

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on discrimination against women and girls

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19 March 2026

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on the right to education; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 60/8, 53/7, 52/9, 60/10, 52/4, 59/5, 52/7 and 59/14.

In this connection, we would like to bring to the attention of your Excellency's Government certain observations regarding the draft law entitled the "Human Sexual Rights and Family Values Bill, 2025" (the "Bill"), which was re-introduced in Parliament in February 2026 and is currently open for public submissions.

The draft Bill reportedly criminalizes the mere self-identification of lesbian, gay, bisexual, trans and other gender-diverse (LGBT) persons. It would also reportedly increase penalties for consensual same-sex intimacy, criminalize advocacy and provision of services, prohibit all gender-affirming health care, and allow for the dissolution of organizations. In addition, it appears to penalize third parties (including parents, teachers, journalists, health professionals and landlords) who support the human rights of LGBT persons, and to impose a general duty on any person to report alleged infringements of the law to the relevant authorities. Such measures would raise serious concerns regarding Ghana's obligations under international human rights law.

We recall our previous communication to your Excellency's Government of 9 August 2021 (UN Document [OL GHA 3/2021](#)) and our joint [public statement](#) of 1 March 2024, which urged the rejection of substantially similar provisions on the grounds that they would violate the rights to privacy, equality and non-discrimination, and the freedoms of expression, association and peaceful assembly, and would criminalize the legitimate work of human rights defenders and service providers. Those concerns apply *a fortiori* and *mutatis mutandis* to the reintroduced Bill.

According to information available to us: (a) the Bill criminalizes self-identification as LGBT (reportedly punishable by up to three years' imprisonment),

increases penalties for consensual same-sex intimacy, and penalizes public displays of same-sex affection; (b) it criminalizes “promotion” or “advocacy” of LGBT rights and the provision of related support services (reportedly punishable by five to ten years’ imprisonment), including by parents, teachers, journalists, health workers, donors and organizations, and mandates the dissolution of associations; (c) it bans all gender-affirming healthcare for both providers and recipients; (d) it exposes landlords and providers of premises or digital platforms to potential criminal liability; and (e) it imposes a general duty to report any infringement to competent authorities.

We welcome the opening of a public submissions process and urge that any legislative outcome be guided by international human rights standards, including the withdrawal of the draft legislation.

Criminalization of consensual same-sex intimacy and of sexual orientation and gender identity is *prima facie* incompatible with international human rights law, including the International Covenant on Civil and Political Rights (ICCPR) (arts. 2, 17, 26), and regional standards provided by the African Charter on Human and Peoples’ Rights (arts. 2, 3, 5, 9, 10, 11, 18). The Human Rights Committee has urged States to repeal criminalization of consensual same-sex relations and related legislation, and to protect individuals from discrimination on the basis of sexual orientation and gender identity. (See, e.g., CCPR/C/UGA/CO/2.)

Criminalization of expression, human rights advocacy and association – including bans on supporting or promoting the rights of LGBT persons, mandatory reporting, and forced dissolution of organizations – cannot be justified under ICCPR arts. 19, 21 and 22. Restrictions grounded in “public morals” must meet the tests of legality, necessity and proportionality; absolute bans on LGBT rights advocacy or services affecting LGBT persons fail these tests and risk unduly targeting human rights defenders and health providers. (See, e.g. CCPR/C/GC/37.)

In this regard, we recall that the right to hold opinions without interference and the right to freedom of expression, including “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media,” is protected under article 19 of the ICCPR. This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one’s own and on public affairs, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The provisions of the Human Sexual Rights and Family Values Bill highlighted above do not appear to be in line with Ghana’s international obligations to respect and uphold the right to freedom of expression.

Furthermore, the restrictions to freedom of expression under this Bill do not seem to be in line with the strictly-defined requirements allowed under article 19(3) ICCPR. The article establishes that any restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those

objectives and be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34). The provisions of the bill do not appear to meet the requirements of necessity, proportionality and least intrusiveness as it should, and therefore raises concerns about its incompatibility with international law.

We would also wish to refer to articles 1 and 2 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. In addition, article 5(b) provides for everyone’s right to form, join and participate in non-governmental organizations, associations or groups, and article 6(b) provides that everyone has the right, individually and in association with others, to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms. We note that the proposed Human Sexual Rights and Family Values Bill does not seem to be in line with these provisions, as it does not respect the rights it enshrines.

The legislation, by extending prohibitions into the private sphere of identity and expression, is likely to create a chilling effect on access to healthcare. Individuals may refrain from seeking services for fear of legal repercussions, including in relation to essential prevention, testing, and treatment services. More broadly, restrictions on the provision of lawful, evidence-based healthcare by qualified professionals, including adult gender-affirming healthcare, may be inconsistent with the right to the highest attainable standard of health under article 12 of the ICESCR, particularly where they disproportionately affect marginalized groups. As interpreted in relevant treaty body guidance, that right requires health services and related information to be available, accessible, acceptable, of good quality, and free from discrimination.

For LGBT children, these obligations must be read in conjunction with the broader framework of the Convention on the Rights of the Child. This includes, *inter alia*, the requirement that the best interests of the child be a primary consideration in all actions affecting them (article 3); the guarantee of rights without discrimination (article 2); respect for the roles and responsibilities of parents and guardians, exercised in a manner consistent with the child’s evolving capacities (article 5); and the right of children capable of forming their own views to express those views freely in all matters affecting them (article 12). Children must also be protected from cruel, inhuman or degrading treatment or punishment (article 37(a) of the Convention), and from non-consensual medical or scientific experimentation, (article 7, ICCPR).

The Committee on the Rights of the Child has emphasized States’ obligations to ensure non-discriminatory access to information and services, including online, taking into account children’s evolving capacities, as set out in its general comment No. 25 (2021) on children’s rights in relation to the digital environment (CRC/C/GC/25), while also protecting children from harmful and unreliable content.

Provisions penalizing landlords and imposing mandatory reporting raise concerns under the rights to privacy (ICCPR art. 17) and adequate housing (ICESCR

art. 11), and risk enabling evictions and discrimination against tenants based on sexual orientation or gender identity.

The Human Rights Committee has affirmed that consensual sexual activity in private falls within the scope of the right to privacy. It has further clarified that laws criminalizing such conduct – even when not actively enforced – still “continuously and directly” interfere with the right to privacy protected under article 17 of the ICCPR (CCPR/C/50/D/488/1992, para. 8.2). The Committee has stressed that any interference with privacy must not only be lawful, but also must also align with the objectives of the ICCPR, be reasonable and proportionate, and be necessary in the specific circumstances of a case. In this context, the Committee has repeatedly rejected States’ arguments that criminalizing consensual same-sex relations can be justified on public health or moral grounds (CCPR/C/50/D/488/1992, paras. 8.3–10). Additionally, the Committee has stated that the mere existence of laws criminalizing consensual same-sex conduct contributes to the stigmatization of LGBT persons and undermines efforts to investigate and punish acts of persecution against them (CCPR/C/108/D/2149/2012, para. 7.5).

The Bill risks legitimizing violence, arbitrary arrest, extortion and ill-treatment of LGBT persons, their allies, and those defending their rights. Treaty bodies have linked criminalization and stigma to heightened exposure to torture and ill-treatment, triggering obligations under the Convention against Torture to prevent, investigate, and punish such abuses. At the regional level, African Commission resolution 275 (2014) condemns violence and systematic attacks based on real or imputed sexual orientation or gender identity and calls on States to protect human rights defenders.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. How is the proposed draft law compatible with international obligations of non-discrimination in the exercise and enjoyment of rights, including on grounds of sexual orientation and gender identity as prohibited grounds of discrimination?
2. How will the Government ensure that content- and identity-based criminal offences (and associated penalties) in the Bill satisfy the ICCPR tests of legality, necessity and proportionality?
3. What safeguards will ensure that health workers, educators, journalists, parents, teachers, lawyers, human rights defenders and civil society organizations will not face criminal investigation or dissolution for legitimate, rights-compliant activities?
4. How will bans on gender-affirming care be reconciled with the right to health (ICESCR art. 12)?
5. How will access to age-appropriate, non-discriminatory information and education be ensured in a manner consistent with children’s rights?

6. How will provisions that penalize landlords, by prohibiting them from leasing premises to certain individuals, comply with the right to adequate housing under art. 11 of the ICESCR and the right to privacy and home under art. 17 of the ICCPR?
7. How will broadly framed mandatory reporting requirements, (potentially applicable to teachers, healthcare workers, parents, faith leaders and others) comply with art. 17 of the ICCPR, particularly in relation to privacy, family life, and confidential or trust-based relationships?

We reiterate that Your Excellency's Government has a legal obligation to ensure that all legislation is free from discrimination on any prohibited ground, including sex/gender, sexual orientation, gender identity and sex characteristics, and to prevent any discriminatory effects that a legal reform or policy may have, whether directly or indirectly.

We urge Parliament to withdraw the Bill in its entirety and to refrain from adopting provisions that criminalize identity, consensual intimacy, expression, association, peaceful assembly, or the provision of health, education or social services to LGBT persons. We also encourage the repeal of existing laws criminalizing consensual same-sex conduct and the adoption of comprehensive anti-discrimination legislation that includes sexual orientation and gender identity, in line with UN human rights treaty body guidance and African regional human rights standards.

We stand ready to provide technical assistance to ensure proposed legislation is in conformity with Ghana's human rights obligations, including rights-based public health and education approaches that protect all persons and families.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

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