THE INTERNATIONAL PRIDE CENTRE
PROTECTION, RIGHTS, INCLUSION IN DISPLACEMENT & EMERGENCIES

GHANA

DECEMBER 2025
LEGAL ANALYSIS: DRAFT ANTI-LGBTQIA+ LAW

Overview

On 18 November 2025, Ghanaian President John Dramani Mahama stated his administration's commitment to enacting the draft *Promotion of Proper Human Sexual Rights and Family Values Bill* ('the Bill').[1] The Bill was first introduced in 2021, and was passed by the Ghanaian Parliament in 2024, but never signed into law by the former President. After President Mahama took office in January 2025, the same Bill was reintroduced to Parliament, where it is now up for discussion and debate.

The Bill targets all members of the queer community (whom it refers to using the acronym 'LGBTTQQIAAP+'). If passed, it would be the **only piece of legislation in the world to criminalise simply identifying as a same gender-attracted person,** making this punishable by three years imprisonment.[2] The Bill would also criminalise **identifying as an ally** (which it defines as someone who 'supports or advocates for the queer community'), and even **'sympathising'** with LGBTQ+[3] individuals – punishable with five to ten years' imprisonment.[4] The Bill imposes **mandatory reporting** – meaning that anyone in Ghana who knows another person who is queer, or knows of someone who is supportive or sympathetic to a queer person, would be legally required to report this person to the police.[5] These provisions **violate the Ghanaian constitution and multiple regional and international laws.**

The Bill establishes the Ministry of Religious Affairs and Culture as the government department overseeing implementation. The Ministry would be empowered to provide 'therapy or any other form of assistance' to anyone questioning their sexuality, paving the way for **state-sanctioned forced conversion therapy**. The Ministry would also be designated to assist parents in 'realigning' intersex children to an 'appropriate binary designation' – giving the Ministry a concerning role in advising on **intrusive medical procedures performed on infants**.[6]

The draft Bill aims to **constrain governmental institutions** from acting in ways that undermine 'Ghanaian family values', which it defines as including 'respect for marriage as a lifelong relationship between a man and a woman, each of whose gender is defined at birth'.[7] It mandates that all members of the Executive, Parliament, Judiciary, and independent constitutional bodies make their decisions in accordance with these values – and makes failing to do so punishable by fines and prison sentences.[8]

If the Bill passes, it will drive displacement across the region as LGBTQIA+ persons seek asylum in neighbouring countries and further abroad.

[1] C. Stewart (20 November 2025) 'Ghana president pledges to sign repressive anti-LGBTQ bill' Erasing 76 Crimes, available at https://76crimes.com/2025/11/20/ghana-president-pledges-to-sign-repressive-anti-lgbtq-bill/
[2] Draft Promotion of Proper Human Sexual Rights and Family Values Bill (2021), s6(e).
[3] In our international work, the International PRIDE Centre generally uses the acronym LGBTQIA+. In Ghana, we would usually add an 'S' to signify 'sassoi' – the traditional term for same-gender loving people. However, the Bill does not explicitly criminalise individuals for identifying as sassoi, nor as intersex or asexual. It also does not explicitly criminalise people who identify as bisexual – though this appears to be an oversight. It does criminalise other categories of people, such as those who identify as 'pansexual'. We are using the term LGBTQ+ to refer to those who are explicitly criminalised by this Bill/
[4] Ibid, ss 2, 6(e), 12.
[5] Ibid, s 5.
[6] Ibid.
[7] Ibid, s 2.
[8] Ibid, ss 3, 4.

1 History of the Bill

The Parliament of Ghana

The Bill was originally introduced in 2021 and was passed unanimously by Parliament in February 2024.[9] Following its passage, two cases were filed in the Ghanaian Supreme Court claiming that it violated the constitution. The Court dismissed these in December 2024 on the basis that it did not yet have a mandate to review the legislation, because it had not been signed by the President, and therefore had not become law.[10] In March 2024, Ghana's Finance Ministry – in a letter leaked to the media – urged the President not to sign the Bill, saying doing so would lead to the **loss of billions of dollars** in World Bank and IMF financing and international investments.[11] Former President Nana Akufo-Addo left office in January 2025 without signing the legislation into law – meaning that it needed to be re-introduced to Parliament in order to be voted on. The same Bill was re-introduced in March 2025, and read out for initial parliamentary debate in October 2025.[12]

2 Violations of the Constitution

The contents of the Bill are in violation of many sections of Ghana's constitution. A brief overview of these provisions is included in the non-exhaustive list below.

Section	How this is violated by the Bill
Fundamental rights and freedoms	
Art 15: *Respect for human dignity*	The law requires Ghanaians to report on their fellow citizens and have them arrested, imprisoned, and evicted.
Art 17: *Equality before the law*	Criminalising a person based on their identity strips them of the right to be treated equally by the law.
Art 18: *Right to privacy*	The draft law criminalises a person's own statements about how they see themselves, their presentation, identity and self-expression.
Art 21(1)(a,b): *Freedom of speech, expression, thought*	Criminalising 'holding out' (i.e., representing oneself) as LGBTQ+, and being an ally or showing sympathy to LGBTQ+ people, entails criminalising the expression of thoughts and opinions.
Art 21(e): *Freedom of association*	The Bill criminalises establishing, operating, or participating in activities organised by an 'LGBTTQQIAAP+' organisation.
Freedom of the media	
Art 162(1, 2): *The freedom of the media shall be guaranteed; there shall be no censorship.*	The Bill criminalises the broadcasting or dissemination of certain messages through the media, including any that 'promote' or 'support sympathy' for LGBTQ+ people, or aim to bring about changes in public opinion about them.
Art 162(4): Institutions of the mass media shall not be subject to	In addition to providing that 'editors and publishers of newspapers and other institutions of the mass media' shall not be subject to influence, the constitution specifies that they shall not be 'penalised for their editorial opinions and views, or

[9] E. Ogao (29 February 2024) 'Ghana's parliament passes controversial new anti-LGBTQ bill' ABC News, available at https://abcnews.go.com/International/ghanas-parliament-passes-controversial-new-anti-lgbtq-bill/story?id=107667679
[10] K. Adom (18 December 2024) 'Ghana's Supreme Court dismisses challenges to anti-LGBT bill' BBC News, available at www.bbc.com/news/articles/crrw2r8epw8o
[11] P. Salako (2 January 2025) 'Where does Ghana's new president stand on the anti-LGBTQ+ bill?' Context, available at www.context.news/socioeconomic-inclusion/where-does-ghanas-new-president-stand-on-the-anti-lgbtq-bill
[12] Above n 1.

control or interference by Government	the content of their publications.' The Bill directly contravenes this by criminalising 'the owner of the media, technological platform or technological account on which the material or information is circulated', in cases where messages like those described above are circulated.[13]
Independence of the Judiciary and the Human Rights Commission	
Art 127: *Independence of the judiciary*	The constitution is clear that the judiciary 'is subject only to this Constitution', and that 'neither the President nor Parliament… shall interfere with judges or judicial officers'. The Bill contravenes this by making both the judiciary and the Human Rights Commission subject to a 'duty to promote proper human sexual rights and Ghanaian values'. It makes 'undermining' such values a criminal offence, punishable by fines and imprisonment.[14]
Art 225: *Independence of the Human Rights Commission*	

3 Barriers to passage

The draft legislation is a private member's Bill – meaning that it has been introduced by Members of Parliament acting in their private capacity, without the backing of the government. The Ghanaian constitution prohibits the Parliament from passing a private member's Bill that imposes a financial burden on the State, requiring such Bills to be introduced by the President.[15] Given both the substantial cost to Ghana of implementing the legislation, and the investment and financing they will use if it passes, the Speaker of the Parliament would be expected to **prevent the Bill from going to a vote**.

However, Parliament was not prevented from voting on the Bill the last time it was introduced, – so **there is reason to believe this could happen again, despite its unconstitutionality**. It is also possible that the government will introduce its own legislation. When the Bill was re-introduced in March 2025, President Mahama stated that he would "prefer" the bill to be state-sponsored.[16]

After being passed by Parliament, a bill must be signed by the President to become law. If the President signs the Bill that is currently before Parliament, it will almost certainly be challenged in the Supreme Court for violating the constitution – both in terms of the procedure through which it was passed, and the substance of the legislation.

4 Consequences for LGBTQ+ community if Bill passes

Violence and persecution

The passage of this Bill **will undoubtedly lead to increases in violence against and persecution of the queer community across the country**. Acts of violence, forced evictions, and increased discrimination were reported against LGBTQIA+ individuals after the Bill was passed by Parliament in 2024.[17] These trends have been consistently observed following the passage of LGBTQIA+ laws globally, and generally have a more consistent, widespread, and longer lasting impact than the implementation of the legislation itself. The PRIDE Centre's analysis is that **even if the Bill is repealed or struck down by the courts, the damage to the LGBTQIA+ community will have been done**. Activists have already reported that the re-introduction of the Bill has triggered a wave of discrimination and violence targeting LGBTQIA+ people across the country.[18]

[13] Above n 2, Art 12(1), (2), and (4).
[14] Ibid, Art (3) and (4).
[15] Constitution of Ghana, s 108.
[16] T. Nadi (4 March 2025) 'Ghanaian MPs reintroduce controversial anti-LGBT bill' BBC News, available at www.bbc.com/news/articles/cdjy91gr48lo
[17] Amnesty International (29 February 2024) 'Ghana: President Nana Akufo-Addo must not sign deeply discriminatory anti-LGBT law', available at www.amnesty.org/en/latest/news/2024/02/ghana-president-nana-akufo-addo-must-not-sign-deeply-discriminatory-anti-lgbt-law/
[18] D. Anthony (8 September 224) 'Region rocked by spate of gruesome murders as draconian laws cause chaos' News.com.au, available at www.news.com.au/lifestyle/real-life/news-life/region-rocked-by-spate-of-gruesome-murders-as-draconian-laws-cause-chaos/news-story/c5dbe413914063d0bc8a5c0ee23b99f7

Criminalisation

As soon as the law comes into force, **it will criminalise every LGBTQ+ person in Ghana.** Research conducted globally indicates that around 5 – 10% of any given population identifies as having diverse sexual orientations, gender identities or expressions, or sex characteristics (SOGIESC).[19] Even in Ghana, where the barriers to openly expressing non-traditional SOGIESC are extremely high, a 2011 survey found that 1.5% of the population identified as gay, lesbian, or bisexual.[20] This translates to a minimum of **307,000 people who would immediately face the possibility of three-year prison sentence**.[21] According to the PRIDE Centre's methodology, a minimum of 1,023,000 are members of a diverse SOGIESC minority.

307,000

people would be at immediate risk of arrest and imprisonment.

Refugee flows

Evidence from other countries that have enacted severe anti-LGBTQIA+ legislation demonstrates that the enactment of this Bill **will trigger refugee movements within the West African region, as well as increased applications for third country resettlement.** Queer Ghanaians facing imminent arrest or violence are likely to flee first to neighbouring countries perceived to be comparably safer, including Côte d'Ivoire and potentially Togo, with onward movement anticipated to Benin and Nigeria. Though there is no entity tracking flows of queer refugees across the continent, rendering it difficult to reference exact statistics, there is substantial evidence that **passing laws criminalising LGBTQIA+ acts or identities results in regional displacement**. When Nigeria passed its Same Sex Marriage Prohibition Act (SSMPA) law in 2014, many of the LGBTQIA+ activists recount fleeing to Benin.[22] Following the passage of Uganda's Anti-Homosexuality Act in 2023, thousands of LGBTQ+ Ugandans sought safety in Kenya.[23] In the last year, many queer asylum seekers based in Kenya have moved onwards to South Sudan, in the hope that resettlement opportunities may be more accessible from there. In the course of our research, the International PRIDE Centre has also encountered queer individuals from Uganda in refugee camps and shelters in Malawi and South Africa.

These flows demonstrate the regional and global consequences of criminalising legislation:

- States neighbouring the country that passes this legislation suddenly receive significant numbers of displaced LGBTQIA+ persons.
- The demand on the humanitarian sector in these countries increases.
- Global resettlement systems come under pressure to relocate those facing imminent danger to a safe third country.

[19] In the absence of demographic data pertaining to diverse SOGIESC identities in the countries where we work, The International PRIDE Centre conservatively estimates 5% of populations in Africa identify as SOGIESC minorities. This estimate is based on the global average of 9% of population based on IPSOS' annual 26-country survey, weighted to reflect (i) South Africa is the *only* African country represented in the survey (4%) and (ii) extreme social conservatism alongside religious, legal, policy, and political strictures in most countries in Africa severely limit the space for people to identify as a member of a diverse SOGEISC community and/or to engage with their communities or receive affirming care. IPSOS (June 2024) 'IPSOS LGBT+ PRIDE 2024', available at www.ipsos.com/sites/default/files/ct/news/documents/2024-05/GA%20Pride%202024.pdf

[20] GhanaWeb (2 January 2011) 'One percent of Ghanaians are gay or lesbian', available at www.ghanaweb.com/GhanaHomePage/NewsArchive/One-percent-of-Ghanaians-are-gay-or-lesbian-191023

[21] Calculated as 1% of Ghana's adult population.

[22] International PRIDE Centre (2025) 'Nigeria: Context, Analysis, and Recommendations for Aid Agencies', p 9.

[23] International PRIDE Centre (2025) 'Kenyan Legal Framework and its Impact on LGBTQ+ Refugees and Asylum Seekers', p 6; UNHCR Kenya (2021) 'UNHCR Statement on the situation of LGBTIQ+ refugees in Kakuma camp', available at www.unhcr.org/ke/news/unhcr-statement-situation-lgbtiq-refugees-kakuma-camp

4 Impact of the law on aid organisations

Need for preparedness and responsiveness

If the Bill is enacted, humanitarian and development organisations operating in Ghana and the wider region will need to urgently prepare for a substantial increase in both internal and cross-border displacement. The criminalisation of an estimated 300,000+ people will sever many LGBTQIA+ Ghanaians from their family, community, and economic support networks. Those who are not arrested will remain at risk of eviction, loss of livelihood, and targeted violence. This will create significant humanitarian needs within both Ghana and in neighbouring states. Organisations working with refugees, displaced people, and other vulnerable populations need to anticipate these dynamics, and be prepared for these increases in demands. At the same time, these organisations must conduct risk analyses and put in place mitigation measures to avoid being accused of criminality under the Act.

The PRIDE Centre's research and field work has demonstrated that very few aid agencies already responding to refugee movements have adequate LGBTQIA+ inclusive programming in place. Most INGOs and UN Agencies responding to refugee crises are slow and/or reluctant to adapt their programming to meet the specific humanitarian needs of forcibly displaced LGBTQIA+ communities. **The high likelihood of an increase in movement of LGBTQ+ people from Ghana seeking asylum should therefore be anticipated and planned for with immediate effect**, using the learning and inclusion tools developed in response to similar movements in East Africa.

Duty to report

The Bill imposes a duty on every person to report offences committed in their presence, including 'holding out' as LGBTQ+ or sympathising with LGBTQ+ people, to the police. This would place an obligation on many aid workers to report on their beneficiaries, colleagues, and partners, putting them at risk of arrest and imprisonment.

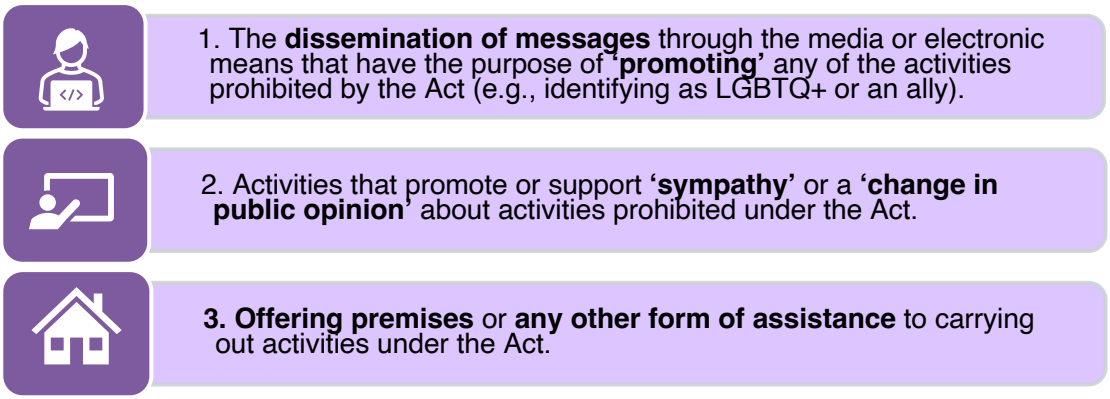
Unlike the similarly worded provisions in the 2023 Anti-Homosexuality Act in Uganda and the draft Family Protection Bill in Kenya, this section does not explicitly criminalise the failure to report, nor does it waive professional privilege obligations. If the Bill passes, **humanitarian and development agencies, including INGOs and UN Agencies, should rely on these omissions to adopt rules specifically prohibiting staff from reporting**, as recommended below.

Activities that would be criminalised

In addition to its section imposing a duty to report, the Bill targets the activities of organisations, **including NGOs, civil society, and donors,** through its provisions on 'propaganda, promotion, and advocacy', as well as its **criminalisation of providing funding** to activities prohibited under the Act.

Its provisions on 'propaganda, promotion, and advocacy' focus on criminalising three categories of activities:[24]

[24] Draft Promotion of Proper Human Sexual Rights and Family Values Bill (2021), s 12.



These provisions go far beyond those in Uganda's Anti-Homosexuality Act (AHA), a Bill infamous for being the harshest anti-LGBTQIA+ law on the continent. The Ugandan AHA also criminalises the 'promotion' of homosexuality – which it defines as same sex activity – but does not criminalise identifying as LGBTQIA+, showing 'sympathy' for LGBTQIA+ people, or activities aimed to bring about a change in public opinion. The AHA has had a chilling effect on the work of civil society and aid agencies in Uganda, where many organisations, including legal assistance providers, international NGOs and UN agencies, have halted almost all programming that may be seen to be assisting the LGBTQ+ community. One of the only forms of assistance that remains in place for some SOGIESC minorities in Uganda is HIV programming. In order to continue this, public health organisations successfully challenged the AHA's provisions on offering premises for prohibited acts, to ensure they would not be used against health clinics. These provisions were struck down by the Ugandan Supreme Court. In the Ghanaian Bill, the provision goes further, criminalising not only 'offering premises', but any form of assistance provided 'for the purpose of promoting an activity prohibited under the Act'.[25] The Bill also **criminalises donors** who support such programming.

Examples of activities that would likely become illegal under the Bill include:

HIV and sexual health clinics that provide services to those recognised as Key Populations by Ghana's national HIV Strategy, including men who have sex with men (MSM) and transgender people.

Shelters and safe spaces for those at risk of violence because of their SOGIESC.

Psychosocial support programmes with staff who are trained to listen non-judgmentally to people in all of their diversities.

Having internal organisational rules **prohibiting SOGIESC-based discrimination.**

Organisational staff **identifying as queer.**

Non-queer organisational staff making any comments on social media, or in messages or emails to friends or colleagues, indicating that they **accept or sympathise** with LGBTQIA+ people.

[25] Ibid.

4 Immediate recommendations for donors, UN agencies, & IFIs

Advocacy

- **Connect with LGBTQIA+ organisations in Ghana** to ask how to best support ongoing advocacy efforts.
- **Leverage diplomatic and technical entry points** with the government of Ghana, including President Mahama. Raise the unconstitutionality of both the process of passing the Bill and its contents; to the rise in violence against the LGBTQIA+ community since it was introduced; and the inevitability of increased violence, and likely killings, if the Bill were to pass.

Preparedness – within Ghana

- **Engage in learning from experience** in East Africa and the impacts of similar laws on NGOs, civil society, and donors, including the responsive, security, operational and programming tools developed.
- **Develop 'red lines'** for continuing to be able to work in Ghana, in coordination with LGBTQIA+ civil society, and communicate these with government counterparts.
- **Immediately adopt internal staff guidelines on the duty to report,** so that these are already in place if the Bill were to pass, which prohibit staff from reporting any person under the Act.
- **Introduce strong internal policies and procedures on confidentiality,** including data protection and storage protocols.
- **Put safety and security plans in place**, with a focus on the protection of LGBTQIA+ staff and beneficiaries. This should include options for providing rapid assistance to those most at risk, including evacuation and resettlement options, and should be adequately funded.
- **Donors should fund LGBTQIA+ organisations** to both advocate against the Bill and continue to serve their communities as anti-LGBTQIA+ discrimination and violence continues to increase.

Humanitarian preparedness – in neighbouring states

- **Establish early-warning and monitoring systems** to anticipate and track displacement of LGBTQIA+ Ghanaians into Côte d'Ivoire, Togo, Benin, Nigeria, and South Africa.
- Ensure that humanitarian and development aid systems and infrastructure in the countries of arrival are able to respond to the specific needs of displaced LGBTQIA+ populations, including in terms of **access to safe shelters, medical care, psychosocial support, GBV response, and legal aid.**
- Train staff receiving and engaging with LGBTQIA+ Ghanaian refugees, including humanitarian actors, refugee response agencies, and government officials, on the **rights and protection needs of this population, dignified and respectful treatment, and obligations of non-refoulement.**
- **Map safe shelter options and establish referral mechanisms** in each neighbouring country.

The International PRIDE Centre is available to support organisations on the implementation of any of the above recommendations, as well as general strategies to support the inclusion of LGBTQIA+ communities in humanitarian and development contexts across Africa.

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