

WHOM SHOULD WE CONCENTRATE ON IN ENFORCING THE LAWS ON PUBLIC MORALITY?

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ISSUES

- **Ghana continues to record significant progress in the fight against HIV and AIDS.**
- **Prevalence has plateaued around 1.3% in the general population (15-49yrs) for sometime now.**
- **Significant challenges exist in Key Populations where prevalence is 15 times higher than the general population (11% for FSW AND 17% for MSM)**
- **Social, political, religious and legal settings in country do not promote access to prevention, treatment and Care services for this sub-population**



DESCRIPTION

- **The epidemic of “enforcing bad laws” by Law Enforcement Agents stand in the way of progress in addressing HIV.**
- **Creation and application of laws is often based on prejudice, fear, myth and NOT science or evidence.**
- **In the absence of protective laws therefore, there is increase in intolerance and rights violations**



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DESCRIPTION

As key players in the enforcement of laws, the GPSACP in collaboration with the Ghana Office of UNFPA designed and implemented a program in 6 out of 14 Police Regions in Ghana with the aim to:

- Solicit information on how the Police would identify a sexual minority/key population**
- Define Laws that classify Key Populations**
- Increase understanding on what constitutes the causation of a sexual offence/offence against public morals**



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METHODOLOGY

- **Focus Group Discussions to discuss issues raised(in the description)**
- **Sensitization to address pertinent issues that came out of the FGDs**



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FINDINGS

The discussion areas and responses included the following:

1. How do you identify a Key Population?

“...I can identify a KP by the nature of her short dress, long earrings, exposed breasts, chains on her legs and fancy hair styles...”

“...I can identify a sex worker by the type of dressing he/she wears and the location especially at night...”

“Also the carrying of condoms especially different colors”

The ability of respondents understanding the laws and interpreting them ranged from one being an SPO (77%) to working at DOVVSU (70%) to operational men (38%) respectively.



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FINDINGS

2. How does the Criminal Offences Act describe the offences of Solicitation or unnatural carnal knowledge?

- In all instances, participants could not define or state the key ingredients of the law as stated in the Criminal Offences Act. (Ref. Sect. 104 & Sect 273-276 of the Criminal Offences Act 29/1960.) The response levels were SPO (62%), DOVVSU (70%) and Other Ranks (59%).**



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FINDINGS

3. What constitutes a sexual offence/offences against public morals.

- In answer to these questions, discussants dwelt mostly on perceptions as facts. The way of dressing, the time of the day, the way of walking and where one is spotted constituted most of the responses of law enforcement officials. Appropriateness of responses ranged from DOVVSU (63%) to SPOs (59%) and Other Ranks (41%)

4. Discussants then viewed a documentary on police abuses against Key Populations



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LESSONS LEARNT

After viewing the documentary on Police abuses, participants agreed on the following:

- **Police must be more professional in their dealings with every segment of society**
- **Most senior officers stated that even though they try to protect the rights of these KPs they are compelled to go after them due to political and societal pressure.**
- **Morality should and must be decoupled from law enforcement**
- **There should be greater supervision of personnel especially the patrol teams.**
- **The law enforcement must constantly dialogue with the judiciary/legislature in order to protect the rights of KPs**

NEXT STEPS

Acceptance is a major breakthrough to reform.

Meaningful engagement with key partners is expected to result in the following:

- **Consensus building**
- **Efficient use of available resources**
- **Sustainability of the program**
- **Ownership/buy-in**
- **Transparency**



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