]. I feel like this has ruined my life.¹¹⁶

At home, Nana Aisha's father withdrew his support for her, and extended family members discriminated against her. She said: "My sister-in-law did not let her ward come to stay with me because she said I will molest her."¹¹⁷

The physical, emotional and psychological burden of the ordeal weighed heavily on Nana Aisha. She suffered a miscarriage, which she attributes to the stress caused by her arrest: "By then I was pregnant, but because of this case, I lost my baby. My [blood pressure] was always rising." In addition, her marriage fell apart: "My husband wanted to divorce me but for pleadings. He ran away [to the other wife] and left only me to take care of the children."¹¹⁸

116 Nana Aisha interview.

117 Ibid.

118 Ibid.

Inadequate Police Response to Anti-LGBTIQ Crime

As a result of the general administrative problems with the police alongside discrimination against LGBTIQ persons in Ghana, many survivors are reluctant to seek justice. Numerous LGBTIQ interviewees reported cases in which police officers demanded bribes to do their job, a policing failure that appears to extend beyond cases involving LGBTIQ complainants. Donkor said:

We have had to pay for every action taken by the police – we fuel their vehicle for them to move from the police station to arrest the perpetrators, we had to buy credit for them to make calls, we had to buy pen drives, print documents for them. You just ask yourself, at what point does the government take up any of these costs?¹¹⁹

According to Donald, a gay man who volunteers as a paralegal in Accra:

Most of my cases are never-ending cases, cases where we didn't get solutions. When it happens like that, the community loses hope in us. They feel that we should be able to do something as paralegals. In one case late last year [2021], I convinced a victim of blackmail to report to the police. But the police refused to arrest the perpetrator because the victim did not have 100 cedis [about US\$12.3] to give them for fuel. Such a person wouldn't advise a friend experiencing any such challenge to seek help from us.¹²⁰

Anti-LGBTIQ bias may also contribute to police inaction. According to Raymond, “They [the police] are so interested in that issue [queerness]. When the person reports, they focus on their sexual orientation. That's it.”¹²¹ The situation has gotten much worse with the introduction of the Bill. In the Central Region, a group of six men beat Solomon, a 20-year-old transgender woman, in December 2021, and recorded the assault. Solomon told OutRight about her experience with the police: “The police took my statement, but they started asking me, ‘Are you gay? Are you gay? We're going to lock you!’ I was shivering [with fear]. I left the police station.”¹²²

Williams, an activist in the Ashanti Region, said he encouraged two victims of a mob violence—a gay man and a woman – to report to the police, “but the police were trying to side with the community [that beat them up], the abusers.”¹²³ Williams met with the investigating officer on 27 January 2022, insisting that they charge the offenders. At the time of this writing, no charges had been filed.¹²⁴

After experiencing violence, Edward, a bisexual man, relocated from his home and deleted his media presence. He told OutRight that he didn't have faith in reporting to the police because “things do not work here. They will just take money, and that's all. I didn't have the emotional strength to go through that.”¹²⁵

119 Donkor interview.

120 Donald interview.

121 Raymond interview.

122 OutRight interview with Peter, location withheld, January 2022.

123 OutRight interview with Williams, location withheld, January 2022.

124 Ibid.

125 OutRight interview with Edward, location withheld, January 2022.

Oko, the founder of an LGBTIQ organization based in Accra, agreed that the risk of police bias deters reporting:

Most of this violence does not end up at the police station for fear of further victimization or stigmatization by the police. It doesn't even get there. If at the community level people are beaten, you go and heal your wounds, and that's it.¹²⁶

Other LGBTIQ rights activists said they try to resolve cases of anti-LGBTIQ violence themselves. Kwame, who manages an organization around the Central Region, told OutRight:

I always want to resolve issues at my level. If someone is sent to jail because of a crime committed against an LGBT+ person, it may bring even more hate. If we get the perpetrator, like in a blackmail case, they sign bonds that [they] would not do so again.¹²⁷

John, although in a different region from Kwame, adopts the same approach: "We just try to settle the cases."¹²⁸

In one other instance, an organization in the Central Region has pursued a blackmail case to ensure that the police prosecute the offense.¹²⁹ Jude, an activist working in the Central Region, described one case in which police did take action in response to blackmail against a gay man whom Jude's organization had encouraged to pursue justice. Jude said:

They [the blackmailers] said if he doesn't give them 2000 Ghana cedis [about \$US246], they will release the video to prove that he is gay. After reporting and pursuing the case, the police have now charged the perpetrators for stealing, blackmail and making the video without the victim's consent.¹³⁰

But the situation remains hopeless for many victims. Donald, who handles many cases of violence, stated:

Most survivors find it difficult to report their experiences because nothing happens. They're right because the system is not working for us.... You just give the person advice [on managing the situation] – don't go to these places, change your movements, etc.¹³¹

126 Oko interview.

127 Kwame interview.

128 OutRight interview with John, location withheld, January 2022.

129 OutRight interview with Jude, location withheld, January 2022.

130 Ibid.

131 Donald interview.

Violence and Extortion of LGBTIQ People by Members of the Public

Since the introduction of the anti-LGBTIQ Bill, OutRight and LGBTIQ organizations in Ghana have documented crimes against LGBTIQ people that include mob attacks and other forms of physical assault, sexual assault and harassment, extortion, and coercive conversion practices. Institutionalized homophobia and transphobia contribute to the prevalence of violence by non-state actors. Members of the public believe – in most cases, correctly – that the police and other state agents will not hold accountable those who perpetrate violence or discrimination against LGBTIQ people.

Mob Attacks, Public Beatings and Physical Violence

There have been several mob attacks and public beatings of persons believed to be gay, especially in 2021.¹³² These actions are directly fueled by the Bill and efforts of proponents to clamp down on LGBTIQ rights in Ghana.¹³³

In some cases, perpetrators of violence make videos of the attacks and circulate them all over social media, without sanction. Donkor, an activist in Accra, told OutRight that:

We see incredibly barbaric acts against LGBT+ persons recorded and shared across social media; videos that are hard to watch and dehumanizing. We try to trace victims of abuse in the videos. If we are able to find them, we support to them by getting health workers to attend to them or foot hospital bills and look for ally therapists to provide psychosocial support.¹³⁴

In some cases, LGBTIQ organizations find the survivors of attacks and provide temporary safe shelter for them. Joshua, the program manager of an LGBTIQ organization, said: “Sometimes other LGBTIQ persons who have a spare room let them stay for a while. We make sure they find some place to go.”¹³⁵

132 See, for instance: Seidu Yahaya, “Another Suspected Gay Mobbed in Nima,” *Modern Ghana*, 24 August 2021, https://www.modernghana.com/news/1100170/another-suspected-gay-fatally-mobbed-in-nima.html?_gl=1*3hphsw*_ga*SXd2UzlVckk-2bWk4bjAydWN5ZEg3VzdiOGhweUhSMGxocm1VUVIwSU1WR3I2LVYydEttU1pFQktMzBaY0ZOSQ (accessed 4 August 2022); Addo Kamaldeen, “Aboabo Youth Chase 2 Suspected Gays,” *Modern Ghana*, 15 March 2021, <https://www.modernghana.com/news/1067876/aboabo-youth-chase-2-suspected-gays.html> (accessed 4 August 2022). In other cases, groups call for LGBTIQ persons to be arrested, attacked, or killed. Many persons take matters into their own hands. See: Mohammed S. Ibrahim, “We Shall not Entertain Immorality in Our Community – Zongo Jihadist Warn Gays,” *Modern Ghana*, 21 September 2021, <https://www.modernghana.com/news/1105746/we-shall-not-entertain-immorality-in-our-community.html> (accessed 4 August 2022); Mohammed S. Ibrahim, “Nima Vigilante Group Comb Abelenkpe for Homosexual Star; ‘We Shall Make Ghana a Hell for Homosexuals and Their Supporters,’” *Modern Ghana*, 26 October 2020, <https://www.modernghana.com/news/1038259/nima-vigilante-group-comb-abelenkpe-for-homosexual.html> (accessed 4 August 2022); Mohammed S. Ibrahim, “Desist from Taking the Laws into Your Own Hands – Human Rights Activist Cautioned Watchdog Committees,” *Modern Ghana*, 7 October 2020, <https://www.modernghana.com/news/1033891/desist-from-taking-the-laws-into-your-own-hands.html> (accessed 4 August 2022). Operation “Make Ghana a Hell for Homosexuals” is reported here: Mohammed S. Ibrahim, “Vigilante Group Hunt for Homosexuals in Parts of Accra,” *Modern Ghana*, 25 January 2021, <https://www.modernghana.com/news/1057357/vigilante-group-hunt-for-homosexuals-in-parts-of.html> (accessed 4 August 2022).

133 “Anti-LGBTQI bill is Trying to Codify into Law Spirit of Mob Action, Violence and Vigilantism – Davis Mac-Iyalla,” *MyJoyOnline.com*, 17 February 2022, <https://www.myjoyonline.com/anti-lgbtqi-bill-is-trying-to-codify-into-law-spirit-of-mob-action-violence-and-vigilantism-davis-mac-iyalla> (accessed 4 August 2022).

134 Donkor interview.

135 OutRight interview with Joshua, location withheld, January 2022.

Peter, a 33-year-old DJ and MC, told OutRight that on 19 December 2021 he was returning home from an event with a friend around 6:30 pm in a town on the Atlantic coast. Eight men followed them, calling them slurs and hurling insults like *batty boy*, *chichi them*, and *fire burn them*.¹³⁶ One of them slapped Peter, and Peter hit him back in defense. Immediately, they pounced on Peter, beating him. They cut him with a knife on his neck, chest, and arm. They ran off after stealing Peter's and his friend's mobile phones. People in the neighborhood rushed Peter to the hospital, as he was covered in blood.¹³⁷ The hospital rejected him because there was no police report.¹³⁸ They then went to a police station, and the police asked that they get a hospital to try to save him first as his life was more important. The second hospital also refused to treat Peter as there was no written police statement, but the third hospital finally took Peter in and treated him.¹³⁹ When he eventually did file a police report after seeking treatment, Peter said the police did nothing to investigate the case:

Now, nothing is being done. As I speak to you, I cry when I think about what the police are doing. The last thing they told me was to find a way to get the guys. My case is being delayed.¹⁴⁰

YAFEU'S STORY

Yafeu, a nonbinary bisexual person working in small community in Accra, was on their way home on a motorbike when a man in their neighborhood stopped them. The man held on to them and called for people to come. The people in the community attacked Yafeu, beating and slapping them. They kept calling Yafeu gay and saying that they had discovered the gay people in the community. The attackers took Yafeu to the police station, and the police put Yafeu in a cell with two other persons. All three had been outed by a fourth person, a 19-year-old who had been accused of assaulting a 13-year-old boy. As is common in countries with homophobic laws, the police apparently conflated consensual same-sex activities between adults with assaults on minors. The 19-year-old had earlier been interrogated by the police, who asked him to name his "fellow gay people." He outed people he thought were queer. Yafeu spent three days in detention in poor conditions until their family was able to raise 1000 [about US\$123] of the 1200 Ghana cedis [about US\$ 147] the police demanded.¹⁴¹

Yafeu said:

I was broke after this incident. I had only 800 Ghana cedis [about US\$99] after the whole thing, but I couldn't work, and the money finished. [Meanwhile], the news spread everywhere. I heard that people close to my phone accessories business said they would beat me and kill me so I couldn't go there. I didn't have transport money to go to my mom's place or the NGO. I didn't have food

136 Peter interview.

137 "Peter" also shares his story and dissatisfaction with the police here: "Man Physically Abused With A Knife By Young Boys Who Claim He Is Gay," Video, SVTV Africa, 7 January 2022, <https://www.youtube.com/watch?v=bmEP7x9e7ZU> (accessed 4 August 2022).

138 Ibid.

139 Peter interview.

140 Ibid.

141 Yafeu interview.

to eat, and I was starving most days. One of my brothers supported me with some money but he warned me that if something like this happens again, they won't support me because this is foolishness to them.¹⁴²

When LGBTIQ persons suffer forced evictions, they usually also suffer income loss. This means that the struggle is manifold: struggling to find safe housing, earning enough money to live on, and protecting themselves from more harm. For instance, Yafeu was rendered homeless after an arrest and then a forceful eviction, so they went to their mother's home. But just like in the area where Yafeu had run a small phone accessories shop, the news had spread, and people kept harassing them.

Yafeu could not return to their shop and lost the business. They told OutRight that "people were calling me names: 'The gay person sent to the police cell.' Anyone who sees me says, 'This is the guy who was caught.'"¹⁴³ After three weeks of experiencing harassment in their mom's neighborhood, they found a room to rent. "I couldn't even afford the complete rent, so I asked the woman to let me pay some, and after a while I'll pay the rest."¹⁴⁴

Yafeu now volunteers with an NGO that pays small stipends to volunteers, but this barely meets their living expenses. In addition, Yafeu described the insecurity in their neighborhood:

In the slum where I am now living, someone tried to get into my room around 2 am. He said that he heard that I am queer, so he wanted to have fun with me. When I refused, he started insulting me and calling me so many names.¹⁴⁵

Yafeu concluded:

I am worried that someone will harm me or stab me.... I am worried about somebody breaking in to steal my belongings. I don't feel safe there.¹⁴⁶

Williams, a 39-year-old gay man who works as a consultant architect in the Ashanti Region, said that in December 2021 several attackers, wearing masks, stabbed him with a screwdriver and ran away with his phone.¹⁴⁷ Williams showed OutRight the bandages on his arm, covering the injury. Williams refused to go to the hospital and treated himself because, as he told OutRight, he knew of the discriminatory treatment many LGBTIQ people experience in hospitals, and he "didn't want to go through that kind of pain."¹⁴⁸ But he did report to the police, who asked him to go find a suspect himself. Williams added:

142 Ibid.

143 Ibid.

144 Ibid.

145 Ibid.

146 Ibid.

147 Williams interview.

148 Ibid.

As I was about to leave, he [the police officer] asked how a nice gentleman like me can be gay. He asked me, 'Are you stupid?' I told him he didn't know what he was saying. I also said to him, 'May your God forgive you.'¹⁴⁹

Williams had not been able to identify a suspect to report to the police at the time of this writing.

Oko, an LGBTIQ activist who has been working for many years in Ghana, reported the situation of a young man attacked by a mob in the Bono East Region of Ghana.¹⁵⁰ He was publicly outed as a gay man and was beaten. The townspeople performed rituals on him, aiming to alter his sexual orientation. This man had to flee the neighborhood and his thriving business. He was taken in by Oko, who housed him in a hotel for two months. Oko said:

He was so [well-known] in his town, and the case was all over the news. I couldn't leave him to kill himself – he was in his prime. He has been having suicidal thoughts and he told me, 'Life is not worth living anymore.'¹⁵¹

Given people's perceptions about how LGBTIQ persons may appear, one activist told OutRight that effeminate and feminine-presenting men are at particular risk of public attacks: "They've done nothing, but just by the way they appear; they're perceived to be gay. They get harassed, including physical harassment."¹⁵²

Akshu, a 32-year-old trans woman, was accosted by some men in her neighborhood:

I got out of a taxi around 9:30 pm and this guy I knew from the neighborhood approached me with about five others. He drew a knife on me and said I should give him my phone. He said if I didn't, he will attack me and say that I tried to have sex with him. I was dumbfounded and I couldn't move. They took my phone. Later, I reported to his family, and he made the public outcry that I wanted to have sex with him. It was an embarrassment for my family and me.¹⁵³

The incident has left Akshu feeling exposed and traumatized. She told OutRight:

I nearly resorted to committing suicide. If not for the timely intervention of my friends and family, I don't think I'd be here now. My family took the issue to the police, but they [the police] wanted to make it about me and my sexuality. My dad had to withdraw the case, so it won't tarnish the image of the family.¹⁵⁴

149 Williams interview.

150 Oko interview.

151 Ibid.

152 OutRight interview with Mawuli, location withheld, January 2022.

153 OutRight interview with Akshu, location withheld, January 2022.

154 Ibid.

Solomon, a trans woman who lives around Ghana's Central region, also suffered violence in her neighborhood. She was standing in front of an apartment with a new friend when the friend got a phone call. Within a few minutes, Solomon said:

I saw six guys coming towards us. One of them asked me how I was doing, and I said I was fine. The next thing was a slap on my face. They all pounced on me and beat me mercilessly. One of the women living there came out to complain about the beating and they told her that I wanted to have an affair with the guy [the friend]. They told me that 'we have been looking for you people and now we have caught you.' They used belts and wires to flog me. They poured water on me, and they tore my knicker. They recorded me and said they would make the video go viral, if I didn't bring 2000 Ghana cedis [about US\$246].¹⁵⁵

Jude, a gay man, was set up by his friend's family when they discovered his friend was gay:

They wanted to get all his friends that could have been gay. So, they called me with his phone to tell me he was at the hospital and needed my help. I decided to go and see him. At the junction of the hospital, they grabbed me and beat me in the street, saying that I was influencing their brother to be gay. Finally, one man passing by stopped them and said if I am gay, they should take me to the police station. They left. I had to go to the hospital to treat my injuries.¹⁵⁶

Kwame, a bisexual man who works in the Central Region, was set up by a close friend that knew his sexual orientation:

He [the friend] told me that he had a gay friend and arranged for us to meet. I didn't know it was a set-up. I met up with the guy. We were talking when three other guys came to meet us and started questioning me. 'Are you the one that is gay?' And they beat me up. I was trying to talk and defend myself, but they beat me. I was so afraid of what they could do to me.¹⁵⁷

On another occasion, Kwame said neighbors harassed and provoked a fight with him, forcing him to leave his neighborhood:

They said only men come to visit me. It became a physical fight and a big issue in the neighborhood. Everyone was saying that I sleep with men. So, I had to leave even though my rent had not expired.¹⁵⁸

LGBTIQ activists in some regions also face physical violence in the course of their work. Charlie, an LGBTIQ rights activist who lives in the south-central part of Ghana, said:

155 OutRight interview with Solomon, location withheld, January 2022.

156 Jude interview.

157 Kwame interview.

158 Kwame interview.

[Physical violence] happens a lot. In September last year [2021], we were physically attacked by neighborhood guys who suspected that the people we went [into] the community to meet were LGBT persons.¹⁵⁹

Edith, a lesbian woman living in Accra, blamed the Bill for facilitating harassment and abuse: “Now with this Bill anyone can just accuse any person that they don’t like of being gay, mob them, and have them arrested, because they know people will believe them.”¹⁶⁰

Sexual Violence

OutRight received reports of several cases of sexual violence targeting LGBTIQ people since the Bill’s introduction. Blue is an activist with an LBQ organization, and when OutRight interviewed him he was working to secure justice for a trans man raped by four men in a market in 2021. Blue attributed these recent cases to public hostility triggered by the anti-LGBTIQ Bill: “Since the Bill, people are waiting for the least opportunity to abuse you.”¹⁶¹

In most cases these reports were secondhand, likely because survivors were reluctant to share their stories directly with an OutRight researcher without having sufficient time to build trust.¹⁶² Survivors were similarly reluctant to share their stories with the Ghana police. Donald, a paralegal, told OutRight he received a case in which six men, after repeatedly harassing a trans woman in their neighborhood in Accra, saw her coming out of a bath house and gang-raped her. They also threatened to tell everyone that they caught her having sex with two men. Donald said: “We couldn’t go to the police station because if we did, they would take a look at the victim and immediately agree that the perpetrators caught them having sex with two guys.”¹⁶³

Rebecca, an LBQ activist in Accra, said her organization has been handling a case of rape of two “masculine-presenting women” who were gang-raped in 2021 by six men, “trying to force them to change their sexual orientation.” In another case, she said, “a woman’s husband raped the woman he caught her with.”¹⁶⁴

In these situations, Donald said, little can be done to help the survivor seek justice: “What happens in these cases is that we just counsel the person and help them screen for STIs and HIV. If someone tests positive, the organization helps.”¹⁶⁵ Thema, who heads an LBQ organization, concurred:

The victims usually say, ‘I just want to tell you.’ They’ll say they don’t want to report. And then you just have to listen and take in all the emotions.¹⁶⁶

159 OutRight interview with Charlie, location withheld, January 2022.

160 Edith interview.

161 Blue interview.

162 Separate OutRight interviews with Thema, Rebecca, and Andy, locations withheld, January 2022.

163 Donald interview.

164 Rebecca interview.

165 Donald interview.

166 Thema interview.

They added that families, in her organization’s experience, could be as unsupportive as the police:

“The family will say, ‘you are like this, that’s why you got raped. Get married to this person so we can cover it up that you don’t bring any shame to the family.’

– *Thema*

“The family will say, ‘you are like this, that’s why you got raped. Get married to this person so we can cover it up that you don’t bring any shame to the family.’”¹⁶⁷

Ghanaian media outlets have reported additional recent cases of gang-rape of alleged lesbians. In one case involving a 15-year-old victim raped by two men in October 2021, media reported that police made one arrest. OutRight was unable to obtain information as to whether the case proceeded to trial.¹⁶⁸ In yet another case reported

to the police in February 2022, six men raped three women for “allegedly engaging in lesbianism” in Accra.¹⁶⁹ The media report states that the men were “mobilised” by the neighborhood chief to attack the women for their sexual orientation.¹⁷⁰

Persons who publicly identify with non-conforming sexual orientations and/or gender identities can experience additional forms of sexual violence. Solomon, a 20-year-old trans woman, tried sex work on one occasion after being disowned by her father. She was robbed and extorted by her first and only client after he had sex with her, which is described further in the section on extortion, below.¹⁷¹ Donald, a massage therapist and gay man, said that in January 2022 a man harassed him in his shop. After asking for a massage, the abuser stripped naked, tried to make Donald touch him, and then made him sit and watch while he masturbated. Donald said:

I didn’t even take the money for the massage. I just asked him to go. I see him when he passes, but I don’t greet him. They will harass us and then report us to be the ones harassing them. It doesn’t make sense. People try to have their way with you because you’re out.¹⁷²

Death Threats Against LGBTQ Persons

Activists in Ghana report a rise in the instances of death threats targeting sexual and gender minorities since the Bill was introduced.

When Kwame, a 30-year-old bisexual man, moved to a new region after an altercation with his previous neighbors, death threats and harassment from his neighbors greeted him:

167 Ibid.

168 “Two Men Reportedly Defile Alleged Teen Lesbian,” *Ghana Web*, 29 October 2021, https://mobile.ghanaweb.com/GhanaHomePage/NewsArchive/Two-men-reportedly-defile-alleged-teen-lesbian-1390543?utm_term=Autofeed&utm_medium=Social&utm_source=Facebook#Echobox=163546741 (accessed 4 August 2022).

169 “Two Remanded for Assaulting Three Women over Lesbianism,” *Ghana Web*, 8 February 2022, <https://mobile.ghanaweb.com/GhanaHomePage/NewsArchive/Two-remanded-for-assaulting-three-women-over-lesbianism-1464103> (accessed 4 August 2022).

170 Ibid.

171 Solomon interview.

172 Donald interview.

Someone wrote a threat on my door: ‘We know who you are. We know you’re gay. We will kill you if you’re not careful.’ My current neighbors keep asking me questions, especially if I’m married. Sometimes I lie that I have a wife in Accra.¹⁷³

“Someone wrote a threat on my door: ‘We know who you are. We know you’re gay. We will kill you if you’re not careful.’”

– Kwame

Williams, a 39-year-old gay man, received phone calls and threatening text messages in September 2021: “They were warning me to leave because they know I am gay. And that if [I don’t leave], once the Bill is passed, I’m the first person they’re going to attack.”¹⁷⁴ After this, his landlord also sent him an eviction letter, leading Williams to move away from his family to a different region where he is alone. He stated that he did not want to leave Ghana because “This is my country, this is where I was born, my parents are from here... I have nowhere to go. I decided to stay and fight [for his rights].”¹⁷⁵

Oko stated that:

“People message me with threats: ‘I’ll kill you.’ They expose me to a lot of harassment.”¹⁷⁶

Addi, a transgender man with a 10-year-old child, told OutRight that he has received multiple death threats since the Bill came up:

Since these conversations about the Bill started, I had people point at me in the street and say that very soon, they are going to burn me to death. I was traveling one time and one person in my neighborhood told me not to come back. They said I should take my daughter and go away or if I came back, they would either kill me or my daughter. They told me that my freedom would soon end.¹⁷⁷

Thema, an LBQ activist said: “Some of this started after the anti-LGBT Bill was introduced. These women started facing some risks where people went to their faces and said, ‘You! You’re LGBT. We’re going to burn you.’”¹⁷⁸

Andy is a gay man who runs an LGBTIQ organization. His organization, has received several threats. One such threat sent to their social media page in October 2021 reads:

It will get to a time when we will have to eliminate these silly people from our midst. We’re going to kill them, not only beating them. Because we don’t want this in our lives. Wherever you see them kill them because animals who we think are less sensible than us will not do this. So why?¹⁷⁹

173 Kwame interview.

174 Williams interview.

175 Ibid.

176 Oko interview.

177 OutRight interview with Addi, virtual, May 2022.

178 Thema interview.

179 Andy interview.

This statement was in response to a post urging the Ghana police to investigate a case where a gay person had been beaten, stripped naked, threatened with a machete, and nearly burned with a heated iron.¹⁸⁰

Public personalities, including religious figures, have also amplified death threats. In the Kumasi Central Mosque, for instance, the Chief Imam reportedly called for homosexuals to be arrested and killed, quoting Bible texts while stating that if the Bill is passed, it would cause an uprising because it does not go far enough.¹⁸¹

Blackmail

Many interviewees reported that blackmail is increasing in prevalence since the Bill's introduction. In some cases, blackmail arises from sexual or romantic relationships or on dating apps. Donald, a paralegal, reported five recent cases of "catfishing" on Grindr, a dating and hookup app aimed at gay men: "They meet you on Grindr, take your phone, harass you, blackmail you."¹⁸² Solomon, a 20-year-old trans woman who tried doing sex work after her parents withheld financial support, said:

One person that asked me to come to Accra was also a setup. He didn't beat me, but he took my phone. I didn't have any money to go back to my town. This person who set me up took all my money and told me that he will take me to some priests to pray for me so I can stop. After a while, he allowed me to leave with just my bag.¹⁸³

Osei, a trans woman, says she experienced blackmail from someone she was considering dating. "He asked me to give him money, and when I refused, he threatened me that he would tell people that I am queer."¹⁸⁴

Ameyo, a 28-year-old lesbian woman, was blackmailed by the boyfriend of a woman who was interested in her. He threatened to out her to the public and on social media if she did not cut ties with the woman.¹⁸⁵

Donkor, the Executive Director of LGBT+ Rights Ghana, said that few blackmail victims speak up about their experiences: "People keep their experiences with blackmail violations to themselves. They don't report because they feel somewhat ashamed that one would fall victim to this kind of abuse."¹⁸⁶

180 Ibid.

181 Tweet by Rightify Ghana, an LGBTQ+ rights organization in Ghana: RightifyGhana, "Islamic cleric quotes Christian texts to make request that LGBTQ persons should be "killed", threatens uprising. Chief Imam for Al-Bayan Muslims Preachers Association, Alhaji Abubakari Sadique Owusu said this at an anti-LGBTQI press conference at the Kumasi Central Mosque," 23 December 2021, <https://twitter.com/RightifyGhana/status/1474006723610427398?t=JkJyNFEYtSxSOBHzojBYXQ&s=19> (accessed 5 August 2022). See also: "Arrest and Kill All Homosexuals – Chief Imam," *Paste Ghana*, <https://pasteghana.com/arrest-and-kill-all-homosexuals-chief-imam> (4 August 2022).

182 Donald interview.

183 Solomon interview.

184 Osei interview.

185 OutRight interview with Ameyo, virtual, May 2022.

186 Donkor interview.

MOSES'S STORY

On 23 December 2021, a group of eight people came to the home of Moses, a bisexual man with a young daughter, in the central region]. They demanded 1,000 Ghana cedis (about US\$123), threatening to out him if he didn't give them the money. He gave them 200 Ghana cedis (about US\$25), all the money he had. They also took his phone and laptop.

The eight men came back on 1 January 2022 demanding the rest of the money. Moses didn't have any more to give them. He asked another man in his shared house for help, but when he explained that he was being harassed because of his bisexuality, the housemate refused to assist.¹⁸⁷ Moses described the scene:

The boys were there shouting, holding cutlasses, trying to beat me. They took my TV this time. I threatened them with a curse, so they were a little bit afraid and left.¹⁸⁸

The results of the attack were manifold. When OutRight interviewed Moses four weeks later, he said:

Now I am watched, everybody wants to know what is going on with me. No one [of my friends] comes visiting. Even if my family member comes, it is as if they are also [gay]. People also told my daughter what happened... The young guys in my compound don't even ask me for help or advice anymore.

My neighbors sing songs at me when I pass, or even at my window. They do this even in the streets. They don't talk to my daughter or me. Nobody plays with her anymore. I don't go out when people are around. If I have to pee, I will pee into something in the room and then throw it away when nobody is around. I stay in my room all day. If I have to go out, I must disguise myself so people will not see me. Even my neighbor who knows what's up [meaning, is gay] avoids me so that people will not suspect him.¹⁸⁹

Moses's landlord called him to ask if it was true that he was gay:

I had to lie to convince him that I am not because I don't have anywhere else to go. I told him that people accuse me, but it is not true.¹⁹⁰

When OutRight interviewed Moses, he said - while crying - that he had contemplated suicide:

187 Moses interview.

188 Ibid.

189 Ibid.

190 Ibid.

I had a blade, knife, and rope, and I was trying to choose. I eventually called a friend who took me in and counseled me. I have been crying for like 15 days straight. I have no appetite to even eat.¹⁹¹

OutRight received information in June 2022 that Moses' neighbors had attacked him again, beating him in March and April 2022, and he had to flee the house.¹⁹²

Discrimination Based on Sexual Orientation and Gender Identity

Discrimination in School and at Work

Most LGBTIQ persons interviewed for this research experienced harassment in school and/or workplaces, from employers, colleagues, school staff, or students. For two people interviewed by OutRight, challenges in the workplace or in school stemmed directly from arrests. Rebecca, one of the Ho 21 arrested in May 2021, feared returning to her university after the arrest. Her fears were confirmed on her first day back:

My faculty got to know about it because I'm in class with police officers... A lot of information and our names were shared on police officers' platforms. Immediately I got into the lecture hall, they started speaking about homosexuality, and the lecturer said they wanted to use me as an example. I told him it was against my fundamental human rights and that I'd prefer he uses somebody else as he doesn't have my consent. He quickly moved on. But one of the guys kept making comments at me. Another person asked him to shut up.¹⁹³

Rebecca did find some support from at least one of her schoolmates. "After the class, I tried to leave immediately, but one guy called [to] me and told me that 'we love you regardless.'"¹⁹⁴

Yafeu and Frank, who were arrested in October 2021 after neighbors attacked Yafeu, said they were held in a cell with a schoolteacher, also arrested because of his presumed sexual orientation. During interviews with Frank and Yafeu, they reported to OutRight that the police told the teacher that "he is going to spoil the children."¹⁹⁵ Frank told OutRight that the police called the school authorities to inform them of the allegations that the teacher was gay.¹⁹⁶ As a result, management fired the teacher without paying his previous month's salary and expelled him from their accommodation.¹⁹⁷

191 Ibid.

192 OutRight email exchange with Andy, the founder of an LGBTIQ organization handling Moses' case, June 2022.

193 Rebecca interview.

194 Ibid.

195 OutRight was unable to reach him, but we held separate interviews with Frank and Yafeu, his cellmates during the detention, in January 2022.

196 Frank interview.

197 Ibid.

Ameyo, a lesbian, works in a government agency as a civil servant. She said:

I feel very sad with the conversations that they have but I try to educate them about many things, like the myths they have about women's bodies. I sometimes fear them discovering my sexual orientation because I don't know how that will affect my job.

She told OutRight that she had started wearing dresses and skirts to work in order to conform, although she felt uncomfortable in such clothing:

The Bill has threatened me more than I admit. I now try to take attention away from myself.¹⁹⁸

Maxie, a 36-year-old lesbian, works in a government agency in Accra. She told OutRight her superiors suspect her sexual orientation, and pressure her to get married and give birth: "My boss told me that if I don't give birth by my next interview for promotion, it will affect me."¹⁹⁹ She had already experienced discrimination in hiring because of her gender presentation:

Some persons think that studs are cursed and so if they employ them, their businesses will collapse. Other times, they feel that you will teach other people to be lesbians. They rejected me in my first job search as a teacher because I was a 'footballer.' They wouldn't call you 'stud' or 'lesbian' directly.²⁰⁰

Entrepreneurs who are LGBTIQ persons also find it difficult as their businesses have been affected by the Bill and the conversations it drives. Blue's partner, who runs a restaurant, has had customers turn away after the exposure from the Ho arrests. Blue admitted that: "They [people] think that they may get bad luck from buying food from us. We've lost a lot of customers. Sometimes we're also afraid about whether they will plot something to harm us."²⁰¹

Umar, a 45-year-old bisexual man, is a skilled chef who used to combine entrepreneurship with activism:

I had a fast-food joint where a lot of people used to patronize. Since this thing [the Bill and media propaganda] started, people started pointing fingers at me that I'm gay. If someone wants to come to my shop, they will say, 'You're going to buy his food? He's gay. How can you get food from someone who sleeps with men?' This collapsed my business. I had to move to a different region. Now I am starting a new life here.²⁰²

Evictions

In two cases documented by OutRight, landlords evicted their tenants due to their real or perceived sexual orientation or gender identity.

198 Ameyo interview.

199 OutRight interview with Maxie, virtual, May 2022.

200 Maxie interview.

201 Blue interview.

202 OutRight interview with Umar, location withheld, January 2022.

After Yafeu was released from police detention, they got to their neighborhood to hear shouts of “he has come o, he has come!”²⁰³ They felt very unsafe in the community where neighbors ganged up to beat and hand them over to the police. Their landlady also called them and asked them to move out. She said that she would rent the place out and give Yafeu their eight month’s balance: “The eviction letter she gave me when I went to her said that they are Muslims, that they never knew I was gay and so I should move out.”²⁰⁴ Yafeu reports that earlier, “the police had also told me that it will be better for me to leave because since this thing has happened, people’s eyes will be on me and with any little thing, they can kill me.”²⁰⁵

Frank, who had been arrested with Yafeu, said his landlord has hinted that he should leave his home, a result of harassment from neighbors. Frank said to OutRight:

When I am passing [his neighborhood] now, people point fingers at me, calling me names and embarrassing me. People hate me in the area. I don’t have money to go to any other place. If I can even work, I’ll be able to get the money. But I am not getting jobs anymore because of this thing.²⁰⁶

Frank’s neighbors also tried to get him evicted. They held a meeting and informed the landlord that they did not want Frank in the house anymore:

The landlord found it very difficult. He told me that he wants to know my plans because people in the area are asking him why he still has me in the house after the issue. I wanted to leave, but I couldn’t get any money to rent another place.²⁰⁷

Jude, who volunteers as a peer educator, sometimes has sexual and gender minority persons visit his house to access care. This caused issues with his neighbors and landlord:

My neighbors got to know, and they reported to the landlord. When my rent expired, my landlord refused to allow me to renew. He said he didn’t want me to stay in the house anymore. I started asking why and it turns out that he got information on what I do. He doesn’t want [LGBTQ people] in his house.²⁰⁸

Williams, a gay man living in the Ashanti Region, told OutRight that he has been housing LGBTIQ persons who have been forcefully evicted or rendered homeless due to violent situations: “I have been hosting people ever since this Bill came up. But my limit is up to 14 days. I can host people for only 14 days [at a time].”²⁰⁹ During this period, Williams helps survivors find alternative housing. Williams also handles their food and care:

203 Yafeu interview.

204 Ibid.

205 Ibid.

206 Frank interview.

207 Ibid.

208 Jude interview.

209 Williams interview.

I've been hosting them from my pocket. I don't get funding from anyone. Sometimes, friends who introduce these people give me money for their upkeep. But it comes only once. I think now our major challenge is a safe space where we can keep people. Now, the cases keep on coming each day.²¹⁰

In July, OutRight learned that Williams had to flee from his home as he had been exposed.²¹¹

Family and Community-Driven Abuse and Rejection

Many of the abuses reported by LGBTIQ people in Ghana since the introduction of the anti-LGBTIQ Bill come from family members and others in their neighborhoods and communities. Given that the anti-LGBTIQ Bill calls for public policing of LGBTIQ identities and advocacy and supports conversion practices, it is not surprising that members of the public feel entitled to harass LGBTIQ people or attempt to change their sexual orientation or gender identity.

Conversion Practices

The Bill advances the idea that lesbian, gay, bisexual, transgender, and queer people can and should be subjected to conversion practices, a term that encompasses attempts to change a person's sexual orientation or gender identity. According to the Bill's provisions, "accused persons" may be given "access to approved medical help or treatment" if they recant the "offense" and voluntarily request "treatment."²¹² Clause 2 of the Bill explains that approved medical help includes:

psychiatric service, psychological service, psycho-social counselling service and other service provided to a person engaged in, involved in or associated with a sexual activity prohibited under this Act to enable the person [sic] overcome any biological or physiological challenge related to a sexual activity prohibited under this Act.²¹³

"Approved medical treatment" encompasses:

endocrinological service, medical service, surgical service or any other service provided to a person engaged in, involved in or associated with a sexual activity prohibited under this Act to enable the person overcome [sic] any biological, psychological or emotional challenged related to a sexual activity prohibited under this Act.²¹⁴

Conversion practices take place around the world and are carried out in religious, medical, mental health, and community settings. They are not effective in changing people's gender identity or sexual orientation and can cause grave harm.²¹⁵

210 Ibid.

211 Email exchange between OutRight and William, July 2022.

212 "Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021," <https://cdn.modernghana.com/files/722202192224-0h830n4ayt-lgbt-bill.pdf> clause 21.

213 Ibid., clause 2.

214 Ibid.

215 Amie Bishop, "Harmful Treatment: The Global Reach of So-Called Conversion Therapy," OutRight Action International, August 2010, <https://outrightinternational.org/reports/global-reach-so-called-conversion-therapy>, (accessed 9 August 2022).

OutRight interviewed three people whose family members attempted to subject them to conversion practices in Christian religious settings. After Moses, a 32-year-old bisexual, was blackmailed in December 2021 and publicly accused of being gay, his family sought to change him:

My brother is a pastor. He sends me a message every morning: ‘Repent. It is a sin.’ He gives me Bible quotations to read, along with prayers and fasting. My mom now takes me to church every Friday for vigils and then every Sunday. Every time she calls me, it’s more of counseling. I just go so that she can be happy.²¹⁶

Blue, a trans man, was terrified when his family made plans to take him to Benin Republic for conversion efforts. This was after the Ho arrests and Blue was exposed to his family:

They told me that I would be with the man of God [an Imam] for three or four months. I had no idea what kind of things they would do to me. I thought they could even force me into marriage. So, I had to leave the house. I ran.²¹⁷

Joan, a 35-year-old lesbian, said her family attempted “to pray my sexual orientation away.” The conversion effort was unsuccessful, Joan said, so her family has changed tack: “They don’t talk about it again. Now, my grandmother says she is waiting for me to get married.”²¹⁸

Christian, a young gay university student, said his family members have attempted conversion through preaching and prayers:

They have called me a demonic influence. They say I am an enemy to the family and the Lord. They said God’s judgement would soon be on me. But they are worried that this ‘judgement’ may affect them, so they say I need to cleanse myself and reconcile with God.²¹⁹

Oko, a prominent LGBTIQ rights activist, described the experience of a man he was sheltering, Yaw, who had fled his community and now lives in fear after his townsfolk performed traditional religious rituals on him in October 2021: “He was first beaten by the people in the community. Then they took him to the elders. They made him kneel, recited incantations, killed a sheep and poured the blood on him.”²²⁰ Oko said the ritual was an effort to put curses on the man so that if he ever was to carry out any same-sex activity, he would suffer the consequences, including death by the gods.²²¹

Although OutRight did not interview anyone who had undergone conversion practices in health settings, Andy, founder of an LGBTIQ organization in the Ashanti Region, described the case of a 40-year-old gay man whose employers threatened to subject him to “hormonal treatment” to change his sexuality:

216 Moses interview.

217 Blue interview.

218 OutRight interview with Joan, a 35-year-old lesbian living in Accra, virtual, May 2022.

219 OutRight interview with Christian, virtual, March 2022.

220 Oko interview.

221 Ibid. See also Ama Cromwell, “Alleged Homosexual Banished from Nkoranza Community,” *MyJoyOnline.com*, 8 October 2021, <https://www.myjoyonline.com/alleged-homosexual-banished-from-nkoranza-community> (accessed 4 August 2022).

His employers have given him some months to get married, or they would fire him. They ‘confirmed’ that he is not married because he was a gay man when he was blackmailed and publicly outed. At a general staff meeting, management announced that ‘if you are an armed robber, or a gay or lesbian and we find out, we are going to fire you.’ He felt that this was targeted at him. Eventually, the management reached out to him and recommended conversion practices, including hormonal therapy. They have run various tests on him, including STI tests, but he is resisting hormonal treatment. He has told them to provide counseling [talk therapy] instead.²²²

Proponents of the Bill are taking steps to expand the use of conversion practices in health settings. In 2018, before the Bill was introduced, the National Coalition for Proper Human Sexual Rights and Family Values (the Coalition) had advertised a “counseling” session for homosexuals.²²³ In 2022, after the introduction of the Bill, the Ghanaian Mental Health Nurses group, collaborating with the Coalition, organized a training workshop session for mental health nurses on “Treatment, Care and Support for Persons with Sexual Orientation and Gender Identity Disorder.”²²⁴ In the video cited, Moses Foh-Amoaning states that the Coalition is ready to train healthcare workers to treat homosexuality as a disorder.²²⁵ He adds that they have acquired huge plots of land to build a hospital for these conversion practices.²²⁶

Verbal Harassment

Several interviewees reported that derogatory terms are so common that they are normalized. Kizito told OutRight: “It’s a day-to-day thing that we always experience.”²²⁷ When asked if they’ve experienced any form of violence related to their identity as a sexual and gender minority person in Ghana, Kwabena stated: “It’s the *normal* assault and giving of names.”²²⁸ Akshu, a transgender woman, told OutRight that: “They call me names like *kojo bisia*, which means “effeminate man.” People talk about you in the street and look at you with weird eyes when you walk in the street.”²²⁹

222 Andy interview.

223 Timothy Gobah, “400 Homosexuals Register for Counselling,” *Graphic Online*, 21 August 2018, <https://www.graphic.com.gh/news/general-news/400-homosexuals-register-for-counselling.html> (accessed 4 August 2022).

224 “Coalition of Human Rights Condemns Ongoing Conversion Therapy Workshops,” CDD Ghana, 10 June 2022, <https://cddgh.org/condemnation-of-activities-promoting-conversion-therapy-in-ghana-and-call-on-health-authorities-to-intervene-stop-them> (accessed 4 August 2022). Khatondi S. Wepukhulu, “Top Ghanaian Doctors Use Misinformation to Train Nurses in ‘Conversion Therapy,’” *OpenDemocracy*, 28 July 2022, https://www.opendemocracy.net/en/5050/ghana-anti-lgbtqi-bill-conversion-therapy-training-doctors/?utm_source=5050%20NEWSLETTER%20SEGMENT&utm_medium=email&utm_campaign=Top%20doctors%20in%20Ghana%20promote%20%20E2%80%98conversion%20therapy%E2%80%99&_kx=95dds59hNkAfLAM8kolZJbt-nsIjiAyTjggPomBa_HqukUIh5uqi5gU6By89astl.YjCYwm, (accessed 9 August 2022).

225 Foh-Amoaning is the General/Executive Secretary of the National Coalition for Proper Human Sexual Rights and Family Values. See Tweet by Rightify Ghana: @RightifyGhana, “According to the General Secretary of the anti-LGBTQI Coalition that drafted and is pushing the anti-LGBT bill, they * Have acquired huge plot of land to build hospital for so-called Conversion Therapy * Will create courses to train health workers to treat LGBTQ as a ‘disorder.’” Tweet, 24 December 2021, <https://twitter.com/RightifyGhana/status/1474363905627590664?t=Pp5rHJ1zHYuHcxgXoI7PA&s=19> (accessed 5 August 2022).

226 See also Tweet with Video by @Rightify Ghana, “We will introduce Trumu-Trumu Levy, TT-Levy’ – Executive Secretary of the anti-LGBTQI Coalition who drafted Ghana’s anti-LGBTQ bill, Moses Foh-Amoaning believes Ghanaians are ready to pay an anti-LGBT tax if donors withdraw funding support. This comes as Ghanaians protest E-Levy,” 24 December 2021, https://twitter.com/RightifyGhana/status/1474341652395401219?t=3YvT_gEuF3Zqih4OeOcT7w&s=19 (accessed 5 August 2022).

227 Kizito interview.

228 OutRight interview with Kwabena, location withheld, January 2022.

229 OutRight interview with Akshu, location withheld, January 2022.

Addi, a 30-year-old transgender man who lives in the Central Region, said that after the Bill's introduction their neighbors harassed their 10-year-old daughter:

They started telling her to talk to me to change the way I dress. It really affected her more than me. She'd come to me and ask me to dress like a girl because people are telling her to do so. A time came when she wouldn't let me go to PTA meetings because her friends would say 'your mother is dressing like a boy.' One day she just accepted me and told me to come and dress any way I like.²³⁰

Addi remains in the neighborhood because they feel that their landlord is accepting and open-minded. For Joan, a lesbian woman, she and her partner moved out of a neighborhood where they felt unsafe and targeted. Now, they live in a quiet region where they can try to exist freely.²³¹

Donkor stated: "When people hear 'LGBT,' they immediately start saying that these people go to schools to lure kids and spoil them. It doesn't make sense."²³² He observed that much verbal harassment comes from family members, and sometimes it crosses the line to physical assault:

Anytime LGBT+ issues come up, insensitive people say very demeaning words. And if a family member perceives you to be LGBT+, that's when they bombard you with those dehumanizing words. They provoke you. When you react, they extend to [physically] attacking you. This is from family.²³³

Peace, an activist, described the discomfort that arose from being unable to advocate against hate speech in her own home:

I don't even feel safe at home. I'm tempted to advocate at home, but the probability of me getting kicked out is higher than me advancing in my advocacy. One time they were talking about the Bill on the radio, and my father said that 'they should just kill all these LGBT people.' I couldn't say anything.²³⁴

Verbal harassment also takes place in online spaces. Online platforms are also a hub for abusers to unleash vitriol against marginalized persons. Oko faces discrimination and harassment from a former schoolmate who is in the same social media group as him:

He makes silly and very aggressive comments against LGBTIQ persons. I make arguments for, and he makes arguments against [LGBTIQ rights]. But then he gangs up with some people, and they think they can shut me down by posting my pictures on the group, calling me *tumutumu* (gay man) like that. They'll go on my Facebook, take my pictures, and put it on the group. He even extended it to talking about my mother who just died, that she would be disappointed in me.²³⁵

230 Addi interview.

231 Joan interview.

232 Ibid.

233 Donkor interview.

234 Peace interview.

235 Oko interview.

Donald told OutRight that: “I receive threats sometimes, through messages on Facebook. I reply to them that I am not scared.”²³⁶

Oko said that the same is true when activists use online platforms to work. “The harassment was physical, and now, since the Bill, they are taking it virtually. When we reach out to people on social media, we are bullied.”²³⁷

Some activists are also trying to take back these online spaces. One organization, after the introduction of the Bill, trained volunteers as social media navigators. They use social media apps, including Grindr, which is described as a hub for blackmailers, to contact LGBTIQ persons and link them with needed services.²³⁸ Andy, the founder of another LGBTIQ rights organization, said that on his Grindr platform:

I was able to provide information on where and how to access care and provide a listening ear to several people that needed psychosocial support. I was also exposing blackmailers on the platform.²³⁹

Others make their online presence either limited or private. Hamida, a gender nonconforming lesbian, only makes posts on their WhatsApp status, which is a safe space for them.²⁴⁰

Family Rejection

As noted above, the proposed anti-LGBTIQ Bill imposes a duty on family members to report to police not only anyone who identifies as LGBTIQ, but also anyone who expresses sympathy toward LGBTIQ persons, provisions that are already contributing to a devastating hostility within families.²⁴¹ Nearly all the persons we spoke to for this research live apart from their families because of family rejection or harassment, some in different regions, while others are looking for means to do so.

Ameyo’s brother went through her phone and outed her to their mother late in 2021. She said:

I’ve been ambushed a couple of times. My mom insulted me, called me early in the morning around 6 to say she had dreams and they were because of me. She says I should stop whatever I’m doing and get married.²⁴²

Ameyo now makes an effort to stay apart from her family “so I am not the punching bag for them.”²⁴³

236 Donald interview.

237 Oko interview.

238 Joshua interview.

239 Andy interview.

240 OutRight interview with Hamida, virtual, June 2022.

241 “Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021,” <https://cdn.modernghana.com/files/722202192224-0h830n4ayt-lgbt-bill.pdf>, clauses 5, 6(1)e, 12(2).

242 Ameyo interview.

243 Ibid.

Solomon now receives care and support from their mother but has a difficult relationship with their father: “Because I act like a girl, [according to him] I am a demon. He didn’t even pay for my final exams.”²⁴⁴

Christian described how his family members “make me feel ashamed, like a waste, like the most useless person to come out of them.”²⁴⁵ Blue said that since he refused to undergo conversion practices in 2021, his family no longer cares for him or funds his education: “They feel that they are wasting money on me, and I am turning out to be something else.”²⁴⁶

Media Fabrication, Amplification of Hate Speech, and Outing

Media outlets in Ghana bear significant responsibility for sharing disinformation and inciting anti-LGBTQ bias since the Bill’s introduction. Media houses have published inciting statements by religious and political leaders on various platforms, presented as “news” without any fact-checking or presentation of different perspectives.²⁴⁷ The Bill’s proponents capitalize on the purported erosion of traditional family and cultural values as a result of gender and sexual diversity.²⁴⁸ Much of the local media coverage advances anti-LGBTIQ sentiments “to build engagement on their sites,” while little attention is devoted to human rights abuses against LGBTIQ people.²⁴⁹ It is also reported that proponents of the Bills use the media to make comments that publicly condemn LGBTIQ rights.²⁵⁰

Ghanaian media outlets have also reported fabricated stories to garner support for the Bill. In February 2022, an online news outlet reported that some “scouts” discovered LGBTIQ organizations donated laptops “programmed with pornographic content that seems to attract the youth into the gay fraternity” to high schools in Ghana.²⁵¹ A Member of Parliament, Alexander Akwasi Acquah, used this to solicit prayers “for Ghana against LGBTIQI.”²⁵²

In February 2022, Nhyira FM, a media channel with 2.7 million Facebook followers, published a video captioned “Alleged gay partners flogged mercilessly in public.” The video used in the report was not from an incident that happened in Ghana, but rather from a mob attack of supposed drug users in Nigeria.²⁵³ Rightify Ghana expressed concern that such false news could incentivize the continuance of mob attacks against LGBTIQ people.²⁵⁴

244 Solomon interview.

245 Christian interview.

246 Blue interview.

247 See, for instance, “LGBTQIA+ Activities are Inimical to the Existence of Human Race – Presbyterian Church,” MyJoyOnline.com, 10 March 2022, <https://www.myjoyonline.com/lgbtqia-activities-are-inimical-to-the-existence-of-human-race-presbyterian-church> (accessed 4 August 2022); The Freedom Radio, “LGBTQ+: Presby Church Demands Stiffer Punishment in Anti-gay Bill,” 11 March 2022, <https://freedomradiogh.com/lgbtq-presby-church-demands-stiffer-punishment-in-anti-gay-bill> (accessed 25 March 2022).

248 Signify Research Limited, “Ghana anti-LGBTQ Bill: Source, Promoters and Public Impact,” p. 12.

249 Ibid.

250 Ibid.

251 Porcia Oforiwa, “‘Gay Laptops’: Pray for Ghana Against LGBTIQI- MP to Pastors,” *Atinka Online*, 17 February 2022, <https://atinkaonline.com/gay-laptops-pray-for-ghana-against-lgbtqi-mp-to-pastors> (accessed 4 August 2022).

252 Ibid.

253 “Misleading: Videos Showing 2 Men Stripped Down to Their Underwear and Being Flogged Have Been Wrongly Characterized,” *Ghana Fact*, 2 February 2022, <https://ghanafact.com/2022/02/misleading-videos-published-by-nhyira-fm-showing-two-men-stripped-down-to-their-underwear-and-being-flogged-have-been-wrongly-characterized> (accessed 4 August 2022).

254 @RightifyGhana, “Our concern is that it would promote violence against LGBTIQ persons,” tweet, 2 February 2022,

Outing of LGBTIQ people by media outlets has also contributed to abuses. Edward, a bisexual man who volunteers with an LGBTIQ rights organization, was among those outed in the media since the Bill's introduction:

One of the media houses circulated my picture out of the blue, and it generated a lot of heated arguments and emotional abuse from people, including family. I had to relocate from my residence, delete my Facebook account and change my contact details.²⁵⁵

Discussions of the Bill tend to sensationalize the existence of LGBTIQ people and avoid reporting on real instances of human rights violations related to sexual orientation, gender identity, or sex characteristics. Akshu, a transgender woman who lives in the Central Region and works with a public institution, told OutRight:

The worst thing with this Bill is the media misinterpretation of everything. When it is discussed, it makes you feel like someone wants to strip you of your rights. I don't feel comfortable. I know people are waiting for them to pass the Bill so they can start attacking because they have a backing. I don't feel safe at all.²⁵⁶

Rather than regulate and sanction these acts, the head of the National Media Commission noted that "at the end of the day LGBTIQ is unlawful in Ghana" and "no journalist has ever been neutral."²⁵⁷

Psychological and Health Impacts of Violence Against LGBTIQ Persons

Frequent attacks and human rights violations, media incitement of hatred, and ongoing Parliament consideration of the anti-LGBTIQ Bill have had profound impacts on survivors and other LGBTIQ persons in Ghana. Stress related to personal and organizational safety is also draining for many persons.

Everyone OutRight spoke with for this research expressed dissatisfaction, fear, and anxiety, among others. Donald said:

I don't feel safe. As a gay man in Ghana, I do not think any LGBTIQ person is safe in the country. Not when you find yourself being attacked physically, emotionally, psychologically, in one way or another.²⁵⁸

Activists endure bearing their personal trauma while helping others deal with theirs. Donald said, "Sometimes when survivors share their experiences, you as the listener, if you're not strong enough, you'll end up crying."²⁵⁹ They also often feel the need to hold it together for other persons,

<https://twitter.com/RightifyGhana/status/1488804091417477122?s=20&t=IXupBOGDFgwgIKgXuD8UDg>, accessed 27 March, 2022.

255 Edward interview.

256 Akshu interview.

257 Lydia Namubiru, "The Media Disinformation Campaign against Ghana's Queer Community," *OpenDemocracy*, <https://www.opendemocracy.net/en/5050/ghana-lgbt-queer-community-media-disinformation-campaign>.

258 Donald interview.

259 Ibid.

even when undergoing the same trying situations. While in detention, Thema “didn’t want them to see me cry because that would make them breakdown because I am like a leader among them.”²⁶⁰ Kplorm, another activist, asked, “Because you are the defender, who defends you?”²⁶¹

Williams expressed that he has been very traumatized since the Parliament introduced the Bill and he was attacked. He began to have panic attacks whenever his phone rang, or he heard a knock on the door:

It got to a point I felt like a ghost. I have no appetite for food. For the first time in my life this year, I shed tears because of who I am.... Asking God, ‘Why did you make me this way?’ It has not been easy.²⁶²

Matthew has had health complications arising from his forced eviction and has been harassed by the police, family members, and neighbors. “I developed a high blood pressure. I am now taking drugs every day.”²⁶³

All persons we interviewed for this research mirrored feelings of insecurity. The Bill has increased levels of unsafety, and thoughts of its passage into law are even more harrowing. Raymond, who plaits his hair in a fashionable style, told us:

It’s not safe at all. As long as we don’t have rights protecting us, we are not safe. If they pass the Bill, it will be a serious issue. Even now, as the Bill has not been passed, people are hurting others. People are facing serious violence. Some queer people cannot act straight [or conform heteronormative standards]. The people who need to express their femininity will not be able to. I don’t think I’ll even be able to do these braids. You will be stigmatized and profiled. I hope the Bill is not made into law.²⁶⁴

Fear has made some interviewees hypervigilant. Thema said:

I don’t let anyone know where I stay. I listen to what people are saying around me in case it is anything against us [LGBTIQ persons]. It has gotten to the stage where you can’t take any call in a cab or take out your phone to text in public. You don’t know who is looking at you or paying attention to you. They could misinterpret your actions and put you in trouble.²⁶⁵

Thema added that, “My life, my whole existence, is on pause because there’s this Bill hanging, and there are people trying to erase our existence.”²⁶⁶

260 Thema interview.

261 Kplorm interview.

262 Williams interview.

263 OutRight interview with Matthew, founder of an LGBTIQ organization in the central region, location withheld, January 2022.

264 Raymond interview.

265 Thema interview.

266 Ibid.

Rebecca's experience is similar: "Now, I'm cautious about how I relate with people because I am constantly looking over my shoulder."²⁶⁷ Some persons feel that everyone around them is monitoring them, to comply with the Bill's provisions. Mawuli engages with a range of people in the course of his work. He told OutRight that:

I don't feel safe because you don't know who is monitoring you, especially with the part of the anti-LGBT Bill that says if you suspect someone, you should report them. Now I'm trying to be nice to everyone, trying to fit in. I'm constantly thinking about next steps to protect myself. I feel like I am living a double life. I feel suffocated. When will I be free?²⁶⁸

After the arrests and because of the conversations around the Bill, Duku told OutRight that they constantly look over their shoulder:

It's not safe, especially with the way I am. The way I walk, the way I talk, the way I dress. To be honest with you, I can't conform. I [tried] to be something else, [but] I can't. It's scarier because the Bill pushes people to abuse and pushes the police to arrest people unlawfully. I always wonder, 'what if someone had seen me in those videos? What if someone rapes me because they think this is who I am?'²⁶⁹

Kwabena, who is gender nonconforming, shared these feelings:

I am usually afraid of going out because I live in a Muslim community. I am afraid of what will happen if they find out that I am gay. I am not safe at all. I feel that anything can happen.²⁷⁰

Joan told OutRight that: "The Bill is influencing people in the wrong way and bringing out their true colors. You don't know who to trust."²⁷¹

Blue, a university student, told OutRight that the anti-LGBTIQ environment has limited their participation in school activities: "I don't live in the school hostel. I don't even eat in school anymore. I just come, attend lectures and leave."²⁷² According to Blue:

Nobody is safe. Nobody LGBTIQ is safe under this Bill. The Bill has created visibility that we exist and everyone is now very suspicious. If you're walking in a certain way, people can ask you 'are you part of those people?' They discuss on TV and radio stations that these girls who dress like footballers are actually lesbians, spoiling peoples' lives.²⁷³

267 Rebecca interview.

268 Mawuli interview.

269 Duku interview.

270 Kwabena interview.

271 Joan interview.

272 Blue interview.

273 Ibid.

According to Maxie: “The environment is now so toxic. If two ladies are walking together and one looks a bit masculine, it is a problem. You could even get beaten.”²⁷⁴ Hazel’s position is similar: “I tell my friends not to join public conversations about the Bill or do anything to attract attention, because before people can come to save you, you might have been beaten already.”²⁷⁵

Many survivors do not access professional mental health care because of the dearth of LGBTIQ-affirming care in the country. After experiencing detention, prosecution, public shaming and discrimination, Rebecca uses her knowledge of psychology for self-care.²⁷⁶ She said: “I also journal, write it out, cry it out, fix myself and then move.”²⁷⁷ Others rely on close friends who share their struggles to provide support. Osei shared that: “When [violence] happens, it’s mostly your close friends that will comfort you. In Ghana here, we don’t have psychological care or support.”²⁷⁸

Some activists and survivors have devised strategies for survival. Thema explains that: “We have a quickie bag for important items so that anytime something happens, we can grab it, knowing that’s our safety bag.”²⁷⁹ Another activist keeps his organization’s official registration documents on his phone for easy access: “I have everything on my phone so that if anything happens, I can just bring it out. I carry the registration documents.”²⁸⁰

Kplorm, a prominent LGBTIQ rights activist, said:

I think it is a lot of bravery to be gay and stand out there, and I salute all who do that because it is not easy. Our psyche, emotions and movements are affected, even in our dreams. I dreamt that a group of guys were about to attack me. We panic when things happen to [other LGBTIQ persons]. When walking, you’ll find yourself thinking, ‘who is looking at me?’ Some even try to disguise themselves. It is a big challenge for us to exist safely. Fear is really eating people up.²⁸¹

LGBTIQ persons and activists in Ghana are also wary about what they post on social media regarding their locations and personal lives. Edith told OutRight that: “I don’t post things about my location. If I go somewhere and I take a picture, I never post in on my social media until I have long left the place.”²⁸²

274 Maxie interview.

275 OutRight interview with Hazel, virtual, June 2022.

276 Rebecca interview.

277 Ibid.

278 Osei interview.

279 Thema interview.

280 Oko interview.

281 Kplorm interview.

282 Edith interview.

Suicidal Ideation Arising from Experiences with Violence

Of particular concern, three interviewees told OutRight about experiencing suicidal ideations after suffering targeted harassment due to their perceived or actual sexual orientation or gender identity. Peace said that after being arrested in Ho, “I had suicidal thoughts. I began to think that this life was not worth it. The Ho incident crushed my world.”²⁸³

In December 2021, Solomon was assaulted when an acquaintance set her up and organized a group of people to beat her because of her gender identity. She said:

I stayed indoors for about one month. I didn’t go out because it was too hard. My friends would call me, and I’d say I have traveled. Every time I tried to step out, it was traumatizing because of what the guys did to me. I had to wear things to cover myself so that people will not see me. I don’t have money; otherwise, I would have gone to another place. I had so many thoughts about killing myself. Depression set in. I would go to the lake beside our house and look at it for a long time, thinking about throwing myself inside the water.²⁸⁴

After Moses’s neighbors harassed, blackmailed, outed and beat him, he considered self-harm. He told OutRight that “I had a blade, knife and rope, and I was trying to choose.”²⁸⁵

Impacts of the Bill on the Right to Freedom of Association

LGBTIQ organizations also bear the brunt of the Bill and the increasing violence against LGBTIQ persons in Ghana. It has affected their ability to implement projects and reach target sexual and gender minorities.. Moses said: “It has been incredibly difficult navigating through these challenges.”²⁸⁶ Some people already view the Bill’s draconian provisions as legitimizing violence and homophobia. Andy also stated that LGBTIQ organizations in Ghana have been restricted from working as the climate is increasingly hostile.²⁸⁷

Engaging rightsholders is increasingly difficult because many people fear the implications of such draconian proposed legislation. Thema, who works with lesbian, bisexual, queer, and intersex women, said:

People are already scared because they think even the Bill being in Parliament means that it is law. So, it is quite difficult. If it is passed it will be more stressful because you’re not going to get anyone to attend your advocacy workshops.²⁸⁸

283 Peace interview.

284 Peter interview.

285 Moses interview.

286 Donkor interview.

287 Andy interview.

288 Thema interview.

In addition, some businesses who let out halls and rooms for meetings have refused to work with LGBTIQ rights activists and organizations. Jude, who works in the Ashanti Region, told OutRight that in November 2021, his organization booked a meeting hall, only to later be told there was no space. He said:

They knew that part of our work is with LGBT+ people so they did not want to associate with that. Some of these hall owners cannot tell us to our face that this is why they are rejecting us, but they reject us anyway.²⁸⁹

Joshua, whose organization works in three major regions in Ghana, said his organization was exposed to multiple security risks, given its visibility, starting from the Ho 21 situation. It has relocated its offices across the regions in which it operates. Joshua also told OutRight that at the peak of the Ho 21 situation, “We had to rely on the Ghana Aids Commission because it got to a time when the landlord wanted to eject us from the place.”²⁹⁰ His organization attempted to adapt to increasing insecurity by adjusting its peer outreach strategies:

Now, the peer navigators have been sensitized, and they go about their work with clear, modified strategies. We also rely on social media as an alternative means of reaching people. We know that people are reluctant and afraid.²⁹¹

Kwame, who works with an organization that targets men who have sex with men, also told OutRight that the Bill has exposed them:

In the area, the office is popular. People now pass by and make comments. We have heard people discussing our activities on the local radio. Last week, we were burgled and some items [were] stolen. We are exposed and it is not safe.²⁹²

It is only in a few instances that people genuinely seek information in positive discourses. Oko told OutRight that while conducting business for his organization: “Sometimes at the banks, tellers will call you aside to ask: ‘What do you do exactly?’ They don’t ask offensively [but] many people have started asking questions.”²⁹³

Due to increased negative visibility, sexual and gender minorities live in fear and distance themselves from LGBTIQ organizations and activists. For instance, men who have sex with men fear approaching the organizations to get care. John, a paralegal in the Ashanti Region told OutRight that: “They refuse to go to outreaches. They [say] ‘I’m not coming because the moment that I come, people will just label me [as gay].’”²⁹⁴

289 Jude interview.

290 Ibid.

291 Joshua interview.

292 Kwame interview.

293 Oko interview.

294 John interview.

People have lost access to safe-sex commodities and preventative care because they fear harassment from associating with LGBTIQ organizations. John added: “They will [also] not go to hospitals where medical professionals may be able to tell the kind of sexual activity they have undertaken.”²⁹⁵ Kwame agreed:

They would rather have sex without safe-sex commodities than risk people seeing them with volunteers or activists to get these commodities. Sometimes, we can take some items to the houses of people we know but there is no way to reach new people.²⁹⁶

In addition, LGBTIQ persons who work with public institutions in Ghana find that they need to hide their identities to deal with public agencies. John, a paralegal for a human rights organization, said, “You have to act straight when working on cases at the police station.”²⁹⁷

Thema and Rebecca both expressed concern that although the Bill threatens the fundamental right of freedom of association for all LGBTIQ organizations, LBQ women’s groups, which are under-resourced and marginalized even within the broader movement, may feel the brunt of an increasingly toxic, heterosexist climate.²⁹⁸

Finally, the Bill seeks to introduce censorship on online platforms. This will negatively impact LGBTIQ individuals and organizations and the technology companies that own the named platforms – Twitter and Meta, which owns Facebook and Instagram.²⁹⁹ Although Meta has no office in Ghana, Twitter intends to establish its African base in Ghana.³⁰⁰ Google, the major search engine used in Ghana, also has an Artificial Intelligence Center in Accra, the Capital city.³⁰¹ In addition to creating an unsafe environment for individual sexual and gender minorities, the Bill threatens the freedom of these foreign-owned companies, the safety of their staff, and the economic viability of technology-based investments in the country.

295 Ibid.

296 Kwame interview.

297 John interview.

298 Thema and Rebecca, separate interviews. Also see Rita Nketiah, “Homophobia is a Feminist Issue: An Urgent Call to Prioritize the Rights of LBQ Women in Ghana,” Human Rights Watch, 8 March 2022, <https://www.hrw.org/news/2022/03/08/homophobia-feminist-issue> (accessed 4 August 2022).

299 See clauses 12 and 13 of the Bill, where the drafters impose liability on the “owner of the media, technological platform or technological account” except said owner can prove that they did not consent to the “offense” and exercised “reasonable diligence.” Clause 13(4) states that “‘technological account’ includes facebook account, twitter account, Instagram account and any other social media account; and ‘technological platform’ includes websites, facebook, twitter, Instagram and other social media applications and sites.”

300 Ijeoma Ndukwe, “Ghana Basks in Twitter’s Surprise Choice as Africa HQ,” (BBC Business, 25 April 2021), <https://www.bbc.com/news/world-africa-56860658>, accessed 2 August 2022.

301 StatCounter, “Search Engine Market Share Ghana,” Global Stats, June 2021- July 2022, <https://gs.statcounter.com/search-engine-market-share/all/ghana>, accessed 2 August 2022; Kwasi G. Asiedu, “Tech Giants Made a Home in Ghana. Now They’re Quiet on Its Anti-LGBTQ+ Bill,” (Protocol, 1 June 2022), <https://www.protocol.com/policy/ghana-lgbtq-bill-social-media>, accessed 2 August 2022.



Ghana's Legal Obligations Toward LGBTIQ Persons

Ghana has a binding obligation to protect the rights of LGBTIQ people without discrimination. By allowing unchecked violence and discrimination against LGBTIQ people and contemplating a bill that would reinforce institutionalized violence and discrimination, Ghana is in violation of its obligations under international human rights law.

Ghana is a state party to the International Covenant on Civil and Political Rights (ICCPR), which protects fundamental rights including the right to life, right to personal liberty, right to non-discrimination, the right to privacy, freedom of association, freedom of speech, freedom of assembly, and association.³⁰² During its last review before the UN Human Rights Committee to Ghana, which interprets that ICCPR and monitors states' compliance, the Committee expressed concern about the continued “discrimination, intimidation and harassment” of lesbian, gay, bisexual and transgender persons.³⁰³ The Committee urged the government of Ghana to amend section 104 of the Criminal Offences Act to decriminalize consensual same-sexual acts between adults.³⁰⁴ Introducing legislation that aims to further restrict the human rights of LGBTIQ persons is contrary to Ghana's obligations under its laws.

In addition, Ghana is a state party to the International Covenant on Economic, Social and Culture Rights, which prohibits discrimination in accessing housing, employment, and discrimination and uphold the right to the highest attainable standard of health. Similarly, under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), state parties ought

302 The text of the International Covenant on Civil and Political Rights can be found here: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

303 Paragraph 43, United Nations Human Rights Committee, Concluding Observations on the Initial Reports of Ghana,” 9 August 2016, Adopted by the Committee at its 117th session (20 June – 15 July 2016), <https://undocs.org/Home/Mobile?FinalSymbol=CCPR%2FC%2FGHA%2FCO%2F1&Language=E&DeviceType=Desktop&LangRequested=False>, accessed 19 July 2022).

304 Ibid, paragraph 44.

to ensure that all forms of discrimination against women are eliminated. This includes lesbian, bisexual, queer, transgender, and intersex women.³⁰⁵

Ghana is obligated to protect all people on Ghanaian soil from violence, including violence by both state actors and members of the public. The African Charter on Human and Peoples' Rights (the African Charter) provides for the rights to dignity, to liberty, and security of the person. Resolution 275 of the African Commission on Human and Peoples' Rights requires states to take measures to prevent violence on the basis of real or perceived sexual orientation and gender identity. By creating circumstances in which sexual violence, mob attacks and other forms of violence against LGBTIQ people take place with impunity, Ghana violates this obligation. In addition, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa obligates states to ensure respect for women's dignity and prevent and protect women from all forms of violence, including sexual violence.³⁰⁶

“.. As long as we don't have rights protecting us, we are not safe. If they pass the Bill, it will be a serious issue... Even now, as the Bill has not been passed, people are hurting others. People are facing serious violence .. I hope the Bill is not made into law.”

– Raymond

Many of these rights are also enforceable by Ghana's Constitution of 1992. Chapter 5 of the Constitution of Ghana established Fundamental Rights and Freedoms including the right to life, personal liberty, human dignity, privacy, and the right to equality and freedom from discrimination, including on the grounds of gender.³⁰⁷ The constitution also protects the rights to freedom of expression, assembly, and association, including “freedom to form or join trade unions or other associations, national and international, for the protection of their interest.”³⁰⁸ These rights have already been compromised due to violence, discrimination and harassment targeting LGBTIQ people and their organizations. The proposed Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill would infringe on these rights in their entirety.

305 See article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981.

306 Ibid., arts. 3(4), 4, 5.

307 The Constitution of the Republic of Ghana (Amendment) Act, 1996, <https://www.wipo.int/edocs/lexdocs/laws/en/gh/gh014en.pdf> (accessed 4 August 2022), arts. 12-18.

308 Ibid., art. 21(1).

Recommendations

To the Parliament in Ghana

- Stop considering the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021 at the committee stage.
- Repeal section 104(1)(b) of the Criminal Offences Act of 1960 (Act 29), which criminalizes same-sex conduct between consenting adults.
- Revise section 104(2) of the Criminal Offences Act of 1960 to remove same-sex acts as “unnatural carnal knowledge.”
- Amend the fundamental human rights provisions of Ghana’s 1992 Constitution to prohibit discrimination based on sexual orientation, gender identity/expression and sex characteristics.
- Adopt legislative measures that explicitly prohibit violence and discrimination based on sexual orientation, gender identity, gender expression and sex characteristics.
- Adopt legislative measures that clearly prohibit conversion practices and that prohibit licensed health practitioners, social workers and other professionals from carrying out any form of conversion practices.
- Adopt legislation prohibiting medically unnecessary surgeries on intersex infants and on children who lack the requisite decision-making capacity.

To the President

- Refuse assent to the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021 if passed by Parliament.
- Develop a national plan to eliminate discrimination and violence based on perceived or actual sexual orientation, gender identity or sex characteristics.
- Publicly condemn the perpetuation of violence and discrimination against persons based on perceived or actual sexual orientation, gender identity or sex characteristics.
- Publicly condemn all efforts to alter sexual orientation or gender identity through conversion practices.
- Publicly condemn and implement measures to eradicate all unnecessary and invasive surgeries carried out on intersex children in Ghana.
- Support the passage of laws to comprehensively prohibit discrimination based on sexual orientation, gender identity, gender expression and sex characteristics in Ghana.

To the Office of the Attorney-General and Ministry of Justice, Ghana

- Work with the Commission on Human Rights and Administrative Justice (CHRAJ) in formulating and implementing mass sensitization and education efforts to raise public awareness of gender and sexual diversity and inclusion and the negative impacts of widespread homophobia and transphobia in Ghana.
- Collaborate with the CHRAJ in documenting, reporting, and seeking redress for violence against sexual and gender minorities.
- Train judicial officials on human rights related to sexual orientation, gender identity, gender expression and sex characteristics.
- Recommend appropriate punishment for state actors who make homophobic statements, verbal harass and/or carry out other forms of violence against LGBTIQ persons in Ghana to the Parliament.
- Fully implement the recommendations in the United Nations Human Rights Committee Concluding Observations of 2016 on addressing discrimination and decriminalizing consensual same-sex relations.

To the Law Reform Commission

- Publish a report on the impact of laws criminalizing same-sex acts.
- Recommend a revision of section 104 of the Criminal Offences Act, 1960 to repeal section 104(1)(b) and remove same-sex acts from section 104(2) to the Office of the Attorney-General and Parliament.

To the Inspector General of Police and the Ghana Police Service

- Establish a safe reporting mechanism through which individuals can report cases of violence and discrimination by members of the Ghana Police Service against sexual and gender minorities, premised on the hatred of their suspected sexual orientation, gender identity, gender expression or sex characteristics.
- Formulate and implement regulations prohibiting all forms of human rights violations by members of the Ghana Police Service and hold officers accountable through clear disciplinary or criminal sanctions.
- Initiate a revision of the Ghana Police Service Standard Operating Procedures to Include the requirement that police officers should not discriminate against anyone on the basis of sexual orientation, gender identity, gender expression and sex characteristics in handling complaints.
- Formulate guidelines for police officers catering to sexual and gender minorities. This should include guidelines on receiving reports of violations based on sexual orientation, gender

identity, gender expression or sex characteristics, carrying out investigations and prosecuting offenders without perpetrating more violations.

- Ensure that the Domestic Violence and Victims Support Unit (DOVVSU) of the Ghana Police Service receives reports of domestic and gender-based violence from sexual and gender minorities without any form of discrimination or harassment.
- Incorporate mandatory human rights, gender and sexual diversity, and inclusion training for all members of the Ghana Police Service.
- Ensure that police officers fully comply with the constitutional requirement of non-discrimination and the stipulations in the Ghana Police Service Standard Operating Procedures when handling cases concerning sexual and gender minorities.

To the Commission on Human Rights and Administrative Justice (CHRAJ), Ghana

- Publicly support the human rights of sexual minorities in Ghana.
- Publicly condemn the perpetuation of violence and discrimination against persons based on perceived or actual sexual orientation, gender identity or sex characteristics.
- Implement effective data collection, monitoring, reporting and documentation of violence based on sexual orientation, gender identity/expression, and sex characteristics.
- Train staff of the CHRAJ and other public institutions, including the Ministry of Justice and Office of the Attorney-General, the Ghana Police Service, health practitioners including the Ghana Medical Association and the Ghana Psychological Association, the Ghana Journalists Association, chieftaincy institution and the National House of Chiefs, and religious leaders on sexual and gender diversity and inclusion.
- Implement public sensitization programs on human rights, sexual and gender diversity and inclusion across private and public institutions in Ghana.
- Conduct investigations into the harassment of sexual and gender minorities by members of the police service and make appropriate recommendations to the Ghanaian Police Service.
- Conduct public education activities to promote respect for the human rights of sexual and gender minorities through electronic and print media, workshops, seminars, and outreach programs.
- Support and work with LGBTIQ rights organizations in Ghana.

To the Legal Aid Commission, Ghana

- Provide services without discrimination to LGBTIQ persons needing legal representation or advice.
- Train staff of the commission to fully respect the human rights of all persons, including sexual and gender minority persons in Ghana.
- Initiate educational programs to sensitize the Ghanaian public on the rights of sexual and gender minorities.

To the Ministry of Chieftaincy and Religious Affairs, and Other Religious Leaders and Institutions

- Publicly condemn all forms of human rights violations in Ghana, particularly based on perceived or actual sexual orientation, gender identity, gender expression, and sex characteristics.
- Withdraw support for the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021.
- Promote inclusion and acceptance for sexual and gender minorities among religious bodies and institutions in Ghana.
- Engage with human rights institutions and civil society organizations to promote human rights for all persons in Ghana.

To the Ghanaian National Media Commission

- Implement sanctions against journalists and media personnel who use media channels to spread false information and incite violence against LGBTIQ people.
- Work with the CHRAJ and LGBTIQ organizations to train journalists and other media personnel on human rights, gender and sexual diversity and inclusion.

To the African Commission on Human and Peoples' Rights

- Urge the Ghanaian Parliament to cease consideration of the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021.
- Urge the Ghanaian Parliament to repeal section 104(1)(b) of the Criminal Offences Act of 1960 and revise section 104(2) to remove same-sex acts as unnatural carnal knowledge.
- Urge the Ghanaian Government to fully implement Resolution 275 of the African Commission on Human and Peoples' Rights, particularly the principles of non-discrimination, do no harm and due diligence in formulating measures to prevent human rights violations against LGBTIQ individuals.
- Urge the Ghanaian Government to enact measures that guarantee access to justice, hold perpetrators accountable, and provide effective remedies to victims according to Resolution 275.

To Bilateral and Multilateral Donors and Other Stakeholders

- Use diplomatic and political leverage to facilitate the stoppage of the passage of the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021.
- Use diplomatic leverage to foster the recognition of human rights of all persons in Ghana, including sexual and gender minority persons.
- Urge government institutions in Ghana, especially the police service, to protect and secure the rights of LGBTIQ persons.

- Engage with civil society organizations that work on LGBTIQ issues in Ghana to facilitate the protection of their rights.

To Donors Funding Human Rights and Civil Society Organizations in Ghana

- Ensure that resources are provided to inclusive organizations directly addressing LGBTIQ issues in Ghana without discrimination or abuse.
- Carry out surveys among target communities to determine relevant and workable thematic areas.
- Adopt flexibility in funding approaches, including providing core funding, health insurance and salaries to LGBTIQ organization staff to promote sustainability.
- Provide support and pay increased attention to marginalized and underserved regions such as the northern region in Ghana.
- Provide specific, holistic, and urgent funding to LBQ women's organizations in Ghana to curb marginalization.
- Provide resources to cater to emergency support for LGBTIQ organizations responding to human rights violations in Ghana.
- Provide resources to address limited or non-existent healthcare, including mental healthcare, safe spaces, legal aid and paralegal support, and socioeconomic empowerment.
- Create learning opportunities for LGBTIQ rights activists and allies to foster mass sensitization, inclusion, and violence prevention.

To Human Rights, Women's Rights and Other Civil Society Organizations in Ghana

- Work with LGBTIQ organizations on common issues of concern, without discrimination.
- Publicly condemn the Bill, in support of LGBTIQ persons in Ghana.

To Digital Platforms and Social Media Companies

- Remove and block abusive and predatory content and persons that put LGBTIQ persons at risk on these platforms.
- Introduce geolocation changes to obscure the location of users.
- Introduce features that automatically delete the app and its content in case of danger to the user.



Acknowledgments

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Human Rights for LGBTIQ People Everywhere

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