

Annex 1: African Commission on Human and Peoples' Rights Resolution 275: Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity

African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 55th Ordinary Session held in Luanda, Angola, from 28 April to 12 May 2014:

Recalling that Article 2 of the African Charter on Human and Peoples' Rights (the African Charter) prohibits discrimination of the individual on the basis of distinctions of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status;

Further recalling that Article 3 of the African Charter entitles every individual to equal protection of the law;

Noting that Articles 4 and 5 of the African Charter entitle every individual to respect of their life and the integrity of their person, and prohibit torture and other cruel, inhuman and degrading treatment or punishment;

Alarmed that acts of violence, discrimination and other human rights violations continue to be committed on individuals in many parts of Africa because of their actual or imputed sexual orientation or gender identity;

Noting that such violence includes 'corrective' rape, physical assaults, torture, murder, arbitrary arrests, detentions, extra-judicial killings and executions, forced disappearances, extortion and blackmail;

Further alarmed at the incidence of violence and human rights violations and abuses by State and non-State actors targeting human rights defenders and civil society organisations working on issues of sexual orientation or gender identity in Africa;
Deeply disturbed by the failure of law enforcement agencies to diligently investigate and prosecute perpetrators of violence and other human rights violations targeting persons on the basis of their imputed or real sexual orientation or gender identity;

1. **Condemns** the increasing incidence of violence and other human rights violations, including murder, rape, assault, arbitrary imprisonment and other forms of persecution of persons on the basis of their imputed or real sexual orientation or gender identity;
2. **Specifically condemns** the situation of systematic attacks by State and non-state actors against persons on the basis of their imputed or real sexual orientation or gender identity;
3. **Calls on** State Parties to ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities, including the rights of sexual minorities; and
4. **Strongly urges** States to end all acts of violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples' Rights in Luanda, Angola, 28 April to 12 May 2014

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Annex 2: Human Rights Watch Letter to Ghana Police Service

Kenneth Roth, Executive Director

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John R. Taylor
Amy Towers
Peter Visser
Marie Warburg
Catherine Zennström

October 11, 2017

Mr. David Asante-Apeatu
Inspector General of Police
Ghana Police Service Headquarters
Cantonment,
Ring Road, Accra

Telephone: [REDACTED]

Email: [REDACTED]

CC: [REDACTED]

Dear Mr. Asante-Apeatu,

I hope this letter finds you well.

I am writing to present an advance and embargoed draft copy of our report on the human rights situation of lesbian, gay, bisexual and transgender (LGBT) people in Ghana, to be released in early November, in order to provide the Ghanaian government an opportunity to respond to our findings and recommendations. Our established practice is to submit our findings to authorities and institutions whose record is the subject of the report in order for their information and point of view to be reflected in the reports we publish.

Human Rights Watch is an international human rights organization that conducts research and advocacy in over 90 countries worldwide. We have documented violations of human rights in Ghana for many years, including the report [Precious Metal, Cheap Labor: Child Labor and Corporate Responsibility in Ghana's Artisanal Gold Mines](#) published in June 2015.

Human Rights Watch conducted in-depth research in Ghana to examine human rights violations on the basis of sexual orientation and gender identity and to assess the impact of section 104(1)(b) of the Criminal Code Act 29, 1960 on the lives of LGBT people. Our research shows that despite the rare, if any, prosecutions under this provision of the Criminal



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Code, the criminalization of adult consensual same-sex conduct contributes to a climate in which violence and discrimination against LGBT people is common. This law fuels a social environment in which there is pervasive violence against lesbian, bisexual and gender non-conforming women in the home and LGBT people more generally in communities where they live. Furthermore, this law contributes significantly to a climate of impunity for crimes committed against LGBT people.

In order to incorporate your response into our report, we would, however, need to receive your response (in writing) by October 24, 2017. Please note that this is a draft copy, which is under embargo until a release date (to be announced) in November 2017.

We very much look forward to receiving your response and maintaining a constructive dialogue with the Ghanaian government on the important matters and recommendations raised in the report.

Sincerely yours,



Graeme Reid
Director, LGBT Rights Program

Annex 3: Response from Ghana Police Service

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In case of reply the
Number and date of this
Letter should be quoted



Headquarters
Ghana Police Service
ACCRA

Tel: (0302) 763409/761257
Email: hq.wpcst@police.gov.gh

My Ref. No. HE.191/323/01

NOVEMBER 2017

The Director
LGBT Rights Program
Human Right Watch (HRW)
350 Fifth Avenue, 34th Floor
New York, NY 10118-3299

[Attn.: Graeme Reid]

RE – REPORT ON HUMAN RIGHTS SITUATION OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PEOPLE IN GHANA

I am directed by the Inspector-General of Police to acknowledge receipt of your letter dated 11th October 2017 on the above subject matter and to respectfully submit our response on the following headings:

- a) APPLICATION OF PROVISIONS ON FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS AS CONTAINED IN THE 1992 CONSTITUTION OF GHANA AND OTHER PROVISIONS.

Chapter five of the 1992 Constitution of Ghana christened as Fundamental Human Rights and Freedoms and other human rights provisions are taught to Police Officers at the National Police Training School, Accra and all the other training schools to recruits to apprise them of issues in relation to Fundamental Human Rights and Freedoms. The course is equally taught at the Police Academy to Cadet Officers who subsequently graduate as Senior Police Officers and also to Senior Police Officers at the Ghana Police Command and Staff College (GPCSC) at Winneba. The 1992 Constitution of Ghana guarantees an array of Fundamental Human Rights and Freedoms to all citizens of Ghana. Police Officers are taught to know these human rights, respect them and protect people against violation of their fundamental human rights, and by extension, crime committed against LGBT people. In short, the Police have observed and applied and will continue to apply the provisions on equality, human dignity and non-discrimination as captured in

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the 1992 Constitution and other Regional and International human right treaties that Ghana has ratified in all their interactions and dealings with LGBT people.

Some individual Police Officers have also on their own taken positive initiatives to reduce domestic violence as recognized and acknowledged by HRW in their research findings.

b) COMPLIANCE WITH SOPs, RULES AND REGULATIONS GOVERNING ACTIVITIES OF THE GHANA POLICE SERVICE

The Ghana Police Service has Standard Operating Procedures (SOPs) dubbed the Police Service Instructions (S.I), the Police Service Act 350 of 1970 and the Police Service Regulations, 2012 (C.I.76) that regulate their activities and operations and serve as reference documents for all officers to observe and apply. These SOPs and statutory provisions, have been applied by all Police Officers to all persons including services offered to LGBT victims of crime. Police Officers who fall foul of the SOPs, the Act and the Regulations above mentioned are subjected to Police Service Disciplinary Enquiry Proceedings and those found culpable are punished appropriately to serve as a deterrent to others.

c) POLICE STATIONS AS SAFE ENVIRONMENT FOR LGBT PERSONS TO REPORT CASES.

According to Human Rights Watch, their findings have proved that Gay, Lesbians, Bisexual women and Transgender men (LGBT) have been subjected to domestic violence, sexual assault, intimidation, discrimination because of criminalization of adult consensual same sex conduct between these people. The victims of such crimes fail to report to the Police for fear of exposure and arrest on the footing that the anti-gay law would be used them.

It must be placed on record that Police Stations throughout the country serve as safe environment or haven for LGBT person to report cases of violence, assault and other crimes to the Police for the necessary action. The Police Intelligence and Professional Standard Bureau (PIPS) is a complaint directorate of the Service

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where the public is also at liberty to report Police misconduct like the prosecutor who failed to appear in court as found by HRW and other allied complaints like the extortion the research of HRW showed, to the directorate for investigation and quick Police action.

The Domestic Violence and the Victims Support Unit (DOVVSU) of the Ghana Police Service is doing a lot in this regard by offering protection, guidance and counseling to victims of domestic violence. In some cases, suspects have been arrested on grounds of domestic violence without warrant and prosecuted. The Domestic Violence Act 2007, (Act 732) has been a very useful statutory provision in the process.

The Ghana Police Service emergency hotline 18555 toll free to all networks is also handy for all and especially victims of crimes of LGBT to inform the Police in all such cases for prompt action.

2. Going forward the Police Service will adopt more proactive steps and pragmatic approaches to ensure the protection for LGBT individuals generally
3. Best regards.



F KWAME TSIDI
Assistant Commissioner of Police
Chief Staff Officer

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Annex 4: Human Rights Watch letter to the Minister of Justice

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October 11, 2017

Honorable Minister Gloria Afua Akuffo
Ministry of Justice and Attorney-General's Department

[REDACTED]

Accra

Tel: [REDACTED]

Fax: [REDACTED]

By email: [REDACTED]

Dear Honorable Minister,

I hope this letter finds you well.

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Human Rights Watch conducted in-depth research in Ghana to examine human rights violations on the basis of sexual orientation and gender identity and to assess the impact of section 104(1)(b) of the Criminal Code Act 29, 1960 on the lives of LGBT people. Our research shows that

despite the rare, if any, prosecutions under this provision of the Criminal Code, the criminalization of adult consensual same-sex conduct contributes to a climate in which violence and discrimination against LGBT people is common. This law fuels a social environment in which there is pervasive violence against lesbian, bisexual and gender non-conforming women in the home and LGBT people more generally in communities where they live. Furthermore, this law contributes significantly to a climate of impunity for crimes committed against LGBT people.

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Sincerely yours,



Graeme Reid
Director, LGBT Rights Program

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Annex 5: Human Rights Watch Letter to Human Rights Commission and Administrative Justice

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October 11, 2017

Dr. Isaac Annan
Director: Human Rights
Ghana Human Rights Commission
Old Parliament House, High Street
Accra

Tel: [REDACTED]

By email: [REDACTED]

Dear Dr. Annan,

I hope this letter finds you well.

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Sincerely yours,



Graeme Reid
Director, LGBT Rights Program

Annex 6: Terminology Used in Ghana

Kojo Besi / Kwadwo Besia Ntowbea	A Twi term which describes a man who does not conform to typical masculinity. Akan terms from Akwapim area, meaning Ntow (boy), bea (feminine or woman). Translation is a term which describes a feminine boy.
Nuu-Yoo	Ga term for masculine woman. Literally translated ‘man/woman’. Can be a positive term or derogatory.
Yoo-fem	Ga term for ‘doing woman’, a male who is considered woman-like. A non-derogatory term.
Nuu-Feem	Ga term for ‘doing man’, a female who is considered man-like. A non-derogatory term.
Obarima	Akan for male.
Obaa	Akan for female.
Supi	A Twi/Ga term to describe same sex relationships between women. May also be used to derogatorily to describe a woman who is seen as masculine.
Sasso	A more recent community developed term for ‘gay’ which also may be used to substitute kojo besia. This term means peers in Ga/Twi. A non-derogatory term.

Source: CEPEHRG & Global Forum on MSM & HIV, *Documentation of LGBTIQ Human Rights Abuses in Ghana: A 2015 Community Led Documentation Project*