

Introduction

1. This report is submitted for the fourth cycle of by Key Watch Ghana¹, Alliance for Dynamics Initiative², and Intersex Ghana. The information contained in this document was further discussed at a pre-UPR submission workshop organized by Ghana Human Rights NGOs Forum (POS Foundation-Secretariat), United Nations Ghana, Canadian High Commission-Ghana on 29th and 30th June 2022 which was attended by more than 70 civil society organizations in Accra, and validated by same on 12th and 13th of July. The submission subsequently highlights specific developments and follow-up measures by Ghana in relation to the summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution (16/21A/HRC/WG.6/14/GHA/3).
2. The purpose of this report is to direct the UPR Committee's attention to serious and ongoing violations of the intersex and transgender individuals by the Republic of Ghana. Ghana has signed and ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR) the Convention on the Rights of the Child (CRC) and enacted Chapter five of the Constitution of The Republic of Ghana (Amendment) Act. This act protects rights of freedom of every person without discrimination. This report will highlight recent events that illustrate the following thematic issues relating to Sexual Orientation and Gender Identity (SOGI) as they relate to domestic laws as well as international treaties to which Ghana is a party:
3. Laws criminalization of same-sex sexual conduct and the resulting arbitrary arrests and detentions, in violation of Articles 2(1), 9, 17, and 26 of the ICCPR; Section 14(1) and 17(2) of Chapter Five of the Constitution of Ghana
4. The climate of homophobia in violation resulting in the violation of Article 17 of the ICCPR and 25(1) of Chapter Five of the Constitution of Ghana;
5. Violent attacks motivated by the victim's real or perceived sex characteristics, sexual orientation and a pervasive climate of homophobia, in violation of Articles 2(1), 7, 9, 17, and 26 of the ICCPR and 17(2) Chapter Five of the Constitution of Ghana;
6. Discrimination in education, in violation of Article 17 of the ICCPR, Article 13 of the ICESCR, Articles 2(1), 16, 29(1a), 29(1b) and 29(1d) of the CRC and articles 25(1) of

¹ Key Watch Ghana is an Intersex and Non-Binary inclusive led and focused organization.

² Alliance for Dynamics Initiative is a trans lead and Trans specific organization

Chapter Five of the Constitution of Ghana.

7. Infanticide of intersex born babies and fetus and forced surgeries, treatment and given to children and persons born intersex, discrimination of intersex and trans persons, in violation of Articles The right to life is also laid down in numerous other Conventions and Instruments, including Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights. These Conventions protect the right to non-discrimination, which prohibits discrimination on grounds of gender. It also against the Children's Act,1998.
8. At the end of the report will be suggested questions to be asked during Ghana's upcoming review session.

PRVIOUS RECOMMENDATIONS RELATED TO TRANSGENDER AND INTERSEX

There has not been any specific recommendations since the first cycle of the UPR towards the transgender and intersex community in Ghana.

IMPROVEMENTS

There has been no improvements towards the transgender and intersex community in Ghana.

KEY INTERSEX AND TRANS ISSUES FROM 2018 - 2022

Criminalization (Violence, arbitrary arrest, and discrimination)

- Introduction of Anti – LGBTIQ+ Bill which seeks to criminalize association and organizations that provide services for intersex and transgender persons.³⁴
- Discriminatory laws fuelling the increase in HIV and other STIs transmitted illness within the intersex and trans community.⁵
- The anti-LGBTIQ+ bill which has led to the escalated rate of abuse against intersex and Trans person with the rise in arbitrary arrest, detention, gender-based violations, blackmail and extortion due to the lack of proper interpretation of section 104. and pressure to conform or face jail term.⁶⁷⁸

Institutional response

³ <https://www.okayafrika.com/ghana-gay-bill-anti-means/>

⁴ <https://www.theguardian.com/global-development-ghana-anti-gay-bill-proposing-10-year-prison-sentences-for-anyone-who-offers-assistance-to-LGBTIQ-persons>

⁵ <https://www.reuters.com-ghana-lgbt-lawmaking-idUSKBN2F5220>

⁶ Section 104 of the 1992 constitution of Ghana

⁷ <https://www.google.com/facebook.com-WomeninLawandDevelopmentGhana-videos-day-8-of-16-days-of-activismin-rape-613268046533494-AOvVaw1GLJ1Zo5jCRKlarkGefKSE>

⁸ <https://www.citinewsroom.com-2021-05-21-persons-arrested-in-ho-for-allegedly-pushing-lgbtqi-agenda-AOvVaw2qd9wfXIE-hel7iem4qCm9>

1. Ghana Police always justifying and ignore the abuses of Intersex and Trans persons when cases are reported and rather making them victims, as well as support blackmail and extortion.⁹
2. Media intolerance and hate agenda against Intersex and Trans persons¹⁰
3. Refusal by state identification offices to provide legal gender recognition for Intersex and Trans persons.¹¹
4. Sports institutions reject persons found to be intersex and trans from the various disciplines.¹²

Education

1. Physical and emotional abuses on persons born Intersex which causes the increase of school dropouts.¹³
2. Intersex and Trans children are being discriminated and stigmatized against in educational facilities for being different.¹⁴
3. Religious established schools justifying rejection and dismissal of students who are Intersex and Trans from their institutions of learning¹⁵.

Health

1. Forced surgeries and treatment given to children and persons born intersex, discrimination of intersex and trans persons.¹⁶
2. Infanticide of intersex born babies and fetus.
3. Forced and cohesive Conversion therapy on intersex and trans persons.

RECOMMENDATIONS BY THE COMMUNITY TO THE UN

1. Government should decriminalize sodomy laws and institute hate speeches laws as well as enforce laws on assaults on Intersex and Trans persons in Ghana.
2. Government should protect the Intersex and Trans persons against state sanctioned arbitrary arrests and undignified treatment from law enforcement agencies.
3. Government should take steps to train Police to understand Intersex and Trans issues and deal with assault and not the other way round.
4. Government should reject the anti-LGBTIQ+ bill.
5. Government should take steps to stop surgeries and treatment conducted on intersex children and adults and provide a national policy on Intersex and Trans.

⁹ <https://www.hrw.org/node/312882>

¹⁰ <https://www.opendemocracy.net-ghana-lgbt-queer-community-media-disinformation-campaign-AOvVaw0r32oXJmk8q3m45chvYwps>
<https://www.africanarguments.org-ghana-church-state-and-media-vs-lgbt-rights-AOvVaw0NayKSVMxd2tGo8sqFMcRt>

¹¹ https://www.assets.publishing.service.gov-GHA_CPIN_Sexual_orientation_and_gender_identity_or_expression-AOvVaw2aIH7mNBVAWSE6l-MWdqKd

¹² https://www.ghanasoccernet.com-dropped-ghana-national-team-female-striker-ativor-has-both-male-and-female-organs-mother-confirms-AOvVaw1fi3CgBBZ_a6IzicEljAFA <https://www.facebook.com-mx-special-intersex-921992678622387-AOvVaw2wcN7CIXTXCgpJmCADLbsr>

¹³ https://www.ohchr.org-Documents-SexualOrientation-UNDP_AdditionalReference_1.pdf-AOvVaw0ios8DRiaxLuW3rGwo-WPs
https://www.unfpa.org-Final_Global_Study_English_3_Oct

¹⁴ <https://www.ugspace.ug.edu.gh-bitstream-handle-Prejudice-against-Ghanaian-LGBTIQ-Youth.pdf-sequence>

¹⁵ <https://www.washingtonpost.com-outlook-an-anti-lgbtq-bill-ghana-is-outcome-institutionalized-homophobia>

¹⁶ <https://www.myjoyonline.com-strike-out-portions-of-lgbtq-bill-that-criminalise-intersex-people-key-watch-ghana>

6. Government should amend section 104 (1) (b) of the Criminal Offenses Act 1960, (Act 29) to decriminalize homosexuality. Government should protect Intersex and Trans persons from stigma, discrimination, and violence at educational institutions and religious places of worship.
7. The state should end rejection, discrimination and abuses to sport persons who are intersex and trans.