



SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES AND RECOMMENDATIONS MADE

At the 3rd UPR Cycle, Ghana received and accepted 13 recommendations on the rights of citizens to health including sexual and reproductive health and rights. The Government of Ghana noted a recommendation from Canada to "Scale up and expand youth-friendly and gender-sensitive programmes on comprehensive sexuality education and sexual reproductive health and rights". During the 3rd cycle of the UPR, the government of Ghana noted a recommendation by Greece (147.10) to eliminate the type of crime of "unnatural carnal knowledge" but the interpretation of the law still prevails. The State accepted to take measures to fight against violence and discrimination (3rd cycle: Ireland 146.59; and Italy 146.61), strengthen the discrimination reporting system (3rd cycle Colombia 147.2.1), and to ensure that victims of discrimination and violence-based on SOGI have access to rehabilitation and remedy and that all perpetrators are punished (3rd cycle 146.60 Czechia).

Despite supporting recommendations on fighting discrimination and violence-based on SOGI, the Government is yet to implement them. Amid a context of increased homophobia in society⁷ and in public institutions, the evidence shows no significant action from the Government to neither prevent widespread discrimination nor to redress violence-based on SOGI⁸. Consequently, homophobia and a crackdown on sexual rights are being normalized in Ghana⁹. Ghana has made progress in improving access to safe abortion services. A secretariat has been established, under the office of the Director-General, to oversee a 3-year program to integrate comprehensive abortion care (CAC) services into routine service provisions in both public and private health facilities. The Comprehensive Abortion Care standards and protocols have been revised (June 2021) to reflect current evidence, best practices and operational realities in the national health system¹⁰.

NATIONAL FRAMEWORK

Ghana has ratified all major international human rights conventions. Despite having a good ratification record, Ghana's reporting status and alignment of national law and policies with treaty bodies' developments can be improved, particularly in the field of Economic, Social and Cultural Rights. Ghana has adopted several policies, as well as committed to international instruments promoting Comprehensive Sexuality Education. As a follow up Ghana has develop the Sexual and Reproductive Health Policy for Young People in Ghana¹², National Strategic Framework on Ending Child Marriage¹³, the Five-year Strategic Plan to Address Adolescent Pregnancy in Ghana¹⁴, FP2030 Commitments¹⁵ to improve right to health of it citizenry. The country has also been active in giving and receiving recommendations during the Universal Periodic Review cycles. Yet, the country still faces major challenges for implementing international commitments related to Sexual and Reproductive Health and Rights (SRHR), particularly concerning women and girls, young people and those belonging to vulnerable groups such as LGBT+ persons.

CURRENT ISSUES , CHALLENGES / IMPACT

The absence of Comprehensive Sexuality Education

Since the last Universal Periodic Review of Ghana, there was initial progress towards including CSE in the national curriculum. Guidelines were developed but the efforts were truncated in 2019 following a public outcry¹³. Anti-SRHR actors criticized the guidelines as an attempt by the government to indoctrinate Ghanaian children with a 'LGBTQIA+ agenda'¹⁴. In response to this criticism, the Ghana Education Service (GES) with support from UNESCO conducted nationwide stakeholder consultations in 2020 to review the guidelines. Following the review, authors of this report have been made aware that the revised guidelines have been renamed the 'Reproductive Health Education (RHE) Guidelines' and have been submitted to the cabinet for adoption. However, till date the guidelines have not been adopted.

Sexual Orientation and Gender Identity

The year 2021 saw the introduction of a private member's bill titled "Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill 2021"¹⁵. This bill poses serious threats to the rights of the LGBTQIA+ community and its allies in Ghana. Clause 6 of the bill seeks not only to explicitly criminalise same-sex intercourse but also to criminalise persons who hold outs as LGBTQIA+. This bill seeks to explicitly and legally discriminate against the LGBTQIA+ community and if passed into law it will pose a major threat to the broader advancement of Sexual and Reproductive Health and Rights in Ghana.

Comprehensive Abortion Care

In Ghana, safe abortion is permitted by law (Criminal Code Amendment, PNDC Law 102, 1985) under a number of situations/conditions, now incorporated into the consolidated Criminal Code, 1960, Act 29, Section 58. These include: where pregnancy is the result of rape or defilement of a female idiot or incest; where the continuance of the pregnancy would involve risk to the life of the pregnant woman or injury to her physical or mental health; where there is a substantial risk that if the child were born it may suffer from or later develop a serious physical abnormality or disease. Unsafe abortion is still a major cause of maternal deaths and disability in Ghana. In 2019, complications of abortion accounted for 9.2% of direct maternal deaths¹⁶. A recent study on the incidence of abortion in Ghana showed that an estimated 71% of all abortions done in Ghana were illegal. Even though the legal framework in Ghana on abortion services prescribes conditions under which a woman can have access to safe abortion services, the majority of the population still view abortion as illegal¹⁷. Even though the legal framework in Ghana on abortion services prescribes conditions under which a woman can have access to safe abortion services, the majority of the population still view abortion as illegal.¹⁸ The revised CAC standards and protocols have expanded the list of healthcare cadres permitted to provide medical abortion services¹⁹. Ghana Health Service has also developed and rolled out a national CAC training curriculum and training resources for service providers in public and private health facilities. Nevertheless, there is still some resistance to the CAC institutionalization process by managers at some health facilities, particularly at the lower facility levels. Challenges to integration between maternal health, family planning, and comprehensive abortion care services at the facility level due to stigma and resistance still exists.

SUGGESTED RECOMMENDATION

- Take all necessary steps to reform the criminal code and decriminalize abortion, and ensure universal access to comprehensive abortion care in line with WHO guidelines.
- The Ministry of Health must further expand/revise the cadre of providers for medical abortion according to the new WHO guidelines
- Ensure that sexual relations between consenting adults of the same sex are not punishable by law.
- Take the steps necessary to protect LGBTI persons from violence and discrimination on the basis of their sexual orientation and gender identity.
- Scale up the ongoing efforts by the Ministry of Health on public education and sensitization on the law on abortion to reduce stigma.
- The Ministry of Health must improve access to medical abortion services by eliminating the classification of abortion drugs.
- Ensure that Comprehensive Abortion Care is included in the pre-service curriculum for relevant healthcare providers and sustain efforts to integrate CAC services into routine reproductive health services at the different levels across the healthcare system and service delivery.
- Encourage the Ministry of Education to urgently adopt the new reproductive health education guidelines and to take all necessary steps to integrate reproductive health education into the national school curricula for primary and high schools, as provided by the Sexual and Reproductive Health Policy for Young People and government's commitment to the SDGs and ICPD+25 agenda.
- Scale up and expand youth-friendly and gender-sensitive programmes on comprehensive sexuality education and sexual reproductive health and rights.

ABOUT THIS FACTSHEET

This fact sheet is by:

LGBT+ Rights Ghana, Youth Harvest Foundation Ghana, Planned Parenthood Association of Ghana, Curious Minds Ghana, The Center for Popular Education and Human Rights Ghana.

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