

# Ghana

Persecuting



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## QUICK FACTS

Political System | Constitutional Democracy    Population | 31,072,940  
Head of State | Akufo-Addo (2017)    GDP Per capita | 2,202.31 USD (2018)

## EXECUTIVE SUMMARY

Ghana has consistently scored an F or “persecuting” on the F&M GBGR and GBTR from 2011-2018. Homosexuality has been criminalized since 1960 and has yet to be repealed. In 2019, the US Department of State (USDOS) reported that “criminalization of same-sex sexual conduct” is a significant human rights issue that Ghana must address.<sup>1</sup> In 2018, a survey found that 60% of Ghanaian citizens “strongly disagree” or “disagree” that LGBTI minorities deserve equal treatment.<sup>2</sup> As of September 2019, the Commission on Human Rights and Administrative Justice reported 34 cases of discrimination based on sexual orientation and/or gender identity.<sup>3</sup>

LGBTQI+ individuals have also reported facing “widespread discrimination” in education, employment, and housing.<sup>4</sup> These discriminatory practices along with police harassment and extortion have resulted in hostile living conditions for LGBTI minorities, exposing them to state-sanctioned violence both within and outside of their homes.

### Background

Ghana was a British colony from 1901 to 1957. The country is a constitutional democracy led by the President, Akufo-Addo (elected in 2016), who serves as both the head of state and head of government.<sup>5</sup> Religious leaders also influence the social attitudes towards LGBTI

minorities, stigmatizing sexual orientation and gender identity.<sup>6</sup> These anti-gay narratives translate to a push-back on pro-LGBT legislation while actively perpetuating violence against sexual minorities.

The criminalization of LGBTI minorities falls under the Criminal Code of 1960. Section 104 defines “unnatural carnal knowledge” as “sexual intercourse with a person in an unnatural manner or with an animal” which applies to “whoever has unnatural carnal knowledge of any person of sixteen years with his consent is guilty of a misdemeanour.”<sup>7</sup> If it is non-consensual, the individual would face a “first degree felony”; for consensual sex, individuals will face a “misdemeanor offence” with up to three years of imprisonment.<sup>8</sup>

## KEY FINDINGS

### Legal Landscape

In 2018, Human Rights Watch recognized that while they were not aware of any prosecutions for same-sex acts, they reported instances of police arresting individuals based on their sexual orientation while extorting money from them.<sup>9</sup> The US Department of State reported in 2017 that there were prosecutions under Section 104, but no convictions were made.<sup>10</sup> Similarly, in 2016 women were arrested and detained at a soccer camp on the suspicion of their sexual orientation, and once released, their families disowned them.<sup>11</sup> In addition, there were

reports of arbitrary arrests by police. In August 2019, LGBTI activists reported that police briefly detained a young gay man reporting a robbery due to his sexual orientation.<sup>12</sup>

Because homosexuality is criminalized under Section 104, there is no legal recognition of gender identity to date. Although the US Department of State reported that no reports were found of convictions involving criminalization of same-sex acts and/or gender identity, the legislation still exists to marginalize LGBTI minorities. Until Section 104 is decriminalized, LGBTI minorities will continue to face prosecution for who they are without legislative protections.

### Political Landscape

The perception of homosexuality within Ghanaian politics is often met with hostility and forceful rejection. President Akufo-Addo stated during an interview in 2017 that he believed “consensual same-sex sexual acts would be eventually decriminalized in Ghana,” resulting in an outcry from opposition leaders and Members of Parliament.<sup>13</sup> Akufo-Addo was then accused of campaigning for same-sex marriage and instilling homosexuality within Ghanaian culture, consequently erupting in a scandal.<sup>14</sup> Due to the public outcry, Akufo-Addo made a public statement that “this Government has no plans to change the law on same-sex marriage. We have no authority, and we will not seek any authority to do so.”<sup>15</sup>

Other public officials also made homophobic statements. Religious leaders of churches and mosques claimed that marriage equality is “darkness” and that Ghana “must overcome the darkness.”<sup>16</sup> These public statements allow national media outlets to actively advocate for anti-gay rhetoric. In 2018, media outlets in collaboration with the National Coalition for Proper Human Sexual Rights and Family Values claimed that “as many as 400 LGBTI people had voluntarily signed up for conversion therapies.”<sup>17</sup> The Coalition also proposed

to make conversion therapy mandatory for gay men. The organisation’s leader, Mose Foh-Amoaning, “announced plans to open a ‘Holistic Sexual Therapy Unit’ at the Korle Bu Teaching Hospital in Accra which will also attempt to ‘cure’ queer people of their sexuality” and “said religious leaders and people versed in ‘traditional medicine’ would ‘treat’ people alongside medical staff.”<sup>18</sup>

### Socio-Economic Landscape

The UN reported that “Discrimination against LGBTI people makes them vulnerable to extreme poverty and LGBTI people living in poverty experience intersecting forms of discrimination that prevent the full enjoyment of their human rights.”<sup>19</sup> Ghana has yet to pass fair housing and workplace anti-discrimination legislation, leaving LGBTI minorities vulnerable to threats, harassment, and human rights abuses. To date, LGBTI individuals constantly live in fear of ‘exposing’ themselves, consequently being denied access to housing, employment, healthcare, and education. There are no protections afforded to LGBTI people in terms of housing or employment non-discrimination.

Human Rights Watch reported in January 2018 that most LBT women were pressured into marriage and establishing a family, and those who refused were met with violence.<sup>20</sup> The organization also reported “horrible cases of violence and domestic abuse” against lesbian and bisexual women, along with recorded instances of sexual and physical assaults.<sup>21</sup> One of the main contributors to these violent assaults and horrific incidents is the lack of necessary legislative policy measures needed to ensure safety and protect the dignity of LGBTI individuals.

### Societal Discrimination

Sixty-percent of Ghana citizens either “strongly disagree” or “disagree” that LGBTI minorities deserve equal treatments as their heterosexual counterparts. Due to the church’s influence on gender norms and stigmatiza-

tion of both sexual orientation and gender identity, the social attitudes towards homosexuality remains hostile and unaccepting.

In June 2018, Kofi Tawiah, Head Pastor of Osu Church of Christ, claimed that “Homosexuality is considered as a capital offence which is abominable and is accompanied by capital punishment,” and Ghanaian Christians “must rise up and fight.”<sup>22</sup> Tawiah also stated that “it is unfortunate for anybody to think that today homosexuality is accepted by God.”<sup>23</sup> Likewise, in July 2015, Muslim Chief Iman of Takoradi publically announced that “homosexuality was dirty and abominable and same-sex acts were devilish acts.”<sup>24</sup> In February of 2020, the Ashanti regional chief Imam Sheikh Muumin Abdul Harou refused to hold Pan Africa ILGAs 5th regional conference in Ghana, vowing that “[they] will not agree; Muslims, Christians and the traditional religion will all rise up... The country does not belong to them; it belongs to us so we decide who does what here.”<sup>25</sup> Since religious leaders represent the cornerstones of moral traditions, the strong cultural hostility towards homosexuality results in exclusion, shame, and fear within the home.

This cultural hostility extends beyond the home. In February 2016, Accra International Airport hung a sign that read “Ghana warmly welcomes all visitors of goodwill. Ghana does not welcome paedophiles and other sexual deviants. Ghana imposes extremely harsh penalties on such sexually aberrant behaviour. If you are in Ghana for such activity, then for everybody’s good, including your own, we suggest you go elsewhere.”<sup>26</sup> The explicit negative connotations that LGBTI individuals do not belong in Ghana signifies the deeply-rooted culture of marginalizing sexual minorities.

## ANALYSIS

The likelihood of Ghana improving its GBGR and GBTR score remains low. Due to religious leaders’ pervasive influence over social attitudes and morals, LGBTI minorities reside in fear of repercussions within their own family, religious groups, and social life.

The Sub-Saharan Africa GBGR regional score is 27%, an F or “persecuting.” Ghana, therefore, is not an outlier but rather part of systemic, regional marginalization of sexual and gender minorities. In order for Ghana to show considerable progress towards human rights equity, the country and its neighbors must first decriminalize homosexuality and implement protective legislation for LGBTI people in every part of social, economic, and private life.

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