

37th session of the Human Rights Council – Item 6
UPR Outcomes Ghana
Statement by Federatie van Nederlandse Verenigingen tot Integratie van
Homoseksualiteit - COC Nederland. Joined by International Lesbian and Gay
Association

Delivered by Diana Carolina Prado Mosquera

Dear Mr. President,

This statement is made on behalf of Centre for Popular Education and Human Rights Ghana and the LGBT Community in Ghana. We would like to thank the individual members of this Council for giving Ghana 18 recommendations to further combat violence and discrimination against Ghanaians based on their sexual orientation and gender identity (SOGI), and to decriminalize same-sex conduct. We further commend the Ghanaian government for accepting the most general recommendations on violence and discrimination against Ghanaians, based on SOGI. We do however, have to also clearly mark the fact that the more concrete recommendations on SOGI have been noted, causing a continuation of grave concern about the equal application of human rights to all in Ghana, and the direct safety and well-being of lesbian, gay, bisexual and trans (LGBT) Ghanaians.

Yes, Ghana does have a constitution that guarantees fundamental human rights to *all* its citizens, and an independent national human rights institution that has been very proactive in trying to support and protect the rights of minorities, including LGBT. We remain however, highly concerned about the continued refusal of the government to consistently abide by its own constitution and its rejection of calls by members of this Council to equally apply international human rights standards to all its citizens.

We commend the government for the establishment in 2013 of a “Discrimination Reporting System” by Ghana’s Commission on Human Rights & Administrative Justice. This commission does, as the government rightfully states, include cases of discrimination of LGBT people. In practice however, we witness a clear lack of funding of the commission, resulting in underreporting of discrimination of LGBT people. The community does not receive the necessary attention for cases reported as early as required, leading to most community members losing faith in the reporting system. Reporting discrimination is an important step to get a better understanding of daily reality, but much more has to be done to combat violence and discrimination. LGBT Ghanaians face frequent discrimination and violence, and there is no equal access to housing, health care, education and labour. Same-sex relations remain criminalized.

While Ghana enjoys relatively good human rights practices, its performance falls alarmingly short when it comes to rights entitled to LGTB persons. We therefore call for the repeal of section 104(1)(b) of the Criminal Offences Act. The Ghanaian government should comply fully with the UN Human Rights Council’s recommendations and adopt measures to monitor and report on hate speech and to protect LGBT persons from all forms of discrimination and violence. We furthermore strongly urge the government of Ghana to effectively implement Resolution 275 of the African Commission on Human and People’s Rights, which requires all African states to take positive steps to end violence and discrimination on the grounds of sexual orientation and gender identity.

Thank you Mr. President.