

AMNESTY INTERNATIONAL PUBLIC STATEMENT

Date: 27 July 2011

Index: AFR 28/006/2011

Ghana: Government minister must retract his calls for arrest of gay men and lesbians

Amnesty International condemns the comments by Paul Evans Aidoo, Ghana's Western Region Minister, who recently called for the arrest of all gay men and lesbians in the country. Amnesty International is calling for the removal of Ghana's legislation which could result in the arrest, detention, prosecution and punishment of people solely for their sexual orientation or gender identity.

Amnesty International is concerned that homophobic comments by political figures may result in violence against lesbian, gay, bisexual and transgender people in Ghana.

On 20 July 2011, Paul Evans Aidoo, the Western Region Minister, ordered security forces to arrest all gay and lesbian people in the west of the country, and called on landlords and tenants to report anyone they suspected of being gay or lesbian. Homophobic and transphobic legislation and comments have also been shown to have a detrimental effect on public health, as they discourage individuals from accessing information about safer sex and treatment for sexually transmitted diseases.

Chapter 6, article 104 of the Ghanaian Criminal Code prohibits "unnatural carnal knowledge", which is defined to include consensual sexual intercourse between men. This clause has the effect of encouraging discrimination against and the harassment and persecution of people on the basis of their identity and consensual sexual behaviour.

The use of laws to arrest, prosecute or imprison individuals for consensual same-sex relations in private or on the basis of their gender identity or expression is a violation of Ghana's international human rights obligations under the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The rights enshrined in these international treaties include the rights to privacy, freedom from discrimination, equal treatment under the law, freedom of expression, association and assembly. The Ghanaian government has obligations under these standards to promote, respect and protect the human rights of its population without distinction of any kind, including on the basis of sexual orientation or gender identity.

Ghana's own constitution recognises the right to freedom from discrimination in Article 17. Furthermore, the African Charter on Human and Peoples' Rights, ratified by Ghana in 1989, affirms the equality of all people. Article 2 affirms the right to freedom from discrimination, article 3 guarantees equality before the law and article 26 outlines the duty of all individuals not to discriminate, and to "maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance."

The African Commission on Human and Peoples Rights, in the case of Zimbabwe Human Rights NGO Forum v Zimbabwe, 245/2002, stated: "Together with equality before the law and equal protection of the law, the principle of non-discrimination provided under Article 2 of the Charter provides the foundation for the enjoyment of all human rights... The aim of this

principle is to ensure equality of treatment for individuals irrespective of nationality, sex, racial or ethnic origin, political opinion, religion or belief, disability, age or sexual orientation.”

Amnesty International calls on Minister Paul Evans Aidoo to retract his comments, and for the Government of Ghana to overturn article 104 of the Ghanaian Criminal Code, which has the effect of criminalising homosexuality in Ghana.