


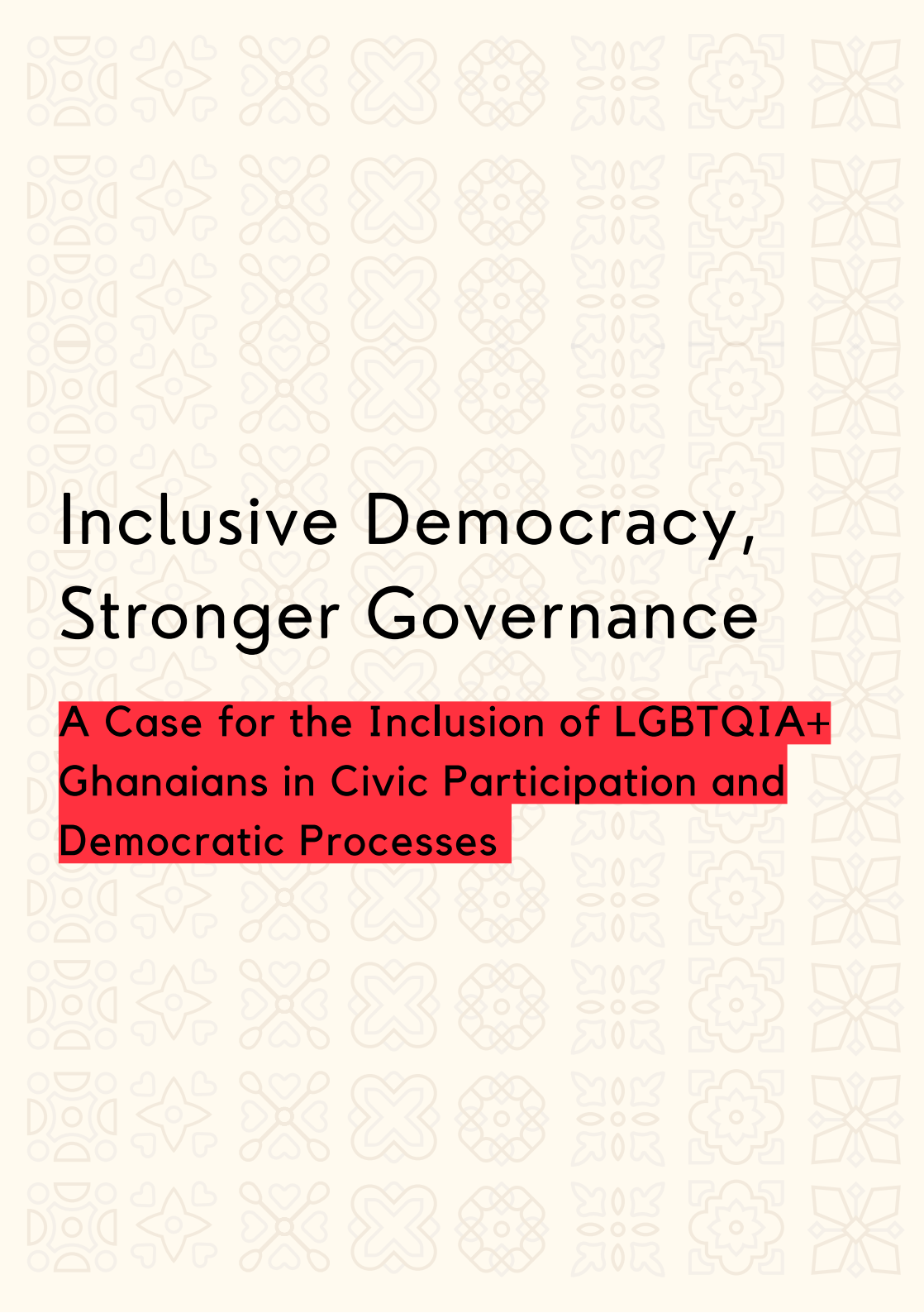
When

**Democracy Fails Us**

We Raise Up

A person with dark curly hair is holding a white sign. The sign has the text 'WE ARE ALL CREATED EQUAL' written on it. 'WE ARE' is in black, 'ALL CREATED' is in grey, and 'EQUAL' is in yellow. The person is wearing a light pink tank top. The background is a repeating pattern of various geometric and floral shapes in a light beige color.

WE ARE  
ALL CREATED  
EQUAL



# Inclusive Democracy, Stronger Governance

**A Case for the Inclusion of LGBTQIA+  
Ghanaians in Civic Participation and  
Democratic Processes**

# Executive Summary

This policy brief responds to a petition by the Youth Initiative Foundation (YIF, 2025) calling for the meaningful inclusion of LGBTQIA+ Ghanaians in democratic processes and national decision-making. It argues that the systematic exclusion of LGBTQIA+ citizens, driven by colonial-era criminal laws, the reintroduction of the Human Sexual Rights and Family Values Bill in 2025, and institutionalised hostility, constitutes a governance failure, not merely a rights violation. Policies crafted without the voices of affected communities are weaker policies. Institutions that exclude citizens based on identity lose democratic legitimacy. Drawing on five Ghana-specific cases, it examines how exclusion operates in practice and offers targeted recommendations for the Government of Ghana, Parliament, regional bodies, civil society, and international development partners.

# Problem Statement

In Ghana, LGBTQIA+ citizens face this kind of structural exclusion. Same-sex conduct between men has been criminalised under Section 104(1)(b) of the Criminal Code since 1960, carrying a maximum penalty of three years imprisonment (Human Dignity Trust, 2024). While enforcement has been inconsistent, the law creates a climate in which LGBTQIA+ people are treated as less than full citizens: unable to organise openly, engage public institutions without fear, or report crimes committed against them without risking arrest.

The reintroduction of the Human Sexual Rights and Family Values Bill in 2025 threatens to deepen this exclusion. The bill targets not only LGBTQIA+ individuals but also teachers, journalists, doctors, parents, and human rights defenders who support or associate with them (Human Rights Watch, 2026). If enacted, it would criminalise an entire ecosystem of civic engagement on LGBTQIA+ issues.

The exclusion is not uniform. LGBTQIA+ Ghanaians who are also poor, female, disabled, young, or living in rural areas face layered, compounding barriers. A young lesbian woman in a rural community without income confronts a fundamentally different reality than a gay man with resources in Accra. Any serious policy response must account for these intersecting disadvantages. These dynamics exist within a difficult political context. The bill enjoys cross-party support from both the NPP and NDC, and religious institutions, which carry significant political influence, have been its most vocal backers. For elected officials, opposing the bill carries electoral risk. These realities make reform difficult, but they make the governance argument more urgent: when popular sentiment drives legislation that undermines constitutional protections and international obligations, the quality of democratic decision-making itself is at stake.

# Evidence and Analysis

## **1. The Anti-LGBTQIA+ Bill and the Criminalisation of Civic Space**

The Human Sexual Rights and Family Values Bill was first introduced in 2021 and passed by Parliament in February 2024. President Akufo-Addo did not assent to it before leaving office, and the bill lapsed when the eighth Parliament dissolved ahead of the general election. In March 2025, ten MPs from both the NPP and NDC reintroduced it (Rightify Ghana, 2025). President Mahama has publicly signalled support for its principles (Human Rights Watch, 2026). The bill's provisions extend far beyond same-sex conduct: it imposes up to three years imprisonment for identifying as LGBTQIA+ and up to five years for promoting or supporting LGBTQIA+ activities (PGA, 2024). Critically, Clause 14 would ban all civil society organisations engaged in LGBTQIA+ advocacy

from operating in Ghana (Freedom House, 2024). This directly violates the right to freedom of association under Article 21 of Ghana's 1992 Constitution, Article 10 of the African Charter on Human and Peoples' Rights, and Article 22 of the International Covenant on Civil and Political Rights (Freedom House, 2024). When advocacy itself is a criminal offence, an entire community and its allies are legislatively removed from democratic participation.

## **2. Rising Violence and the Chilling Effect on Political Participation**

Since the bill was first introduced, documented violence against LGBTQIA+ people has increased. A local NGO recorded more than 70 attacks between January and September 2023 (Amnesty International, cited in PGA, 2024). Rightify Ghana separately documented 30 violations between April and September 2023, including entrapment through social media leading to assault and extortion (Freedom House, 2024). In 2024, attacks including stabbings and luring through dating apps were reported in both Kumasi and Accra (Human Dignity Trust, 2024). This violence is not incidental. It is a result of the political climate the bill has generated. When people fear for their physical safety, they withdraw from public life, stopping attendance at community meetings, policy consultations, and civic forums. That withdrawal is democratic exclusion by fear. Its effects are sharpest for those facing multiple disadvantages: a young transgender woman in Kumasi without stable housing faces a far more dangerous reality than someone with the resources to relocate.

### **3. The Arrest of 21 Activists in Ho (2021)**

On 20 May 2021, police raided a paralegal training workshop in Ho, Volta Region. The participants, sixteen women and five men, were learning to document human rights violations against LGBTQIA+ people. They were arrested and charged with unlawful assembly for allegedly promoting homosexuality (Human Rights Watch, 2024), and detained for 22 days before the case was dropped on 5 August 2021 for lack of evidence (OHCHR, 2021). These individuals were not protesting. They were engaged in basic civic documentation, a core democratic activity. That it was criminalised is significant. The majority arrested were women, exposing a gendered dimension: women who identify as LGBTQIA+ carry the dual burden of gender-based and sexuality-based criminalisation, compounding their exclusion from democratic spaces. For poor women without legal representation, detention of this kind is not a temporary inconvenience. It is a warning that withdrawing from public life is the safer choice.

#### **4. Forced Closure of the LGBT Community Centre in Accra (2021)**

In February 2021, a community centre opened by LGBT Rights Ghana in Accra was raided and shut down by security officers following pressure from religious and political leaders (Freedom House, 2024). The centre provided support services and a structured channel for collective civic engagement. Its closure removed a key access point for LGBTQIA+ Ghanaians to connect with governance processes. This loss fell hardest on the most marginalised: people with disabilities who relied on the physical space, those in poverty without internet access to find alternatives, and young people without other community anchors. For them, it was frequently the only organised link to public institutions and civic life.

## **5. Denial of Access to Justice**

A non-binary person in Ghana was physically assaulted following threatening messages on social media. When they approached the police, officers refused to take their statement, warning them that LGBTQIA+ people would soon be criminalised and that returning would result in arrest (Freedom House, 2024). When the state withholds protection from citizens based on identity, it has effectively removed them from the democratic compact. For LGBTQIA+ Ghanaians who are also poor, rural, or young, without the financial independence or networks to access legal alternatives, the justice system's closed door is final. Those with resources may retain private lawyers or access international networks. For everyone else, there is no alternative route.

# International Obligations

Ghana's exclusion of LGBTQIA+ citizens from democratic life conflicts with multiple international commitments. The bill contravenes Ghana's obligations under the International Covenant on Economic, Social and Cultural Rights and violates African Commission Resolution 275 on protection based on sexual orientation and gender identity (PGA, 2024). During its 2017 Universal Periodic Review, Ghana accepted recommendations on preventing violence against LGBTQIA+ people but has not implemented them (Human Rights Watch, 2022).

The UN High Commissioner for Human Rights has stated that passing the bill would violate several international human rights standards, including the prohibition of torture (OHCHR, 2024). Ghana's own Ministry of Finance has estimated a potential loss of US\$3.8 billion in World Bank funding if the bill is enacted (Reuters, 2024). Beyond that figure, legislation that criminalises civic engagement signals institutional instability to investors and development partners, with downstream effects on credit ratings, foreign direct investment, and access to concessional finance.

# Recommadations

## **Recommendations**

### **To the Government and Parliament of Ghana:**

- The Parliamentary Committee on Constitutional, Legal and Parliamentary Affairs should commission a comprehensive human rights impact assessment of the Human Sexual Rights and Family Values Bill before any further legislative progress. A bill with this level of impact on constitutional rights and treaty obligations requires rigorous independent scrutiny, including assessment of its implications under the African Charter, the ICCPR, and the ICESCR.
- The Commission on Human Rights and Administrative Justice (CHRAJ) should establish a confidential digital submission portal allowing individuals and groups, including LGBTQIA+ Ghanaians, to provide input on proposed legislation without fear of identification. Parliamentary committees reviewing sensitive legislation should institutionalise closed-door hearings for affected communities. Good governance means hearing from those most affected, not only those whose views are politically safe.

- Ghana should take concrete steps to implement the UPR recommendations it accepted in 2012 and 2017: namely, ensuring that security forces investigate and prosecute violence against LGBTQIA+ persons, and that victims can access justice without fear of arrest. Acceptance of UPR recommendations without implementation undermines Ghana's credibility in international human rights processes.

**To the Ministry of Gender, Children, and Social Protection:**

- The Ministry should commission a baseline study on how existing policies affect LGBTQIA+ persons facing compounding disadvantages, including poverty, disability, and rural isolation. Without this evidence base, policy will continue to be designed without understanding how it lands on those most affected. A dedicated consultation mechanism for marginalised groups should be integrated into the Ministry's standard policy development process, not treated as an optional add-on.

**To Regional Bodies (AU, ECOWAS):**

- The African Union should direct the African Commission on Human and Peoples' Rights to initiate a country-specific engagement with Ghana under African Commission Resolution 275, given the active threat the bill poses to freedom of association and civic participation. The ECOWAS Court of Justice should issue a public statement affirming the accessibility of its individual complaint mechanism to Ghanaian nationals whose fundamental rights are violated at the national level, so that affected persons are aware of this avenue.

### **To Civil Society Organisations:**

- Civil society groups should strengthen the systematic documentation of human rights violations against LGBTQIA+ Ghanaians and channel this evidence directly into national UPR shadow reports, African Commission communications, and UN Special Procedures submissions. Coalition-building with women's rights organisations, disability networks, and youth groups is equally important. These organisations share common ground on inclusion and democratic accountability, and coordinated advocacy across these constituencies strengthens the overall case for reform.

## **To International Development Partners and Donors:**

- Development partners should integrate human rights conditions into governance-related funding decisions in Ghana, with particular attention to civic space. Sustained, flexible funding for civil society organisations engaged in democratic inclusion work is essential, especially as the operating environment continues to contract. Partners should use bilateral dialogue channels to raise the bill's implications for Ghana's treaty obligations and governance credibility directly with the Government of Ghana, making clear that civic space restrictions carry real consequences for development partnerships.

# Conclusion

Ghana has a strong democratic tradition and a constitution that extends protections to all its citizens. Excluding LGBTQIA+ Ghanaians from democratic participation does not protect Ghanaian values. It undermines them. It produces weaker policies, less credible institutions, and citizens who cannot access justice, organise freely, or influence how their country is governed.

The evidence presented here demonstrates that this exclusion is not theoretical. It operates through legislation, institutional hostility, unchecked violence, and a justice system that turns people away at the door. The costs are real: lost funding, shrinking civic space, and Ghanaians denied full participation in public life.

Inclusive democracy is not a favour extended to any group. It is what functioning governance requires. The recommendations here are practical, achievable, and grounded in commitments Ghana has already made. What is needed now is the political will to follow through.

**Written by;**

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**YIF**

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We refuse to  
be silenced  
and excluded.  
Our voices  
matter in  
shaping our  
social, civic,  
and political  
lives.





# Youth Initiative Foundation

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