



## **REPORT ON THE IMPLEMENTATION OF THE SUSTAINABLE DEVELOPMENT GOALS IN GHANA**

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## INTRODUCTION

The adoption of the United Nations Agenda 2030<sup>1</sup> has consolidated an important effort to include 'everyone' in development processes. This Agenda seeks to build a world that is just and equitable with peaceful and inclusive societies and it is constituted by 17 key global sustainable development priorities and aspirations for 2030, which were unanimously adopted by the 193 UN member states, including Ghana.

Ghana's development aspirations are fully aligned with the 2030 agenda and its Sustainable Development Goals (SDGs), for instance the 1992 Constitution of the Republic of Ghana provides a legal basis for an equitable and inclusive development of the country. Ghanaian government also adopted concrete targets for the implementation, monitoring and evaluation of the SDGs. However; despite the fact that the main core principle of the Sustainable Development Goals is "Leaving No One Behind" the national targets, indicators, as well as measures for their implementation in Ghana, are not LGBTQI inclusive.

This report is primary based on local activists<sup>2</sup> analysis of 2019 Ghana's Voluntary National Review Report, with a focus on SOGIESC<sup>3</sup>, and the country's current context in regards of LGBTQI persons and SDGs-related progress.

### **GOAL 4: QUALITY EDUCATION: ENSURE INCLUSIVE AND EQUITABLE EDUCATION AND PROMOTE LIFELONG LEARNING OPPORTUNITIES FOR ALL.**

KEY INDICATOR 4.2.1: Proportion of children under 5years of age who are developmentally track in health, learning and psychological well-being, by sex.

KEY INDICATOR 4.2.2: Participation rate of youth and adults in formal and non-formal education and training in the previous 12 months, by sex.

#### **HOW LGBTQI PEOPLE HAVE BEEN EXCLUDED:**

According to the 1992 Constitution of Ghana<sup>4</sup>, chapter five article 25 states that all persons shall have the rights to equal educational opportunities and facilities. With a view to achieving the full realisation of that right, basic education shall be free, compulsory and available to all, secondary education shall be made generally available and accessible to all by every appropriate means and in particular by the progressive introduction of free education, higher

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<sup>1</sup> United Nations (2015) [The 2030 Agenda for Sustainable Development Goals](#)

<sup>2</sup> This report was drafted by members from a local organization in Ghana with the support from ILGA World. The organization name is withheld for security reasons.

<sup>3</sup> Sexual orientation, gender identity and expression, and sex characteristics

<sup>4</sup> See UN women website <https://constitutions.unwomen.org/en/countries/africa/ghana>

education shall be made equally accessible to all on the basis of capacity by every appropriate means etc.

Although the constitution does not include a list of grounds in which right of education must be guaranteed, and therefore does not make any mention to SOGIESC, it emphasize that this right must be ensured for all.

Despite this constitutional obligation, homophobia and transphobia in Ghana imperil LGBTQI persons and make impossible for them to access socio-economic rights such as quality education. For instance, Ghana is one of the 69 states that criminalize consensual same-sex activity. Section 104(1)(a) of the Penal Code (1960), as amended in 2003, prohibits: "Unnatural carnal knowledge" (defined as "sexual intercourse with a person in an unnatural manner") of another person of sixteen years or over with his consent. It is considered a misdemeanor and carries a maximum penalty of 3 years' imprisonment. Additionally, Section 278 criminalizes acts of "gross indecency" in public.<sup>5</sup> Is in this such context that several lesbian and gay persons and also trans and gender non-conforming people who have also been targeted and reportedly arrested under these laws, have less chances to access education or continue with their education once their sexuality or gender identity is discovered or made public.

## **LACK OF EFFECTIVE MECHANISMS FOR COMBATING BULLYING IN RELATION TO SOGIESC.**

Over the years, LGBTQI related issues in Ghanaian schools are tremendously alarming, yet ways in which those issues are being addressed is never in the favour of the victim of such abuse of bullying.

There are no laws in Ghana that frowns against bullying based on the basis of SOGIESC. In addition, the lack of sexuality education and the consequences of violence and bullying towards LGBTQI persons can also have impact on their mental health. On this aspect the Independent Expert on SOGI in his report on health and SDG 3 has indicated that the adoption of comprehensive and SOGI-inclusive sexuality education can significantly reduce physical and psychological health risks for LGBT and gender-diverse youth, including with regard to sexual and reproductive health, and in addition help them avoid secondary effects such as substance abuse, mistrust of health services and self-medication.<sup>6</sup>

Moreover, at schools, teachers represent SOGIESC and LGBTQI topics only in negative context or these topics are never mentioned at all. In Ghana, compulsory vocational training of school teachers does not include topics on SOGIESC.

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<sup>5</sup> ILGA World: Lucas Ramón Mendos, Kellyn Botha, Rafael Carrano Lelis, Enrique López de la Peña, Ilia Savelev and Daron Tan, [State-Sponsored Homophobia: Global Legislation Overview Update](#) (2020), 117.

<sup>6</sup> IESOGI report. [The right to the enjoyment of the highest attainable standard of physical and mental health of persons, communities and populations affected by discrimination and violence based on sexual orientation and gender identity in relation to the Sustainable Development Goals](#). Advanced version. (2022), 9.

There is no national action plan or measures adopted to combat bullying in schools, and educational institutions in Ghana do not have any measures set to prevent bullying, hence the perpetrators are never punished.

For example, according to recent reports<sup>7</sup> it was found that LGBTQI+ students were at higher risk for bullying, chronic sadness, thoughts of suicide, and poorer learning engagement and academic performance. In addition, evidence found in multiple schools show that discriminatory policies targeting LGBTQI+ students are widespread, and that in Ghana 66 LGBTQI+ students have been expelled, suspended or dropped out since 2013 (although this number only represent a fraction of cases). In addition, there is a recent case of a school claiming to embrace “diversity” while applying SOGIESC-discriminatory policies in their Student Handbook.<sup>8</sup>

## **RECOMMENDATIONS:**

Guaranteeing inclusive quality education for all persons and particularly LGBTQI+ people will prove Ghana’s commitment to Sustainable Development Goal 4 and the Agenda 2030. In this sense, the State’s government must ensure that LGBTQI+ persons are not left behind, and therefore implement programmes and policies that empower LGBTQI+ students and promote healthier life-styles for them. In addition, one priority for educational institutions is to ensure safe spaces for young LGBTQI+ students since the barriers created in Ghanaian schools are affecting the physical and mental health of LGBTQI+ students, impacting their educational results, and they also set the stage for dismissal, suspensions or drop-outs due to bullying and homophobia. Here are some recommendations that can help to include these groups into Ghana’s education plans:

1. Ghanaian’s perception on issues relating to LGBTQI is based on lack of education, research and the influence of religion. Therefore it is necessary **to create awareness among parents, teachers and students to eliminate associated stigma and discrimination**. This could be supported by media campaigns and research funded by the government.

2. **Adopt comprehensive SOGIESC education and ensure the implementation of inclusive and effective anti-bullying policy in all schools.** As of now, Ghanaian schools completely overlook these topics as well as most universities. Hence, presenting them to students and professors and engaging with them into meaningful discussions would effectively solve the problem from the inside. In regards of bullying, in December 2021, the whistle-blower Act was a suggested measure to curb bullying in schools. A PR campaign was launched for awareness creation on this act by present and former governments. The law on the Whistle-blower Act,

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<sup>7</sup> Rightify Ghana, [‘Left Behind’: Discriminatory School Policies. Violence Cut Short Education of Ghanaian LGBTQI Students](#), March 31, 2022

<sup>8</sup> For more information see Rightify Ghana, [‘Left Behind’: Discriminatory School Policies. Violence Cut Short Education of Ghanaian LGBTQI Students](#), March 31, 2022

2006 Act 720, is clear and spells out a good number of laws that could actually prevent needless bullying situations in Ghana's schools. Moreover, it is crucial that these policies include all kinds of discrimination and oppression grounds, including SOGIESC.

**3. Providing guidance, psychological consulting and support for students and training for teachers and school staff.** Over the years, schools in Ghana only have a section for guidance and counselling support to students who are victims of bullying and oppression, excluding LGBTQI related issues. On this aspect, we recommend the State to implement SOGIESC-inclusive materials in their curricula, adopt systems of psychological support for LGBTQI+ students, such as anonymous phone hotlines, and introduce mandatory training for their educational institutions staff (professors, psychologists and social workers) on SOGIESC topics.

## **GOAL 5: GENDER EQUALITY: ACHIEVE GENDER EQUALITY AND EMPOWER ALL WOMEN AND GIRLS.**

KEY INDICATOR 5.2.1: Proportion of ever-partnered women and girls aged 15 years and older subjected to physical sexual or psychological violence by current or former intimate partner in the previous 12 months, by form of violence and by age.

KEY INDICATOR 5.5.1: Proportion of seats held by women in national parliaments and local government.

### Goal Target:

- End all forms of discrimination against all women and girls everywhere
- Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitations.
- Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life

### **HOW LGBTQI PEOPLE HAS BEEN EXCLUDED:**

Chapter five, article 12 clause 2 of the 1992 Constitution of Ghana states, every person in Ghana, whatever his race, place of origin, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual.

Despite this fact, these same provisions do not contemplate LGBTQI+ women, as they continuously face immense violence, discrimination and lack of political participation without any protection in the country. Ghana, being a signatory to most international laws, specially the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),

has the obligation to protect the rights and freedoms of all women, including LGBTQI+ women and girls.

Moreover, LGBTQI+ women are affected by intersectional violence and discrimination based on their gender and their sexual orientation, or their trans, queer or intersex identities. This violence is generally caused by structural sexism, patriarchal views and cis-heteronormative assumptions towards all genders. Women who are victims of SOGIESC-based violence are more vulnerable and experience less opportunities and severe restrictions to develop their full potential in many areas such as education, health care, labour conditions, access to justice, access to resources, economic independence and political representation.

### **RECOMMENDATIONS:**

- 1. To address the structural violence and discrimination deeply embedded in histories of patriarchy and cis-heteronormativity** that have prevented women, and particularly, LGBTQI+ women from living fulfilling lives and exercise their rights. Eradicating violence and discrimination based on gender is crucial to attain practically any SDG and accomplish the Agenda 2030.
- 2. Ghana's government must develop awareness programs and education campaigns to eliminate discrimination against women**, including LBTI+ women.
- 3. Ghana's Police Force should investigate all violations and abuses against LBTI+ women and sanction those responsible** and should take account of these crimes.
- 4. Implement measures to guarantee the full reparation** of the physical and mental harm caused **to LGBTQI+ women victims of discrimination and violence.**
- 5. Ensure equitable political participation** and LGBTQI+ women's representation in public spaces. This could be achieved by the adoption of quotas and incentives.

## **GOAL 8: DECENT WORK AND ECONOMIC GROWTH: PROMOTE SUSTAINED, INCLUSIVE AND SUSTAINABLE ECONOMIC GROWTH, FULL AND PRODUCTIVE EMPLOYMENT AND DECENT WORK FOR ALL.**

KEY INDICATOR 8.5.2: Unemployment rate, by sex, age and persons with disabilities

KEY INDICATOR 8.6.1: Percentage of youth (age 15-24 years) not in education, employment or training.

### **HOW LGBTQI PEOPLE HAVE BEEN EXCLUDED:**

The chapter 5, Article 17 clause 2 of the 1992 Constitution of the Republic of Ghana clearly forbids discrimination in all forms on the grounds of race, place of origin, political opinion, colour, religion, creed, gender, social or economic status. In accordance with the Constitution of Ghana, the Labour Act adds only disability and politics to the list of protected classes.

Although, SOGIESC grounds are not listed in Article 17, they must be considered since the prohibition of discrimination based on sexual orientation is an international obligation under international human rights conventions and further observations by Treaty Bodies. For instance, Ghana has ratified/accessioned the ICCPR; ICESCR; CAT; CEDAW. This obligation is also enshrined in Resolution 275 of the African Commission of Human Peoples Rights. However there are no effective mechanism for responding to discrimination on the basis of SOGIESC, and particularly in employment contexts there is no provisions that protect LGBTQI+ persons to be discriminated, unjustified fired or forcibly exposed by their employers.

According to a 2017's Human Rights Report report<sup>9</sup> written by Wendy Isaack it was found through conversations with numerous LGBTQI+ people in Ghana that there is an urgency of legalizing adult consensual same-sex conduct due to that fact that their sexual orientation cause them to lose their jobs. Thus, LGBTQI person would have to be discreet about their sexuality otherwise they would risk losing their jobs.

Another report made by Asylos and ARC Foundation (2021) showcase a series of interviews with experts in Ghana's context, that bring into light many cases of discrimination in employment due to SOGIESC. For instance according to Dr Ellie Gore, gay men spoke about discrimination in accessing jobs in the civil service, in particular for being feminine. Robert Akoto Amofo (Director of Amnesty International Ghana) and Mac-Darling Cobbinah (Director of CEPEHEG) also highlighted discrimination in the workplace especially for effeminate men.

"Once a person is identified queer, gay, lesbian or bisexual, they face high level of discrimination and harassment in their workplaces. In Ghana, when a man is effeminate and the person comes to a job interview or comes to a workplace to seek for a job, the person will

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<sup>9</sup> See [UN Expert Spotlights LGBT Poverty in Ghana | Human Rights Watch \(hrw.org\)](#) (2018)



face that sort of harassment and probably denial of the job because somebody will think they don't fit into the calibre of men that they want" (source: Robert Akoto Amofo, interview record, 1 December 2020)

"When it comes to employment, they will not ask someone of their sexuality or orientation before hiring, but then if you are more effeminate, you are bullied, teased, pushed, unwelcomed and intimidated" (source: Mac-Darling Cobbinah, interview record, 15 December 2020)<sup>10</sup>

## **RECOMMENDATIONS:**

It is quite alarming when some people have to hide their sexuality, in other words hide part of themselves in their everyday life. It clearly leads to their dissatisfaction and unhappiness and it affects their productivity and how they contribute at work. Overall affects their full potential as workers. A lot of people do not even feel the need to apply for jobs because they know it will lead to harassment, discrimination and being intimidated. Always hiding in the shadows and spending much time, psychological energy on being under-cover will obviously make LGBTQI+ persons feel a lack of sense of belonging, distracted, exhausted and isolated. However, the following recommendations will help improve diversity in employment and ensure a safe working space for LGBTQI+ persons in Ghana.

1. There is a need to **adopt laws and employment policies in the country that ensure diversity on the grounds of SOGIESC** and prohibit discrimination towards LGBTQI+ persons in the workplace. Human rights organizations must also come together to tackle this issue.
2. **Authorities must ensure that no citizen of the country is refused employment, due to their suspected sexualities.** If these policies are violated or omitted the law should apply the same rigorous measures that are applied in employment discrimination under the international human rights framework.
3. The government must **support Youth Empowerment campaigns and initiatives especially centred to Queer Youth in Ghana.** And by ensuring that the vulnerable individuals are empowered, and educated on entrepreneurship and on how to take their destiny into their own hands.

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<sup>10</sup> Asylos and ARC Foundation. [Ghana: State treatment of LGBTQI+ persons.](#) (2021)

## **GOAL 16: PROMOTE PEACEFUL AND INCLUSIVE SOCIETIES FOR SUSTAINABLE DEVELOPMENT, PROVIDE ACCESS TO JUSTICE FOR ALL AND BUILD EFFECTIVE, ACCOUNTABLE AND INCLUSIVE INSTITUTIONS AT ALL LEVELS.**

KEY INDICATOR 16.1.3: Proportion of population subjected to physical, psychological and sexual violence in pervious 12 months

KEY INDICATOR 16.1.4: Proportion of the population that feel unsafe walking alone around the area they live.

KEY INDICATOR 16.3.1: Proportion of victims of violence in the previous 12 months who reported their victimisation to competent authorities or other officially recognized conflict resolution mechanisms.

### **HOW LGBTQI PEOPLE HAS BEEN EXCLUDED:**

The chapter 5, Article 17 clause 2 of the 1992 Constitution of the Republic of Ghana forbids discrimination in all forms on the grounds of race, place of origin, political opinion, colour, religion, creed, gender, social or economic status. In regards, Ghana has pledged to take the necessary steps to ensure that it stays free from violence and discrimination against minority groups (especially LGBTQI people), by accepting and appending its signature to the recommendations, Ghana is expected to ensure these recommendations are implemented.

However, many cases of discrimination and violence against minority groups, especially LGBTQI community have been recorded in Ghana since 2012. In fact, within the last 5 years, there have been more than 200 reported cases of either discrimination or violence against LGBTQI persons. In 2018 alone there have been at least over 120 reported cases of violence/discrimination against LGBTQI people in the country.<sup>11</sup> Ghana's government does not protect persons from discrimination on the grounds of SOGIESC, nor does recognize same-sex unions. Moreover, the legal landscape for trans and intersex persons is quite unclear. Information on violence and discrimination reported cases against trans and intersex people in Ghana is widely unavailable and therefore they do not have access to any kind of protection or resource.

According to a Human Rights Watch Report (2018), LGBTQI+ people in Ghana are often victims of mob attacks, physical assaults, sexual assaults and extortion. For example police sometimes use the law to conduct arbitrary arrests of individuals suspected to be homosexuals and as a way of extorting money from them. Human Rights Watch also documented numerous cases involving severe physical abuse of LGBTQI individuals. The vast majority of victims do not

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<sup>11</sup> [Violence and discrimination against LGBTI in Ghana: Towards equal protection of the law, non-discrimination \(ghanaweb.com\)](http://ghanaweb.com) (2018)

report the abuse to the police, explaining that stigma, fear of exposure, arrest and the attitudes of certain members of the police force, and deter them from doing so.<sup>12</sup>

Lastly, on 8 March, in the aftermath of a raid on an LGBTI+ advocacy NGO in Accra, eight members of Parliament allegedly "hinted of jointly sponsoring a bi-partisan Private Members Bill [...] to proscribe and criminalise the advocacy and practice of homosexuality in the country. In June 2021 ILGA World was made aware of a formal letter from the Speaker of Parliament stating that "urgent actions are being taken to pass a law to eventually nib the activities of these groups in the bud". These "urgent actions" would later materialise as the "Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill", submitted for consideration to Ghana's Parliament. The bill would increase the jailtime for consensual same-sex sexual activity to 10 years as well as ban same-sex marriage; it would also criminalise diverse gender identities and expressions and prohibit medical practitioners from offering gender affirming medical care; it would offer incentives to families to have their intersex infants "normalised" through risky and unnecessary genital surgeries; and it would prohibit public support, advocacy or organising for SOGIESC human rights in Ghana. This bill, if passed, would be one of the most restrictive pieces of anti-LGBTI+ legislation adopted anywhere in recent years<sup>13</sup>, and as such prompted the UN Independent Expert on SOGI along with nine other special procedures voiced concern to the Ghanaian authorities at these draft legislation, urging the government to withdraw this initiative. The Independent Expert on SOGI also stated that "such measures of state-sponsored discrimination and violence are not only in breach of international human rights law, they run counter to the worldwide trend towards the adoption of laws and policies aimed at ensuring protection from SOGI discrimination and violence".<sup>14</sup>

## RECOMMENDATIONS:

1. Following the UN Independent Expert on SOGI recommendations on SDG16<sup>15</sup>, there is a need to **promote educational policies for police and law enforcement authorities and organising trainings on SOGIESC and hate crime prevention**. This commitment will potentially reduce arbitrary arrests, homo- and trans phobic violence and State-driven violence towards LGBTQI+ persons.

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<sup>12</sup> HRW "[No Choice but to Deny Who I Am" Violence and Discrimination against LGBT People in Ghana](#)" (2018)

<sup>13</sup> ILGA World: Kellyn Botha, *Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions* (Geneva: ILGA, December 2021)

<sup>14</sup> IESOGI report. [The right to the enjoyment of the highest attainable standard of physical and mental health of persons, communities and populations affected by discrimination and violence based on sexual orientation and gender identity in relation to the Sustainable Development Goals](#). Advanced version. (2022), 14.

<sup>15</sup> IESOGI report. [The right to the enjoyment of the highest attainable standard of physical and mental health of persons, communities and populations affected by discrimination and violence based on sexual orientation and gender identity in relation to the Sustainable Development Goals](#). Advanced version. (2022), 14.

2. **Discriminatory legislation and any other proposal neglecting LGBTQI+ person's rights need to be repeal**, instead, **inclusive laws and protection on the grounds of SOGIESC must be adopted** and implemented in alignment with Ghana's constitution, international human rights framework and the Agenda 2030.

3. **Perpetrators on SOGIESC-based violence must be penalized** and the cases must be addressed promptly, ensuring access to justice for all. Information must be collected by the government to provide statistics and **disaggregated data** on such cases.

## GENERAL CONCLUSIONS

The UN independent expert on SOGI has remarked that the strategies to implement SDGs at the national level in many States are lacking SOGIESC references and do not include information about LGBTQI+ persons. In addition, national SDG-related consultations with LGBT-led organisations and individuals in some contexts are rare or non-existent and therefore VNRs are not reflecting the realities of such an important group.<sup>16</sup> Considering this fact, there is a current urgency in shaping Sustainable Development Goals (SDGs) to the interest of LGBTQI+ people in Ghana and a need to provide a unique and powerful advocacy tool to promote and monitor the implementation of rights of various vulnerable groups, including LGBTQI+ people. This would be the only way in which Ghana could really not leave anyone behind. In this sense, neglecting to address the challenges created by violence and discrimination based on SOGIESC could substantially compromise the achievement of the Agenda 2030 and create a risk that a significant segment of society will continue to be left behind. Therefore, the main objective of this analysis is to serve as a platform to address the consequences of this negligence in Ghana and perhaps contribute to its future rectification to more SOGIESC-inclusive legislations, policies and social programmes. For this, it is crucial to take in consideration the interconnectedness of the SDGs and their potential to be a tool, in the language and context of development, to advocate for LGBTQI+ persons rights and guarantee their implementation in all regions.

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<sup>16</sup> IESOGI report. [The right to the enjoyment of the highest attainable standard of physical and mental health of persons, communities and populations affected by discrimination and violence based on sexual orientation and gender identity in relation to the Sustainable Development Goals](#). Advanced version. (2022), 15.