



Ghana - Researched and compiled by the Refugee Documentation Centre of Ireland on 11 December 2018

Treatment of lesbians in Ghana

A report by the *US Department of State* published in April 2018 under the heading “Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity” states:

“The law does not prohibit discrimination based on sexual orientation and gender identity. The law criminalizes the act of “unnatural carnal knowledge,” which is defined as “sexual intercourse with a person in an unnatural manner or with an animal.” The offense applies to persons engaged in same-sex male relationships and those in heterosexual relationships; there were reports of the law also being applied to individuals in same-sex female relationships. While there were reports of adults being prosecuted for consensual same-sex sexual conduct, no convictions were reported.

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced widespread discrimination in education and employment. As of June CHRAJ reported receiving 41 reports of discrimination against LGBTI persons because of their sexual orientation or gender identity. They also faced police harassment and extortion attempts. There were reports police were reluctant to investigate claims of assault or violence against LGBTI persons. [...]

While there were no reported cases of police or government violence against LGBTI persons during the year, stigma, intimidation, and the attitude of the police toward LGBTI persons were factors in preventing victims from reporting incidents of abuse.” (United States Department of State (20 April 2018) *Country Report on Human Rights Practices 2017 – Ghana*, p.20)

A report by *Amnesty International* published in February 2018 under the heading “Rights of lesbian, gay, bisexual, transgender and intersex people” states:

“Consensual same-sex sexual relations between men remained a criminal offence. LGBTI people continued to face discrimination, violence and police harassment as well as extortion attempts by members of the public. In February the Speaker of Parliament stated in the media that the Constitution should be amended to make homosexuality completely illegal and punishable by law. In July he also stated in the media that Ghana would not decriminalize homosexuality as this could lead to bestiality and incest becoming legalized.” (Amnesty International (22 February 2018) *Amnesty International Report 2017/18 - Ghana*)

A report by *Human Rights Watch* published on 26 June 2018 states:

“A UN expert on Friday urged Ghana’s government to decriminalize adult consensual same-sex conduct to protect the human rights of lesbian, gay, bisexual, and transgender (LGBT) people.

The expert, UN Special Rapporteur on extreme poverty and human rights, Phillip Alston, also expressed concern about how stigma and discrimination against LGBT people undermines their ability to find meaningful work. Alston presented his report to the UN Human Rights Council.

Conversations I had with numerous LGBT people in Ghana underscored the urgency of legalizing adult consensual same-sex conduct. For example, a 26-year-old lesbian described the frustration she felt when her employer fired her after he found out she was a lesbian. A 28-year-old lesbian echoed these sentiments, saying “the problem in Accra is that LGBT people can’t get jobs, nobody wants to hire them, and when family members find out about your sexual orientation, they don’t pay your school fees.” (Human Rights Watch (26 June 2018) UN Expert Spotlights LGBT Poverty in Ghana)

The report continues:

“While interviewing LGBT people in Ghana in December 2016 and February 2017, I found that while people are rarely prosecuted, the law criminalizing same sex conduct contributes to violence against LGBT people and gives tacit state approval for anti-LGBT discrimination when it comes to employment, education and health services. The combination of criminalization and stigma produces severe economic consequences for LGBT Ghanaians.” (ibid)

Another report from *Human Rights Watch* published on 8 January 2018 under the heading “Summary” states:

“Numerous lesbians described being threatened with violence, beaten and driven from their family homes after family members learned of their sexual orientation. One woman said that when her family heard that she was associating with LGBT people, they chased her out of the house with a machete; since then, she has not been able to go back home to visit her two-year-old daughter. Most lesbian and bisexual women told Human Rights Watch that they have no choice but to hide their sexuality from their family members and that they are expected to marry men and have children, thereby conforming to family and societal expectations. A young woman from Kumasi said that when her family suspected she was a lesbian, they took her to a prayer camp where she was severely beaten over a period of one month to “cure” her of her “deviant” sexuality. Prayer camps, run by privately-owned Christian religious institutions with roots in the evangelical or Pentecostal denominations, are supposed to serve as a refuge for people seeking spiritual healing. According to a 2014 Human Rights Watch report, there are several hundred prayer camps in Ghana.” (Human Rights Watch (8 January 2018) “*No Choice but to Deny Who I Am*” *Violence and Discrimination against LGBT people in Ghana*, p.3)

The report states further under the heading “Family Rejection and Coerced Marriage”:

Most of the women interviewed by Human Rights Watch said they were pressured by family members into having children, dating and marrying men in order to maintain ties with their families and community. Many of those who refused to do so or chose to remain truthful to their sexuality and gender identity, encountered violence.” (Human Rights Watch (8 January 2018) “*No Choice but to Deny Who I Am*” *Violence and Discrimination against LGBT people in Ghana*, p.19)

In a section headed “Domestic Violence against Lesbian and Bisexual Women” the report further states:

“Lesbians and bisexual women are vulnerable to domestic violence at the hands of family members. Human Rights Watch interviewed several who experienced physical violence, psychological abuse and intimidation by family members when they learned of their sexual orientation. Many women said that even after they tried to deny or conceal their sexual orientation, their family members assaulted, expelled, or ostracized them. None of the victims interviewed by Human Rights Watch had filed complaints with the police. In many cases, the deep-seated fear of stigma and social isolation, stopped victims from reporting crimes against them.” (ibid, p.39)

A report by the *UN Human Rights Council* published on 19 June 2018 under the heading “Sexual orientation and gender identity discrimination” states:

“The issue of sexual orientation and gender identity is extremely controversial in Ghana. Many officials informed me that there is no prohibition on same sex couples, but added that any sexual contact between them would violate the law. But they also assured me that since the law is rarely enforced, there is no problem in practice.

This is not the place to repeat all the arguments about equal treatment and respect for minorities, but it is the place to emphasize that there is a very important poverty dimension to the issue. The reality is that LGBTI persons face a range of human rights violations merely because they are perceived to be different. They suffer harassment in public, in the workplace, and in the family. They endure intimidation, arbitrary arrest, violence, threats, and blackmail, and they lack access to remedies for such violations. The absence of statistics on the LGBTI population and recurrent homophobic statements by political leaders, members of Parliament and religious leaders are symptoms of the prevailing discriminatory attitudes.” (UN Human Rights Council (19 June 2018) Report of the Special Rapporteur on extreme poverty and human rights on his mission to Ghana, p.10)

The report continues:

“Stigmatization and discrimination make it impossible for these individuals to become productive members of the community when disclosure of their sexual orientation is likely to lead to them being thrown out of their jobs, schools, homes, and even their communities. Some choose to hide their sexual orientation and gender identity and are pushed to marry against their will; others have to leave their homes and communities and try to start new lives. 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.” (ibid)

References:

Amnesty International (22 February 2018) *Amnesty International Report 2017/18 - Ghana*

<http://www.refworld.org/docid/5a9938f94.html>

(Accessed 10 December 2018)

Human Rights Watch (26 June 2018) *UN Expert Spotlights LGBT Poverty in Ghana*
<https://www.ecoi.net/en/document/1436511.html>
(Accessed 10 December 2018)

Human Rights Watch (8 January 2018) "*No Choice but to Deny Who I Am*" *Violence and Discrimination against LGBT people in Ghana*
https://www.ecoi.net/en/file/local/1420997/5228_1515483983_ghana0118-web.pdf
(Accessed 10 December 2018)

United States Department of State (20 April 2018) *Country Report on Human Rights Practices 2017 – Ghana*
<https://www.state.gov/j/drl/rls/hrrpt/2017/af/277005.htm>
(Accessed 10 December 2018)

UN Human Rights Council (19 June 2018) *Report of the Special Rapporteur on extreme poverty and human rights on his mission to Ghana*
https://www.ecoi.net/en/file/local/1436490/1930_1530098142_a-hrc-38-33-add-2.doc
(Accessed 10 December 2018)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

All Africa
Amnesty International
BBC News
BBC Monitoring
Electronic Immigration Network
European Country of Origin Information Network
Freedom House
Google
Human Rights Watch
Immigration and Refugee Board of Canada
International Lesbian, Gay, Bisexual, Trans and Intersex Association
IRIN News
LexisNexis
Refugee Documentation Centre Query Database
UK Home Office
UNHCR Refworld
US Department of State