

STRATEGIC GUIDELINES FOR THE NATIONAL MOVEMENT & INTERNATIONAL PARTNERS TOWARDS THE POSSIBLE PASSAGE OF THE ANTI-LGBTIQ+ LAW IN GHANA

Introduction

In 2021 an anti-LGBT bill titled “Promotion of Proper Human Sexual Rights and Ghanaian Family Values” was introduced in Ghana’s parliament by 8 members of parliament. The purpose of the bill was to criminalise and punish Lesbians, Gays, Bisexuals, Transgender, Intersex, Queer and all other sexual and gender identities or sexual orientations (LGBTIQ+) that do not conform to heteronormative gender, religious or cultural standards.

The bill was introduced not long after 21 LGBTIQ+ Activists were arrested and detained for holding a meeting in Ho in the Volta Region of Ghana. The activists were ambushed by police officers while they were holding a human rights education meeting. Prior to this, an office and community safe space of an LGBTIQ+ group was raided and closed down by the police.

The conversations and debates about the instances mentioned above culminated to the proposal to pass a bill to clamp down on LGBTIQ+ persons and activities in Ghana. The bill had its first reading in the parliament of Ghana and was given to the Constitution, Legal and Parliamentary Committee of Parliament to review and provide a report to parliament for its debate and potential passage by the parliament. The report by the Committee recommends the passage of the bill into law with some key amendments that do not change the main purpose of criminalising LGBTIQ+ persons and punishing them for their sexual orientation or gender identity. The committee’s reason for recommending the passage of the law is because the bill has popular support by the Ghanaians.

As LGBTIQ+ and human rights activists in Ghana, we are concerned about the possible passage of the proposed bill into law and the potential negative consequences it will have on the LGBTIQ+ community in Ghana. Already, there have been records of human rights abuse and discrimination against LGBTIQ+ persons. There is a high tendency that if the bill is passed



into law, there will be increased violence and human rights abused against LGBTIQ+ persons and the bill will serve as a validation for these.

We have also taken notice of the current passage of the Anti-Homosexuality Act in Uganda and its accent by President Museveni. We are alarmed and know that this has great implications for us in Ghana. It has a high potential of influencing our parliamentarians to pass the proposed bill in Ghana and pressurise the President to accent. This is the last term of President Nana Akufo Addo who may have no challenge accenting the bill as it has no political implications for him. His party, the National Patriotic Party may be under pressure to show their commitment to “Ghanaian Family Values” and pressure the president to accent the bill if passed by parliament.

In this regard, we are presenting this guideline in preparation for the potential passage of the bill into and identifying ways we can reduce the impact on the community. The guidelines also seek to prepare the LGBTIQ+ community, activists and partners to have a uniformed way of addressing the challenges that the passage of the bill will present.

This guideline was developed by representatives of the LGBTIQ+ groups and allies in Ghana. It is our way of drawing our own attention and the attention of our partners to the possibility of the passage of the bill into law and also the ways in which we would like to avert that.

We have taken into consideration and are guided by the experiences of other LGBTIQ+ communities like Uganda and have realised that the community will be affected by the passage of the bill into law. Below are the ways we believe the community may be affected:

Community level:

1. Increase violence against the LGBTIQ+ community members who are out and known by their community;
2. Increased incidents of disowning and throwing out of homes of LGBTIQ+ persons by families, friends;



3. LGBTIQ+ persons will be jobless as their employers are likely to let them go to avoid coming in conflict with the law;
4. LGBTIQ+ persons will have limited access to services including access to health services.
5. Increased discrimination and stigma as many people would not want to associate with LGBTIQ+ people they know as they have been criminalised.

LGBTIQ+ organisations:

1. Closure of organisations;
2. Clamp down on services been rendered to LGBTIQ+ persons as organisations that provide those services may close;
3. Potential closure of accounts or limited access to funds by organisations that work on LGBTIQ+ issues;
4. All project activities aimed at improving the rather bad conditions of LGBTIQ+ persons will come to a halt.

LGBTIQ+ activists:

1. Potential arrest and detention of activists;
2. Increased homophobia from family, friends and community members;
3. Loss of employment as it will be difficult to continue working in a volatile environment.

Guidelines for supporting the LGBTIQ+ community in Ghana

We therefore propose the following as ways of supporting the LGBTIQ+ community in Ghana during the period when the bill is passed:

1. **Issue Statements:** We encourage our partners, allies, human rights organisations, regional human rights bodies and all United Nations human rights bodies to condemn the passage of such bill. Issue statements that draws the attention of the world about the consequences of such a bill on the Ghanaian society and LGBTIQ+ persons in Ghana and in Africa as a whole. Mention the lack of commitment of our government



to protecting human rights for all as enshrined in our constitution and in international human rights treaties. Identify instances when Ghana has been identified as a beacon of hope for democracy in Africa and how by the passage of the bill we fall from this high reputation. Remind Ghana of its need to be a home for diasporas and how this can be affected.

We urge all partners, allies, human rights organisations, regional human rights bodies and all United Nations human rights bodies who decide to make such statements to do this in consultation with the LGBTIQ+ community in Ghana and with realistic information from the ground.

2. **Conduct campaigns:** we encourage the conduct of campaign activities of various sorts to put pressure on our law makers and decision makers to desist from passing this bill or having the president sign it into law:
 - a. We encourage **public demonstrations** at embassies, high commissions of Ghana abroad. We ask that the demonstrations be informed by issues that are happening in Ghana and the focus be put on the Ghanaian LGBTIQ+ community realities. Organisations hoping to hold demonstrations should see the possibilities of having Ghanaians abroad join in these demonstrations.
 - b. **Letter writing** to parliamentarians, the President of Ghana, speaker of parliament, Chief Justice and ambassadors and high commissioners is also encouraged. Letters should draw the attention of these officials on the impact of the passage of the bill to the country and the Ghanaian population as a whole. Chief Executive Officers of companies, Executive Directors of international human rights bodies, UN special mechanisms and heads of institutions of influence should write letters to these persons. All people around the world who believe in human rights protection and freedom for all should write letters as many as possible to our leaders. A million and over letters from all over the world can speak volumes of the need to respect human rights for all persons including LGBTIQ+ persons.



- c. **Online petitions** with a high subscription is also encouraged. More petitions should be developed to donors of our government, individual wealthy persons that invest in Ghana and companies that support our government in diverse ways. These petitions should call on the people who are being petitioned to halt potential investments, call for revision of agreements and possible discontinuation of projects that when halted will not have devastating impact on the LGBTIQ+ community as a whole.
3. **Questioning Ghana's commitment to peace and hospitality:** Ghana is taunted as one of the friendliest nations in the world. We pride ourselves in our image as a "hospitable" country. We will be very much affected when we are called out by diplomatic missions, international organisations and other countries. We therefore ask that in all statements that have the mention of Ghana in any form or way, our leaders are reminded of how our image is tarnished and dropped from the high standards we are held up to as a friendly and peaceful country. Our peace campaign should be questioned and be reminded of not having peace if we criminalise people for loving and being who they are.
4. **Provide humanitarian support:** In such times, LGBTIQ+ people suffer rejection from their family, are thrown out of home and/or lose their employment. Others lose their means of food, health care and shelter. We ask that more humanitarian initiatives be launched to cater for community members that fall victim to the passage of the bill. Secure safe homes should be funded, food and medical supplies should be provided to support the victims of abuse. There should be a coordinated effort between the community and other partners to ensure the support given reach the most at risk in such times.
5. **Issue travel bans:** We encourage states that believe in the protection and promotion of the rights of LGBTIQ+ persons to ban specific political, religious and traditional leaders who are advancing the promotion of homophobia especially those who are advocating for the passage of the bill and their families. They should not be allowed



to travel to countries where human rights of LGBTIQ+ persons are protected as they do not believe in this and do not merit to be in such spaces where they are likely to discriminate against LGBTIQ+ persons. Also, media personalities, actors and celebrities who promote homophobia should not be allowed to travel to countries that believe in the human rights protection of all persons especially LGBTIQ+ persons.

6. Withdrawal of scholarships, privileges and membership of homophobic leaders:

We are aware that some political leaders advancing homophobia and promoting the passage of the bill into law benefits from some donors, partners and diplomatic missions. It is important for such states, donors, diplomatic missions and partners to show their commitment to protecting LGBTIQ+ persons. Supporting such people with scholarships, privileges and membership groups empowers them to use what they gain from such opportunities against the community. Withdrawing such opportunities will send a strong message of your commitment to disassociate yourself from such people who do not espouse such values as respect for human rights for all.

7. Withdrawal of Aid and imposition of sanctions on Ghana:

We are aware that any attempt to have a blanket imposition of sanctions or withdrawal of Aid may have adverse effect on a greater number of the Ghanaian populace. There are various projects that are being supported or funded by our partners which serves other minority groups including women, children and persons with disability. As a community advocating for protection of our rights as a minority, we are very sensitive not to cause harm to such people. We rather call on our partners and donors to be vigilant and examine all projects they are funding or hoping to fund to ensure no part of the project or funds are used to oppress or cause the abuse of the rights of LGBTIQ+ persons. There should be a critical look at all funds apportioned to parliament and other legislative agencies to ensure no donor funding is being used to advance the passage of the draconian bill into law.

8. Continue to fund the community in such times:

In such times donors and philanthropic organisations seek to provide financial support to address several



challenges the community may be facing. We encourage donors who are already funding organisations, groups and activists to continue providing their financial support in such times. We ask that donors be more flexible to allow funds to be repurposed for emergency needs at the time when the bill is passed into law. We have a central fund that will be used to support the broader community and support urgent needs of the community. We encourage our donors and partners to contribute to the Central Fund. The Central Fund will provide legal support to people who may be arrested, provide food, shelter and other needs to community members who will be victims of violence due to the passage of the bill.

9. **Asylum seeking and migration:** In such turbulent times, many LGBTIQ+ persons will take a chance to seek asylum or leave their community to other places. Though we do not promote this as a primary option, we also understand that some LGBTIQ+ community members have little or no option. Once the bill is passed some community members become targets of abuse, violence and discrimination because of their sexual orientation or gender identity. We encourage diplomatic missions, internal affairs institutions, and immigration institutions in countries that community members will migrate to, to work with activists in Ghana to support such persons who will seek asylum or temporal residency in other countries.

10. **Create safe spaces for community members:** Already, some partners support the community in Ghana by providing safe spaces for events, meetings and programmes. In such times when the bill is passed into law, there will be attention on the kind of events held in hotels and other general public spaces. This will limit the community from actively finding spaces that can enable them meet freely and interact actively. Diplomatic missions in Ghana and international NGOs that believe in the rights and protection of LGBTIQ+ persons are encouraged to make their spaces safe and available for the community to have strategic meetings and activities.

11. **Increase funding for humanitarian support:** A great number of funding coming for LGBTIQ+ work do not support direct humanitarian activities. It was only during the



COVID-19 lockdown that many organisations were allowed to use their advocacy funds to provide some food, sanitary items and fund transfer to the community. The passage of the bill will put LGBTIQ+ people into a “lockdown” for some time and humanitarian support will be needed. We ask donors and partners to be ready to give specifically for humanitarian activities like food distribution, funds transfer for a specific period, provision of sanitary items, safe houses etc.

12. **Work together with a coordinated front:** In these times, partners are likely to look for opportunities to support the community. Some may reach out to various and different groups. We do not discourage having various support systems but we encourage a more coordinated way of supporting the community to ensure accountability, transparency and that the support reach the right people who it is meant for. We also remind our partners of the “Do no harm” principle; ensure that whatever support you are providing does not put our community into further danger because it is endorsed by some activists in the community.

13. **Security and safety for frontline advocates:** There are some key activists and advocates who are out or have been outed by the work they do. During this period they are likely to face intense backlash and confrontation from the media, their family and community members. They may need restitution and space to be kept safe until such time they can return to their homes. We ask our partners, donors and allies to be ready to grant visas and enrol such activists on programmes that will give them that protection and security.

