



Australian Government
Refugee Review Tribunal

Country Advice

Ghana

Ghana – GHA37425 – Accra – Gbawe –
Atico Junction – Homosexuals –
Homosexual venues – Support organisations
– Police – State protection – Law
enforcement
29 September 2010

1. Where are Gbawe and Atiko Junction?

Gbawe is a suburb of Accra, approximately six kilometres northwest of the city centre. Atico Junction is an area of Accra near the Kaneshie Market, approximately four kilometres north of Accra's main train station in the city centre.

2. Deleted.

3. Are there any places for socialising for homosexuals in Accra or the above places?

No sources located refer to gay or gay-friendly venues in Gbawe or Atico Junction; however, sources indicate that there are some gay-friendly bars, restaurants, and other meeting places, in Accra. These venues do not publicly advertise their gay or gay-friendly status. Rather, they rely on word of mouth and messages posted on gay chat sites on the internet for their patronage. Despite the discreet nature of such venue advertising, one gay man in Accra states that “[i]t is common knowledge that there are a number of bars in Accra and Kumasi...that are in effect gay bars, where gay men meet and socialise every weekend.” In an article on GhanWeb.com, a Mr K Simpa states that despite these places being common knowledge, “you do not have the police, or indeed irate, passionate mobs descending on these places armed with petrol bombs and threatening to burn the establishments down unless these men started sleeping with women. There are a number of known gay people (both married and single) who are known in their vicinity and who have not been carted off to our prisons to ‘teach them a lesson’...A number of hotels allow two men to share a double bed overnight, so long as they are getting their money. They know what goes on in most cases but they see themselves as hard-nosed businessmen, not morality policemen.”¹

¹ Simpa, K. 2007, ‘Homosexuality – The Last Ghanaian Taboo?’ Ghanaweb website, 8 June <http://www.ghanaweb.com/GhanaHomePage/features/artikel.php?ID=125222> – Accessed 22 September 2010 – Attachment 2

The only exclusively gay bar in Accra over the past decade has been Henri's. However, an August 2010 post on the Gay Ghana website states that Henri's has closed, and "there are no plans to re-establish the club". Furthermore, once popular mixed venues, Strawberry and Karldorf are "no longer attracting a gay crowd".² The post does, however, provide a comprehensive list of 'mixed' venues currently open in Accra, many in the beachside suburb of Osu, which reportedly attract gay crowds on various nights:

- Rhapsody's at Accra Mall
- Le Reve, at Kwame Nkrumah Circle
- The Coconut Grove Hotel, which "hosts a hugely popular Salsa Night on Wednesday"
- Chesters in Osu
- Ebo's Spot in Osu
- The Bus Stop Pool and Bus Stop restaurant
- Bywel bar in Osu "is an undercover place for discretely meeting gays"
- Champs Sports Bar at the Paloma Hotel on Ring Road "has a good number of gays attending on Friday nights"
- The Office "is gayest on Friday nights"
- Lizzie's in Osu, opposite Papaye
- The Club House in Jamestown "is Accra's newest meeting place for gays"
- The De-Mod Hotel near Kokrobite "is a gay-owned and operated hotel"
- The swimming pool at Shangri-La Hotel "can be gay on some Sunday afternoons. Sometimes not"
- Labadi beach.³

Today, an online Accra newspaper, published an 'investigative' report in December 2009 on precincts and locations where homosexual conduct, referred to as 'Papa Ashawo', is 'invading' Accra. The disapproving report lists locations and venues that play host to gay beats; "Papa Ashawo is now very dominant at Madina-Zongo Junction, a sprawling suburb with all the trappings of a ghetto in Accra... Other areas like Adabraka, Labadi, Chorkor and Mamprobi have in recent past recorded the male to male sex, where supposed married men or men in sex relationship brandish the act around with glee." *Today* also names places where male prostitution takes place; Nikki's restaurant and bar, "opposite Oman FM" is described by *Today* as "the latest haven for the male prostitution. Our search team found out that the act is practiced in a Guest House which is partitioned into smaller rooms within the precinct of the Nikki restaurant and bar."⁴

4. If homosexuality is "outlawed" in Ghana, to what extent is it pursued by the authorities?

While homosexuality is not specified as a crime in Ghana, Act 29, Section 104 of the Ghanaian Criminal Code (1960), amended 2003, outlaws 'Unnatural Carnal Knowledge'. The Code defines 'unnatural carnal knowledge' as "sexual intercourse with a person in an unnatural manner or with an animal." In Ghana homosexual sex is deemed 'unnatural' and

² 'Cruising Places' 2010, GayGhana website, 21 August <http://www.gayghana.org/page/Cruising+places> – Accessed 21 September 2010 – Attachment 3

³ 'Cruising Places' 2010, GayGhana website, 21 August <http://www.gayghana.org/page/Cruising+places> – Accessed 21 September 2010 – Attachment 3

⁴ Prebah, N.A. & Beeko, W. 2009, 'Gays Invade Accra...Papa Ashawo now dominant at Madina', *Today*, 4 December <http://todaygh.com/2009/12/04/gays-invade-accra-papa-ashawo-now-dominant-at-madina/> – Accessed 21 September 2010 – Attachment 4

therefore equated in the criminal code with bestiality. Section 104 states that unnatural carnal knowledge “of any person of the age of sixteen years or over without his consent shall be guilty of a first degree felony and shall be liable on conviction to imprisonment for a term of not less than five years and not more than twenty-five years”. However, Section 104 also states that unnatural carnal knowledge “of any person of sixteen years or over with his consent is guilty of a misdemeanour”.⁵ The US Department of State reports that “[t]he law does not differentiate between male-male and female-female sex.”⁶ However, The International Lesbian, Gay, Bisexual, Trans and Intersex Association states that Lesbian sex is not illegal, due to the fact that the Criminal Code refers only to “carnal knowledge”.⁷ The Australian Department of Foreign Affairs (DFAT) reports that in 2010 homosexual acts attract a minimum sentence of 7 years in prison in Ghana.⁸

Sources disagree on the extent to which homosexuals are prosecuted for the crime/misdemeanour of ‘unnatural carnal knowledge’. In March 2007 the gay website Pink News states that “[i]n practice, few people in Ghana have been convicted of homosexual acts.”⁹ However, in November 2007 Pink News reported the arrest of British national John Ross Mcleod at Accra airport, allegedly after “[o]fficials searched him and allegedly found a CD containing images of Mcleod having sex with a 19-year-old.” He was reportedly then remanded in custody on the charge of “unnatural carnal knowledge”. Mcleod reportedly pleaded guilty and was “given the option of a fine of £320 or six months in prison.”¹⁰

The University California Berkeley School of Journalism website reports that in 2003 four men were sentenced to two years gaol in Ghana for “indecent exposure” and “unlawful carnal knowledge” after photos of the men were discovered in which they were found in “compromising homosexual acts”.¹¹

The Immigration and Refugee Board of Canada (IRB) reported that a pastor in Accra was charged in 2005 for “having anal sex with a male student aged 18”. The IRB also reported that in August 2005 a lesbian was arrested in Accra for “luring an 18-year old girl into lesbianism” and was charged with “practicing unnatural sex with the victim”. The President of the Gays and Lesbian Association of Ghana (GALAG) told the IRB that

⁵ Ottosson, D. 2010, ‘Homophobia: A world survey of laws prohibiting same sex activity between consenting adults’, The International Lesbian, Gay, Bisexual, Trans and Intersex Association, May, p.12
http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2010.pdf – Accessed 23 September 2010 – Attachment 5

⁶ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Ghana*, 12 March, Section 6 – Attachment 6

⁷ Ottosson, D. 2010, ‘Homophobia: A world survey of laws prohibiting same sex activity between consenting adults’, The International Lesbian, Gay, Bisexual, Trans and Intersex Association, May, p.12
http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2010.pdf – Accessed 23 September 2010 – Attachment 5

⁸ Department of Foreign Affairs 2010, ‘Travel Advice – Ghana’, Smartraveller.gov.au, 23 August
<http://www.smartraveller.gov.au/zw-cgi/view/Advice/ghana> – Accessed 23 September 2010 – Attachment 7

⁹ ‘Ghana’s gays in human rights plea’ 2007, Pink News, 14 March,
<http://www.pinknews.co.uk/news/articles/2005-3920.html> – Accessed 23 June 2009 – Attachment 8

¹⁰ Grew, T. 2007, ‘British man in prison for gay sex in Ghana’, Global Gayz, source: Pink News, 7 November
<http://www.globalgayz.com/country/Ghana/view/GHA/gay-ghana-news-and-reports-2007-08#article3> – Accessed 22 September 2010 – Attachment 9

¹¹ Luckie, M.S. (undated), ‘Somewhere over the Rainbow’, University California Berkeley School of Journalism
<http://journalism.berkeley.edu/projects/mm/luckie/rainbow.html> – Accessed 21 September 2010 – Attachment 10

Ghanaian lawyers are often reluctant to defend homosexuals who have been charged with sexual offences.¹²

In 2006 a false rumour was spread by the Ghanaian media that Ghana was to host an international gay and lesbian conference. In response to media outrage, the government of Ghana moved to ban the conference and threatened to charge the organisers with criminal offences. The Information Minister Kwamena Bartels reportedly stated that at the time that the “Government does not condone any such activity which violently offends the culture, morality, and heritage of the entire people of Ghana... Government would like to make it absolutely clear that it shall not permit the proposed conference anywhere in Ghana. Unnatural carnal knowledge is illegal under our criminal code. Homosexuality, lesbianism, and bestiality are therefore offences under the laws of Ghana”.^{13 14}

In an article on GhanWeb.com K. Simpa, a self-confessed gay man, states that while attitudes in Ghana towards homosexuals “are not warm and cosy – far from it. There is a lot of hatred and dislike for homosexuals, just as there is all over the world. But in Ghana it does not translate into physical violence or state persecution (unlike, say Jamaica which paradoxically has a lot of gay men). Over here the reaction is more of humiliation, disdain and ridicule. On the occasions when the police get involved, it is usually to extract a bribe on pain of public exposure and embarrassment rather than a genuine desire to uphold the law.”¹⁵

5. What organisations represent or are involved with the homosexual community?

The US Department of State reports that in 2009 there were no “registered Lesbian, Gay, Bisexual, and Transgender (LGBT) organizations” in Ghana.¹⁶ There are, however, organisations that act on behalf of the Ghanaian gay community, advocating human rights and legal reform. The most prominent of these appears to be the Center for Popular Education and Human Rights (CPEHRG).^{17 18} The Immigration and Refugee Board of Canada (IRB) reported in 2006 that the Executive/National Director of CPEHRG is also the President of the Gays and Lesbian Association of Ghana (GALAG).¹⁹ Another legal

¹² Immigration and Refugee Board of Canada 2006, *GHA101616.E – Ghana: Treatment of homosexuals by society and authorities and availability of state protection; names and activities of groups or associations promoting homosexual rights*, 2 October http://www.irb-cisr.gc.ca/en/research/rrr/index_e.htm?action=record.viewrec&gotorec=450505 – Accessed 15 August 2007 – Attachment 11

¹³ Ireland, D. 2006, ‘Media leads anti-Gay witch-hunt’, *Gay City News*, 21 September <http://www.zmag.org/content/showarticle.cfm?ItemID=11016> – Accessed 20 August 2007 – Attachment 12

¹⁴ ‘Ghanaian gay conference banned’ 2006, *BBC News*, 1 September <http://news.bbc.co.uk/2/hi/africa/5305658.stm> – Accessed 22 September 2010 – Attachment 13

¹⁵ Simpa, K. 2007, ‘Homosexuality – The Last Ghanaian Taboo?’ *Ghanaweb* website, 8 June <http://www.ghanaweb.com/GhanaHomePage/features/artikel.php?ID=125222> – Accessed 22 September 2010 – Attachment 2

¹⁶ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Ghana*, 12 March, Section 6 – Attachment 6

¹⁷ ‘Cruising Places’ 2010, *GayGhana* website, 21 August <http://www.gayghana.org/page/Cruising+places> – Accessed 21 September 2010 – Attachment 3

¹⁸ ‘Anti-Gay March Could Hamper HIV Interventions In Ghana’ 2010, *Global Gayz*, source: Behind the Mask, 8 June <http://www.globalgayz.com/country/Ghana/view/GHA/gay-ghana-news-and-reports-2007-08#article14> – Accessed 22 September 2010 – Attachment 14

¹⁹ Immigration and Refugee Board of Canada 2006, *GHA101616.E – Ghana: Treatment of homosexuals by society and authorities and availability of state protection; names and activities of groups or associations*

reform and support group is Ghana Gays Group, led by a Mr Prince MacDonald. In August 2010 McDonald told *Afrol News* that anti-gay attitudes in Ghana mean that “[i]t...remains problematic to run a gay association in Ghana”.²⁰

6. Is police protection available for people who are assaulted even if they are homosexual?

Sources indicate that gay men are vulnerable to assault and robbery in Ghana. Sources also indicate that Police are largely indifferent to homosexuals who have been harmed. A May 2004 report on the African gay website Behind the Mask argued that gay men in Ghana are vulnerable to robbery and police generally do nothing.²¹ In 2007 the UK Home Office reported that gay men who have sought assistance from the Ghanaian police force have been threatened with imprisonment.²² The US Department of State’s 2009 report states that LGBT persons were subjected to “police harassment and extortion attempts”.²³

In 2004 the gay online magazine The Gully published an article by a Ghanaian who recounts, among other things, his experience of being bashed and robbed; “[a]fterwards, I naively went to the police. My attackers told them I made a pass at their friend. The police took their statement, but sent them away when they couldn’t show any evidence. Then the officers offered to write my statement for me, but I quickly took the pen and started writing my own because I knew they might try to implicate me in some crime... When I asked them to do something to get back my money and the other things that had been stolen, they threatened to lock me up... I let the matter drop, but then I was afraid to leave the police station. My attackers would probably have been waiting for me outside. The police let me leave by a back door. I was too ashamed to tell to anyone for a year that I had been beaten and robbed.”²⁴

Some sources indicate that homosexuals are vulnerable to extortion from police. In an article on GhanaWeb, K. Simpa states that “on the occasions when the police get involved, it is usually to extract a bribe on pain of public exposure and embarrassment rather than a genuine desire to uphold the law.”²⁵

promoting homosexual rights, 2 October http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=450505 – Accessed 15 August 2007 – Attachment 11

²⁰ ‘Ghana’s gays organise to fight British criminal law’ 2010, *Afrol News*, 19 August <http://www.afrol.com/articles/13832> – Accessed 21 September 2010 – Attachment 15

²¹ Cobbinah, M.D 2004, ‘Gay life in Ghana’, Behind the Mask website <http://www.mask.org.za/printpage.php?id=239> – Accessed 14 November 2007 – Attachment 16

²² UK Home Office 2007, *Operational Guidance Note*, September <http://www.ind.homeoffice.gov.uk/documents/countryspecificasylumpolicyogngs/ghanaogn?view=binary> – Accessed 14 November 2007 – Attachment 17

²³ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Ghana*, 12 March, Section 6 – Attachment 6

²⁴ Prince 2004, ‘Gay in Ghana’, *The Gully*, 24 June http://www.thegully.com/essays/gaymundo/040623_gay_life_ghana.html – Accessed 7 July 2004 – Attachment 18

²⁵ Simpa, K. 2007, ‘Homosexuality – The Last Ghanaian Taboo?’ GhanaWeb website, 8 June <http://www.ghanaweb.com/GhanaHomePage/features/artikel.php?ID=125222> – Accessed 22 September 2010 – Attachment 2

Attachments

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2. Simpa, K. 2007, 'Homosexuality – The Last Ghanaian Taboo?' Ghanaweb website, 8 June <http://www.ghanaweb.com/GhanaHomePage/features/artikel.php?ID=125222> – Accessed 22 September 2010.
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