

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: +1-212-290-4700  
Fax: +1-212-736-1300; 917-591-3452

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Professor Philip Alston  
UN Special Rapporteur on Extreme Poverty and  
Human Rights

Via email: [extremepoverty@ohchr.org](mailto:extremepoverty@ohchr.org)

**Ghana submission: Poverty, Sexual Orientation and Gender Identity**

Dear Professor Philip Alston,

Pursuant to the call for submissions on extreme poverty and human rights in Ghana, kindly find enclosed our submission focusing on discrimination based on sexual orientation and gender identity.

Human Rights Watch is an international human rights organization that conducts research and advocacy on human rights in over 90 countries worldwide. The organization has documented violations of human rights in Ghana for many years.

Our report released on October 2, 2012, [Like a Death Sentence: Abuses against Persons with Mental Disabilities in Ghana](#) describes how thousands of people with psychosocial disabilities live in psychiatric institutions and spiritual healing centers, often against their will and with little possibility of challenging their confinement. In January 2015, Human Rights Watch published [Precious Metal, Cheap Labor: Child Labor and Corporate Responsibility in Ghana's Artisanal Gold Mines](#) documenting the use of child labor in Ghana's artisanal, or unlicensed, mines, where most mining takes place.

The enclosed submission is based on in-depth research conducted in Ghana in January to February 2017. [No Choice but to Deny Who I Am: Violence and Discrimination against LGBT People in Ghana](#) released on January 8, 2018, shows how retention of section 104(1)(b) of the Criminal Offences Act, 1960, prohibiting and punishing "unnatural carnal knowledge," and failure to actively address violence and discrimination based on sexual orientation and gender identity, effectively relegate

lesbian, gay, bisexual and transgender Ghanaians to second-class citizenship.

The research was conducted in close collaboration several Ghana based organizations, including the Solace Brothers Foundation and the Centre for Popular Education Human Rights. We respectfully urge you to consult with representatives of Solace Brothers Foundation and the Center for Popular Education Human Rights during your official visit in Ghana.

We thank you in advance for your kind consideration and look forward to your response.

Sincerely,



Graeme Reid  
Director, LGBT Rights Program  
Human Rights Watch

# ANNEX

## Background

Ghana has a mixed record on its treatment of lesbian, gay, bisexual and transgender (LGBT) people. It criminalizes “unnatural carnal knowledge” in section 104 (1) (b) of its Criminal Offences Act, which the authorities interpret as “penile penetration of anything other than a vagina.” However, the law is a colonial legacy that is rarely, if ever, enforced, and unlike several of its neighbors, Ghana has not taken steps in recent years to stiffen penalties against consensual same-sex conduct or to expressly criminalize sexual relations between women. At least two government agencies, the Ghana Police Force and the Commission on Human Rights and Administrative Justice (CHRAJ), have reached out to LGBT people and taken proactive steps, including through providing human rights training workshops to help ensure their protection. Nevertheless, LGBT people are very frequently victims of physical violence and psychological abuse, extortion and discrimination in many different aspects of daily life, because of their sexual orientation and gender identity. Violence and discrimination against LGBT people in Ghana makes them vulnerable to extreme poverty, and LGBT people living in poverty experience intersecting forms of discrimination that prevent full enjoyment of their human rights.

## Abuses against LGBT People

According to the data from the state agency, the Commission on Human Rights and Administrative Justice (CHRAJ), 36 of the 75 discrimination cases filed with CHRAJ since August 2013, were filed by LGBT people.<sup>1</sup> Human Rights Watch’s research corroborates that LGBT people are often victims of mob attacks, physical assault, sexual assault, extortion, discrimination in access to housing, education and employment, and family rejection and homelessness on the grounds of their sexual orientation or gender identity.

## Arrests

Human Rights Watch is not aware of any prosecutions under section 104(1)(b) of the Criminal Code. Nevertheless, police sometimes use the law to conduct arbitrary arrests of individuals suspected to be homosexual, and to extort money from them, with adverse consequences in victims’ lives.

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<sup>1</sup> Data available on file with Human Rights Watch

In June 2016, police arrested three women at a soccer training camp in Kumasi accused of being lesbians allegedly after being tipped off by the partner of one of the women. Adama told Human Rights Watch:

The camp master asked the police why we were being arrested. The police said it is because we are lesbians. We were handcuffed, put in a police van and taken to Suame Police Station. More than 100 people had gathered at the camp to watch the scene, some people even followed the van to the police station. At the police station they asked us if we were “into it,” yelling and shouting at us. We denied everything, and the police released us.<sup>2</sup>

When they returned to the training camp, the coach expelled the three women from the team, and when they returned home, their parents disowned them for “bringing shame” to their respective families. Six months later, they described their desperate living conditions: “We move from one friend’s place to another because we can never go back home. We have no work, no money and sometimes we do not eat for two or three days,” one of them said.<sup>3</sup> The criminalization of same-sex conduct in Ghana contributes to an environment where LGBT people or allegedly LGBT people cannot exercise a right to equal protection before the law.

## **Family Rejection, Coerced Marriage, and Domestic Violence**

Lesbian and bisexual women and transgender men are frequently victims of violence and coercion within the home. While recognizing that the legal framework affects the lives of LGBT individuals generally, it is imperative to highlight the abuse that lesbian and bisexual women are subjected to in the private sphere, particularly by family members who exercise domination and control over women’s lives, bodies and sexuality.

Several lesbians told Human Rights Watch that they will have to marry a man because of family pressures. Khadija, a 24-year-old lesbian who lives in Accra said she will soon have to start dating men because her family already arranged a marriage for her in 2015:

Around May 2015, my parents were forcing me to get married to a man from Nima, Nigeria, that my grandmother had found for me. I ran away from home—just left the house with my handbag and went to Takoradi and stayed in my place of work for two months. When I came back, they were still wanting

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<sup>2</sup> Human Rights Watch interview with Adama, Kumasi, January 2017

<sup>3</sup> Ibid

me to get married. I walked into the house and my mother started insulting me...calling me a prostitute.<sup>4</sup>

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. Emelia, a 35-year-old lesbian from Kumasi, told Human Rights Watch that when her father found out she was a lesbian in 2016, he beat her for more than three hours with his fists and a belt, and when she tried to run away, he hit her on the leg with a broken beer bottle. Then he asked her to leave the family home.<sup>5</sup>

Some of the most severe instances of violence documented by Human Rights Watch in Ghana involve mob violence. Human Rights Watch interviewed a lesbian couple, Dorothy and Emily, who reported that on May 10, 2016, they were attacked by a mob in Ampayo village.<sup>6</sup> According to Dorothy, Emily's mother found them in an intimate situation and called out to everyone in the vicinity, shouting that there were lesbians in the house and that "the youth should deal with them." Dorothy explained:

About 20 to 25 people came into the room. [My partner] was naked, her mother told her to get dressed. One of the guys took a cutlass from the house, wanted to put it on my vagina. We struggled and he burnt my stomach with a piece of hot steel. They managed to cut [my partner] on the face—there was a major hole and she was bleeding. The crowd wanted to kill both of us. A neighbor stepped in and stopped the whole thing.

Dorothy and Emily did not report the incident to the police, because they were scared and believed they had committed a crime and would be arrested. After a brief stay with a neighbor, Dorothy said:

We decided to move to Kumasi. We found an abandoned building, and lived in that room, sleeping on boxes on the floor. We went to work for people in the market here in Kumasi every day. We would make maybe five CEDIS (approximately US\$1) per day. We lived in the abandoned building for two months. Pearl heard about our story, she came to find us, and we moved into

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<sup>4</sup> Human Rights Watch interview with Khadija, Accra, January 2017

<sup>5</sup> Human Rights Watch interview with Emelia, Kuamsi, January 2017,

<sup>6</sup> Human Rights Watch interview with Dorothy and Emily, Kumasi, January 2017

her house and stayed there for three months. We don't have jobs now, so we are forced to do things we don't want to do. We must have sex with men to survive – we have no family, no money, nothing. Sometimes I must steal stuff and sell so we can have something to eat.<sup>7</sup>

Lesbian and bisexual women and transgender men, subject to discrimination based on their sexual orientation or gender identity along with gender-based violence, face complex and brutal violence within their own families. Homophobic violence in Ghana threatens LGBT peoples' right to adequate housing, right to an adequate standard of living, and right to physical integrity.

## **Employment discrimination**

The combination of criminalization and stigma for LGBT Ghanaians produces severe consequences, including limitations on LGBT peoples' right to work and rights at work. Many, ostracized from their families, find themselves with few economic options, leading some to rely on sex work as a means of survival.

Sam, a 32-year-old transgender man from Accra, said securing employment is virtually impossible because “no one will hire someone they perceive as woman who presents as a man.”<sup>8</sup> According to Teresa, a 28-year-old lesbian, the issue of unemployment because of one's sexual orientation is a major problem. She told Human Rights Watch:

The problem in Accra is that LGBT people can't get work. Nobody wants to give them jobs. Also, when the family finds out, they don't pay your school fees, so you are uneducated. There is also no support to learn a trade. When both lesbian partners don't work, the femme partner is expected to date and sleep with men to get money—sometimes they both must do sex work to survive.<sup>9</sup>

In strategies to reduce poverty and social exclusion, the Ghanaian government needs to recognize the intersecting discrimination that LGBT people face in Ghana, and prioritize reducing discrimination, violence, and economic exclusion of LGBT people.

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<sup>7</sup> Ibid.

<sup>8</sup> Human Rights Watch interview with Sam, Accra, January 2017

<sup>9</sup> Human Rights Watch interview with Teresa, Accra, January 2017

## Summary of Recommendations

### To the President

- Publicly condemn all threats and acts of violence against lesbian, gay, bisexual and transgender people, including violence perpetrated by family members.
- Adopt measures and take steps aimed at raising public awareness of the harm of homophobia that prevails in the country, and the need to combat it. In particular, indicate that there will be zero tolerance of public officials making homophobic statements.
- Propose comprehensive legislation that prohibits all forms of discrimination, including on the grounds of sexual orientation and gender identity.

### To Parliament

- Repeal sections 104(1)(b) of the Criminal Offences Act that criminalizes adult consensual same-sex conduct.
- Introduce legislative and policy measures to prevent, protect, punish and provide effective remedies for lesbian, gay, bisexual and transgender individuals who are victims of violence on the basis of their real or imputed sexual orientation and gender identity and ensure enjoyment of their constitutional rights to equality and non-discrimination.
- Follow-up effectively on the various recommendations from the human rights treaty bodies, the universal periodic review and special procedures in order to ensure improved protection from violence and discrimination on the basis of sexual orientation and gender identity.

### To the Commission on Human Rights and Administrative Justice

- In accordance with the mandate to promote human rights set out in relevant provisions of the 1992 Constitution and Commission on Human Rights and Administrative Justice Act 456, 1993, implement public education programs focusing on LGBTI rights.
- Monitor, investigate and report on incidents of hate speech and incitement based on sexual orientation and gender identity in accordance with the protection mandate.
- Launch a national public education campaign about rights protections, legal remedies, and social services available for victims of violence and discrimination, particularly as they relate to women's rights, sexual orientation, and gender identity.