

OUT NEWS

Ghana poised to vote on 'worst anti-LGBTQ bill ever,' advocates warn

Under the draft bill, Identifying as gay could result in a 5-year prison sentence, while advocating for LGBTQ rights could be punishable by up to 10 years behind bars.



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By Dan Avery

Draft legislation in Ghana would make identifying as gay or even an ally to the LGBTQ community a second-degree felony punishable by five years in prison – with advocating for LGBTQ rights punishable by up to 10 years.

Same-sex conduct is already a crime in the West African country, with violators facing a three-year sentence, but the new Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill seeks to criminalize identifying as gay, lesbian, bisexual, transgender, pansexual, nonbinary, queer, an ally “or any other sexual or gender identity that is contrary to the binary categories of male and female,” according to a [version of the bill](#) leaked online.

Advocating for the rights of anyone in those categories – through speech, printed material, electronic media or other means – could result in an even steeper sentence of up to a decade in prison.

The proposal, which was submitted to parliament last month, also explicitly bans same-sex marriage and adoption, LGBTQ-focused associations and gender-affirming surgery – “except where the procedure is intended to correct a biological anomaly including intersex.”

Gross indecency, which according to the measure includes cross-dressing and public displays of same-sex affection, would be considered a misdemeanor with a jail sentence of between six months and a year.

Danny Bediako of Rightify Ghana, a local LGBTQ group, called the measure “a homophobic’s dream law.”

“The community is shocked at how wide-ranging it is,” he said. “People are even scared to go out now and some members say they will leave the country if the bill is passed into law. Even those who want to help us will be afraid.”



— Ghanaian President Nana Akufo-Addo speaks to journalists in Accra, Ghana, on Sept. 15, 2020.

Francis Kokoroko / Reuters file

A vote has not been scheduled on the bill, but it has support among parliamentarians, especially in President Nana Addo Dankwa Akufo-Addo’s New Patriotic Party.

Yvonne Wamari is the Africa program officer for OutRight Action International, a nongovernmental organization that works to end the persecution of LGBTQ people around the world and the only LGBTQ organization with a permanent presence at the U.N. headquarters in New York. Wamari said there’s a good chance the measure could go to a vote.

'For now the bill has just been presented to the speaker – it has to go through the whole legislative process, including several readings,' she told NBC News.

"Whether the bill passes or not depends a lot on how much work the LGBTQ movement can do to shift the conversation, how much advocacy can be done with the legal sector," Wamari added. "Depending on how much work is done, the bill could be thrown out."

The proposed legislation requires residents to report homosexual activity or advocacy to the authorities, but it also calls for "flexible sentencing" for an individual who "openly recants and requests access to approved medical help," which Rightify Ghana and Wamari both interpreted is a reference to [conversion therapy](#), the medically discredited practice of trying to change a person's sexual orientation or gender identity.

LGBTQ Ghanaians frequently report being subject to violence from both mobs and family members, according to [Human Rights Watch](#), and are "subjected to sexual assault, intimidation and extortion."

In 2015, members of a homophobic gang known as the Safety Empire lured numerous gay men in Ghana's capital, Accra, via Facebook, then beat their victims and posted the assaults on social media. In one attack, a man was "stripped naked and whipped mercilessly with belts, sticks and sharp metal," according to [a report by Immigration Equality](#). In another, a gang member threw boiling water on a victim's face, causing severe burns.

A provision in the bill would make verbal or physical assault of people "suffering from any gender or sexual identity challenge under the bill" a misdemeanor, but LGBTQ advocates call it window dressing.

The sponsors "attempt to present a section that prohibits abuse and violence against accused LGBT persons," Rightify Ghana wrote in a [lengthy July 23 tweet](#). "As if they care about people,"

The organization claims the measure has been "imported" into Ghana by the U.S.-based World Congress of Families, which is designated a hate group [by the Southern Poverty Law Center](#) and is part of the International Organization for the Family.

World Congress for Families-affiliated pastor Scott Lively was [accused](#) in a 2012 federal lawsuit of helping draft Uganda's "Kill the Gays" bill, which called for the death penalty for homosexuals who were "repeat offenders." Lively slammed the suit at the time as "absurd" and "completely frivolous," and the case was [dismissed in 2017](#) due to a lack of jurisdiction.

Ghana's Family Values Bill is "a combination of bills from Russia, Uganda, Nigeria and other places where the WCF have been," Rightify Ghana [tweeted](#). "It's the worst anti-LGBTQ bill ever."

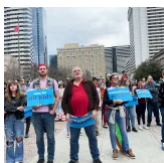
When asked by NBC News if the World Congress for Families was involved with drafting the legislation, Brian Brown, the president of the International Organization for the Family, refused to answer, commenting instead about a "neo-colonial movement to turn Africa into a carbon-copy of San Francisco."

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The new bill is part of a rising backlash against gay rights in Ghana, after the country's first LGBTQ community center opened at the end of January in Accra. Condemned by neighbors, church leaders and politicians, the center was raided and forced to close after just a few weeks.

In May, 21 gay and lesbian activists [were arrested](#) for attending a human rights advocacy training session in the southern city of Ho. Police said the gathering was unlawful, even though Article 21 of [the country's 1992 Constitution](#) guarantees freedom of assembly and association.

United Nations officials, including Victor Madrigal-Borloz, the U.N.'s independent expert on sexual orientation and gender identity, [condemned the arrests](#) as a violation of international human rights laws.

"Human rights defenders play a key role in protecting vulnerable groups from violence and discrimination and empowering them to claim their human rights," the officials said in a release. "Ghana should ensure that no one is criminalized for defending the fundamental rights of LGBT people."

Davis Mac-Iyalla, executive director of the [Interfaith Diversity Network of West Africa](#), criticized police for detaining “innocent citizens.”

“The human rights defenders arrested and jailed did nothing unlawful, they were exercising their freedom of assembly and association,” he said in a statement that called the raid “a reflection of the high level of discrimination against minorities in Ghana.”

Ghana gained its independence from the United Kingdom in 1957 and, unlike many other African nations, has remained relatively stable – with a multicultural population, strong economy and peaceful democratic elections. But homosexuality is roundly condemned in the largely Christian country.

In 2017, parliamentary speaker Mike Ocquaye called it an “abomination” on par with bestiality.

“We have got to make certain things clear as Africans – we’ve got to make people, at least, respect us that as for Africans, we say a man is not going to put his sexual organ into a man’s back,” Ocquaye [told radio station Class FM](#), warning of a “global gay lobby” spending millions to “transport their anomalous behaviour globally.”

During her confirmation hearing in February, Minister for Gender, Children and Social Protection Sarah Adwoa Sarfo said [decriminalizing homosexuality in Ghana is “nonnegotiable.”](#)

Sam George, a member of parliament and one of the bill’s eight sponsors, said the measure is needed “to fight against the scourge and perversion that homosexuality presents,” [Modern Ghana reported](#). But he insisted its aims are being twisted by LGBTQ advocates.

“The LGBTQ cabal thrives on misconception. The only way they can achieve their perverse goals is sow seeds of misconception,” he told journalist Francis Abban on the radio program Morning Starr, according to Modern Ghana. “We are not rewriting the laws of Ghana.”

Because the bill outlaws oral and anal sex for both heterosexual and homosexuals, George said, “it’s not a specific law for LGBTQ. It’s what exists for all of us.”

A 2013 [Pew Research Center survey](#) found 96 percent of Ghanaians believed homosexuality should not be tolerated by society – the third highest rate in the world after Jordan (97 percent) and Nigeria (98 percent) and on par with Senegal.

Like Ghana, Nigeria and Senegal are both in West Africa and both criminalize same-sex sexual activity. Globally, at least [69 countries have laws criminalizing same-sex relations](#) between

consenting adults, many of them in Africa, according to Human Rights Watch. In seven countries, according to HRW, homosexuality could be punishable by death.

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Reuters contributed.

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