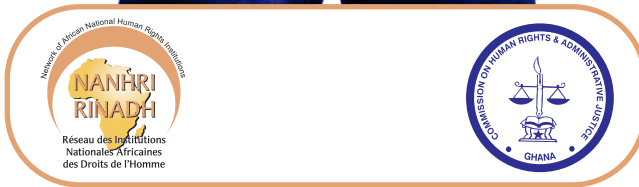


SOGIE & HUMAN RIGHTS TRAINING FOR CHRAJ STAFF

GHANA IN-COUNTRY MEETING





SOGIE AND HUMAN RIGHTS TRAINING FOR CHRAJ STAFF

(GHANA INCOUNTRY MEETING)
HELD ON OCTOBER, 3RD – 5TH, 2017

AT

ACCRA, GHANA



The Network of African National Human Rights Institutions (NANHRI)

The Network of African National Human Rights Institutions (NANHRI) is a not-for-profit- organization and regional umbrella body that brings together 44 National Human Rights Institutions (NHRIs) in Africa. NANHRI, whose Secretariat is based in Nairobi, Kenya, is registered under Kenyan laws as an independent legal entity. It has been operational since 2007.

The Network works towards the establishment and strengthening of the NHRIs in Africa. It also facilitates coordination and cooperation amongst NHRIs and links them with other key human rights actors at the regional and international level. It supports these institutions through capacity building to meet their objective of protecting and promoting human rights at the national level.

Vision

A continent with effective NHRIs; contributing to an enhanced human rights culture and justice for every African.

Mission

To support, through national, regional and international co-operation, the establishment and strengthening of NHRIs to more effectively undertake their mandate of human rights promotion, protection, monitoring and advocacy.

Values and Guiding Principles

To achieve its mission and vision, NANHRI is committed to the following: -
Transparency, Accountability, Openness, Cooperation, Professionalism and Gender Equality



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Acknowledgement

We wish to thank the main facilitator Commissioner Lawrence Mute who is a lecturer at the Nairobi School of Law. He also is a Commissioner at the African Commission on Human and Peoples' Rights (ACHPR) and serves as the Chairperson on the Committee for the Prevention of Torture in Africa.

We appreciate the continuous support of Mr. Joseph Whittal, who is the Commissioner of the Commission on Human Rights and Administrative Justice (CHRAJ) and Dr. Isaac Annan, Director for Human Rights, CHRAJ, for serving as a co-facilitator.

Mr. Mac-Darling Cobbinah, Executive Director, Centre for Popular Education and Human Rights, Ghana (CEPEHRG) and Edmond Quartey, Associate Protection Officer, United Nations High Commissioner for Refugees (UNHCR) are also acknowledged for sharing their time and expertise. The workshop would not have been successful without the contributions and participation of the staff from the Commission on Human Rights and Administrative Justice.

The NANHRI secretariat appreciates the contributions and participation of all stakeholders that made the workshop successful.

Importantly, The NANHRI secretariat would like to recognize and appreciate the efforts put in by their staff.

NANHRI is a regional membership organization presently bringing together 44 African National Human Rights Institutions (NHRIs). It works towards the establishment and strengthening of the NHRIs in Africa as well as to facilitate coordination and cooperation amongst and between them and with other key human rights actors at the regional and international level. It also provides practical assistance and support to these institutions for them to meet their objective of protecting and promoting human rights within their jurisdictions.



“

All human beings are born free and
equal in dignity and rights

UDHR

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ACRONYMS

| | |
|----------------|--|
| ACHPR | African Commission on Human and Peoples' Rights |
| CEPEHRG | Center for Popular Education and Human Rights in Ghana |
| CHRAJ | Commission on Human Rights and Administrative Justice |
| CSOs | Civil Society Organizations |
| HIV | Human Immunodeficiency Virus |
| HRBA | Human Rights-Based Approach |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| LGBTI | Lesbian, gay, bisexual, transgender, and intersex |
| NANHRI | Network of African National Human Rights Institutions |
| NHRIs | National Human Rights Institutions |
| OHCHR | Office of the High Commissioner for Human Rights |
| PWD | Persons with disability |
| SOGIE | Sexual Orientation, Gender Identity and Expression |
| UNHCR | United Nations High Commissioner for Refugees |
| UDHR | Universal Declaration of Human Rights |
| UHRC | Uganda Human Rights Commission |
| UN | United Nations |
| UPR | Universal Periodic Review |
| YP | Yogyakarta Principles |

Executive Summary

This report is a record of summary proceedings made during the Ghana in-country workshop on sexual orientation, gender identity and human rights that was held in Accra, Ghana from October 3 - 5, 2017. The overall objective of the workshop was to increase the capacity of the staff of CHRAJ to respond to SOGI-related violence and discrimination. It also aimed to make CHRAJ more effective in undertaking human rights education, handling complaints and carrying out investigations of human rights violations against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons without discrimination. The specific objectives of the training were:

- To explain terminology and definitions pertaining to SOGIE.
- To demonstrate how international, regional and national human rights instruments apply to SOGIE rights.
- To explain how economic, social and cultural rights apply to persons of diverse sex, sexual orientation and gender identity.
- To share experiences on working on SOGI-related violations and discrimination.

This training workshop was preceded by online and face to face training that brought together national human rights institutions (NHRIs) from Kenya, Uganda, Malawi, Ghana and South Africa during the period of January to March 2017.

The training workshop was co-hosted by the NANHRI Secretariat and CHRAJ convened 30 staff from the headquarters and regional offices working in key departments such as complaints, investigations, education and registry. The key points from the training workshop are as follows:

- CHRAJ should mainstream SOGIE related activities into the work of the Commission. CHRAJ should partner with civil society organizations dealing with issues of SOGIE and have stakeholder meetings with them from time to time to foster collaborative efforts.
- CHRAJ should review their open office structures to promote privacy during reporting of complaints. Above all, the will and preference of the victim should be respected.
- Relevant terminologies and acronyms on SOGIE should be agreed within the institution. CHRAJ should establish focal points who would deal with SOGIE issues but this should not be an excuse for other officers not to do SOGIE related work.
- CHRAJ should train other staff especially the executive assistants and the registrar as they are the first point of contact with victims so that they do not perpetrate stigma.
- CHRAJ should undertake systemic investigations and partner with organizations working for LGBTI persons in order to effectively investigate complaints.

A man in a dark suit and light-colored shirt is speaking into a microphone. He is gesturing with his right hand. The background is a plain wall. In the foreground, there is a white projector on a table. To the left, another man is partially visible, looking towards the speaker. The entire image has a blue overlay.

1.0 SUMMARY OF PROCEEDINGS

DAY 1

1.0 SUMMARY OF PROCEEDINGS – DAY 1

Preliminary Session

The training workshop was kick started with the registration of participants with Mrs. Mavis Andoh setting the climate by welcoming them. After which participants were asked to set out ground rules to govern the activities of the workshop. Again, they were made to come out with their expectations for the training. Some participants said they wanted to know the connection between human rights and sexual orientation, gender identity and expression (SOGIE) and other related issues.

Opening Remarks

The Commissioner of CHRAJ, Mr. Joseph Whittal in his opening remarks welcomed all participants from the various regional offices, resource persons and the NANHRI Secretariat representative for taking part in this SOGIE and human rights training for CHRAJ staff. He stated that CHRAJ and the NANHRI Secretariat had a good working relationship and was very much aware of the SOGIE project initiated by NANHRI.

He intimated also that he had personally been involved with the SOGIE project at the initial stages and was delighted to see the progress it had made within these few months. He said the Commission was ready to support as well as benefit from the SOGIE project. He encouraged all staff present to take active part in the training for the general good of all. He also entreated the participants to take seriously, human rights protection of all persons including the LGBTI community in Ghana.

Mr. Joseph Whittal concluded by wishing all participants a successful training. He apologized for not being able to be present throughout the entire training to 'drink from the well' of the resource persons, particularly Commissioner Mute, Dr. Isaac Annan and listen to experiences from participants.

Commissioner Lawrence Mute, the lead facilitator, in his opening remarks also thanked the Commission for participating in the SOGIE project and organizing the training for its staff. He stressed that the role of each participant as a staff of CHRAJ is to protect and promote the rights of all persons without placing individual opinions and preferences first. He stated that this training workshop was not about individual sexual preferences but about the rights of the vulnerable person whose rights are being violated. Additionally, CHRAJ's mandate of protecting the rights of all Ghanaians can be realized in respect of LGBTI persons despite immense legal, social and other practical challenges. The Commission is commended for conducting other training sessions for staff on SOGIE issues and establishing a complaints reporting system for handling relevant human rights abuses.

Marie Ramtu, a representative from the NANHRI Secretariat, gave a brief about NANHRI and its role in the SOGIE project. She stated that the NANHRI is an umbrella body for National Human Rights Institutions in Africa which provides capacity strengthening support for its members.

Touching on the SOGIE project, she stated that the project started in December, 2016 with five African Human Rights Institutions namely Ghana, Kenya, Malawi, Uganda and South Africa. The project commenced with some staff from these Countries undertaking an online training and subsequently following it up by a face to face training in Nairobi, Kenya in March, 2017. She explained that the outcome of the training was to have each Country organize its own in Country training for its Staff on SOGIE and Human rights.

The objective of the project was to build the capacity of NHRI staff to respond to SOGIE-related violence and discrimination, improve collaborative efforts between NHRIs and CSOs in responding to SOGIE-related violations. It is anticipated that staff can also reconcile work/ professionalism with cultural/personal beliefs.

INTRODUCTION TO KEY CONCEPTS

Marie Ramtu led this session by giving out terms and definitions to participants who were asked to match the terms to the correct definitions. This exercise was done in four (4) groups made up of five members each. During the group work, Participants were made to match the terms with the definitions. During the reporting back time Marie Ramtu explained each term to the participants. She ended her presentation with the Gender Bread Person where she explained clearly to the satisfaction of all participants the terms Gender Identity, Gender Expression, Biological Sex, Sexual Orientation and Expression.

Discussion

The difference between sexual behavior and sexual orientation came up and was explained to mean that each concept is independent of each other. The term Sexual behavior is used to describe how an individual experiences and expresses their sexuality where culture, law and medical justifications define that which is accepted as normal and that which is not. Whereas, sexual orientation is an individual's innate and enduring capacity for emotional, romantic and/or physical attraction to other people in relation to their own sex or gender. It was explained further that everyone has a sexual orientation, which is integral to a person's identity. Orientation is not hereditary or borrowed from parents. It is unique to every individual.

INTERNATIONAL AND REGIONAL FRAMEWORK RELATING TO SOGIE RIGHTS

The session on International and Regional Framework Relating to SOGIE Rights was facilitated by Commissioner Mute. He led the participants to appreciate the global and African context of SOGIE rights. In explaining the context, he stated that in every society there were vulnerable groups who needed to be protected in order for them to enjoy their fundamental human rights. He emphasized that in spite of the world's moral, religious and biological arguments against homosexuals, who are vulnerable, they were human beings who needed to be protected to enjoy their fundamental human rights like any other person.

Expanding further on the international framework, Commissioner Mute stated that even though the core human rights Treaties did not make provisions specifically for LGBTI persons, the Universal Declaration for Human Rights made room for all persons including LGBTI's in its preamble which states that; "All human beings are born free and equal in dignity and rights". He stated that the ICCPR and ICESCR in Article 2 made mention of "sex" and "other status" which has been interpreted in the General Comments to mean and include sexual orientation.

Other instruments referred to by Commissioner Mute include, the UN Declaration on Sexual Orientation and Gender Identity, the Human Rights Council's 2012 Resolution on ending discrimination against LGBTI persons as well as the reports of the Office of the High Commissioner for Human Rights (OHCHR) on discrimination and violence against LGBTI persons. He also noted that, the Universal Periodic Review (UPR) had provided opportunities for States to seek commitments that can be utilized to expand the protection space for persons of diverse sex, sexual orientation and gender identity. He also made reference to the Yogyakarta Principles (YP) which provide for the application of International law to sexual orientation and gender identity. He emphasized that the YP do not create a new law but highlights how existing laws apply to SOGIE and stipulates state obligations.

On the Regional framework, he stated that the African Charter on Human and Peoples' rights in Article 2 spells out generic non – discrimination which encompasses all persons including LGBTI's. He also made mention of the Maputo Protocol and Resolution 275 on the protection of LGBTI's against violence. In conclusion, Commissioner Mute stated that although the Human Rights Treaty Bodies did not mention specifically LGBTI persons by interpretations it is inclusive of them and therefore their rights are to be protected.

Discussion

The General comments on interpretation of sex and other status in Article 2 of the ICCPR and ICESCR respectively to mean and include sexual orientation are distinct and are implied in relevant laws, principles and other related Instruments. In that, such or any other international human rights instruments or treaty cannot be amended to include sexual orientation and or the rights of LGBTI persons. It would be too much to ask for renegotiation of the treaties. The Universal Peer Review takes place every four years at the United Nations Human Rights Sessions where State Parties meet to dialogue on emerging Human Rights issues and make recommendations to peers for implementation. However, these recommendations are not binding. Hence, states cannot be sanctioned for refusal or disregard of recommendations. It is a political diplomatic relations maneuver.

DOMESTIC LEGAL FRAMEWORK RELATING TO SOGIE PERSONS IN GHANA

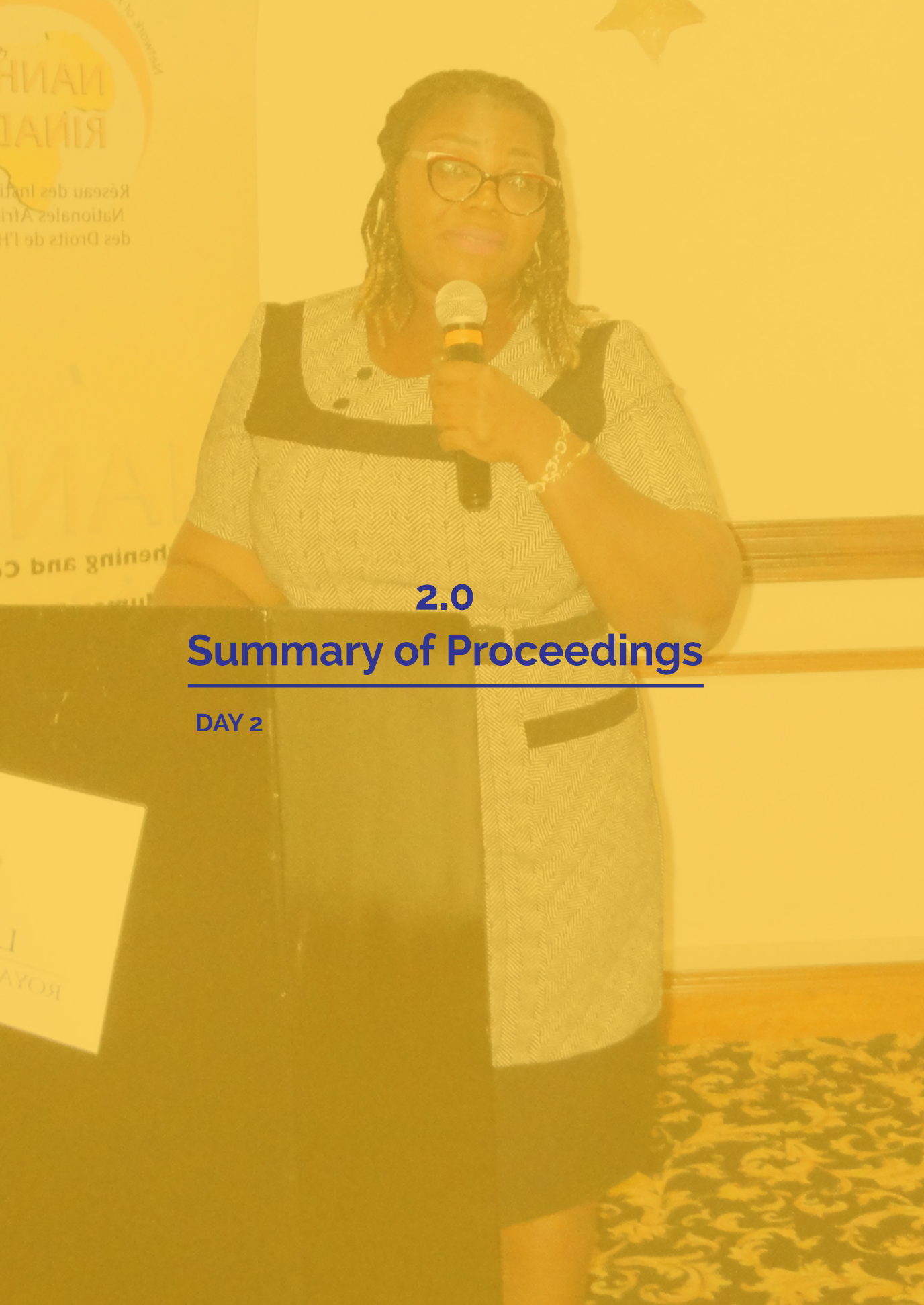
Dr. Isaac Annan, Director of Human Rights at the CHRAJ took participants through this session. In his presentation, he stated that Ghana had ratified all the international human rights treaties and also was a state party to the ACHPR. He stated and explained the principles of human rights narrowing it on equality and non-discrimination referring to some Articles from the 1992 Constitution of Ghana. He also referred to the Preamble of the 1992 Constitution. He also explored the various laws of Ghana which either protects or exposes the LGBTI persons. He mentioned Chapter 5 of the Constitution, which talks about the rights of all persons in Ghana including LGBTI persons, the Ghana AIDS Commission Act, 2016 (Act 938) which talks about non-discrimination, right to privacy, confidentiality and sexual and reproductive health rights of all persons including LGBTI persons. He further mentioned the Domestic Violence Act as well as the Criminal and other Offences Act 1960 (Act 29) which talks about offenses relating to unlawful harm, assault and battery and lastly the controversial unnatural carnal knowledge which seems to put much burden on the activities of LGBTI persons especially those gay men. In conclusion, Dr. Annan stated that Ghana is obligated as a state to protect the rights of all persons in Ghana including the rights of LGBTI persons. He also encouraged participants as human rights officers to:

- Uphold and protect the rights of all persons in Ghana, no matter their sexual orientation and gender identity.
- Engage and intensify sensitization programs among key stakeholders.
- Strengthen collaboration with relevant CSOs to protect the rights of LGBTI persons.

Discussion

Undermining a person based on color, race, sex, status, religion or any other status makes such a person vulnerable. LGBTI persons are also categorized as part of the vulnerable group because society as a whole looks down on them by violating and denying them of their enjoyment of their fundamental human rights like any other person. CHRAJ Staff are empowered to show professionalism in handling complaints from LGBTI persons. It is true that the realities of rights violations and rights protection will continue to be undermined by laws which struggle to keep up with the demands of those realities. While CHRAJ must appreciate those circumstances, it should respond to them with positive rather than nugatory actions.





2.0

Summary of Proceedings

DAY 2

EQUALITY AND NON-DISCRIMINATION

Commissioner Mute in his presentation stated that the concept of equality and non-discrimination has evolved over time to become a human rights issue. The concept is about parity/same treatment for all persons, to ensure that the treatment of the marginalized, does not lead to the denial of the enjoyment of their fundamental human rights. He explained that certain circumstances will call for others to be treated in a preferred special way based on their immediate status. He gave the example of an Albino and non-Albino, where he stated that an Albino would incur more costs in catering for him/herself based on the skin condition. He again cited the issue of the blind person who may need certain facilities to be able to use for example a computer like any other able person. He therefore explained that it is justifiable to invest some more resources into the wellbeing of persons who are marginalized. LGBTI persons do not have special rights unique to their situation; rather, they are vulnerable either owing to their gender identity or sexuality.

In explaining more on the linkage between equality and non-discrimination, Commissioner Mute used the coin to demonstrate that equality is on one side and non-discrimination is on the other side, therefore the two concepts are synonymous. He touched on the Yogyakarta Principles by establishing that the Principles were put together by human rights experts across the world on the premise that some persons around the world face discrimination and abuse based on their gender, color, religion, sex and other status. He stated that all persons are entitled to enjoy their fundamental human rights as well as all States are to prohibit all forms of violence/discrimination that denies others from enjoying their fundamental human rights. In summarizing the YP, Commissioner Mute explained that the Principles basically comprise all major human rights issues as envisaged in various human rights treaties. He concluded by saying that these Principles are to serve as Guidelines for all human rights workers especially in the protection of rights of LGBTI persons.

Discussion

It came up during discussions that which human rights policies a National Human Rights Institution should have for its own staff. CHRAJ made mention of its Gender Policy. It was reiterated that it was important for NHRIs like CHRAJ, to have an all-inclusive non-discrimination policy at the workplace, to protect, especially those that are likely to face vulnerabilities. Science should no longer be used to justify violating the rights of sexual minorities. Various studies have concluded that homosexuality is a normal variation of sexuality which has no inherent health harm, and which is not contagious as is popularly belief. Religious and moral arguments too no longer have a place in justifying vilification of persons on the basis of homosexuality. Participants noted the existence of queer individuals

in their communities from time immemorial, who coexisted with other people. Stigma towards LGBTI persons is as a result of people being socialized to interact with individuals' characteristics as opposed to their humanity as human beings. As a result, anything different from what has been normalized is frowned upon. That is why transgender persons experience more violence because theirs is an outward manifestation of difference. As a result, the conversation around persons of diverse SOGIE has been politicized to gain capital.

ACCESS TO ECONOMIC/SOCIAL RIGHTS OF SOGIE PERSONS

According to Dr. Annan, economic and social rights are the basic necessities of life and are to be enjoyed by all persons irrespective of their background. He was quick to debunk the notion that economic and social rights are difficult and not achievable by the State. He explained that if available resources to the State are well utilized then it would be easy to achieve those rights which are basic and fundamental. Touching on the State obligations in promoting and protecting the rights of LGBTI persons, he gave 5 core obligations which are:

- To protect individuals from homophobic and trans-phobic violence.
- To prevent torture, cruel, inhuman and degrading treatment of LGBTI persons.
- To decriminalize homosexuality.
- To prohibit discrimination based on sexual orientation and gender identity.
- Respect for freedom of expression, association and peaceful assembly of LGBTI persons.

He further gave examples of rights categories under the economic and social rights to include right to housing, right to health, right to education, and right to work. On International legal and normative framework, Dr. Annan mentioned the Yogyakarta principles and the ICESCR as the document to support the topic under discussion. Under these documents, specific articles that make reference to economic and social rights were highlighted. On the domestic framework, he made reference to the 1992 Constitution of Ghana where he highlighted Articles 36 to 39 which refer to the Directive Principles of State policy containing States obligation to provide fundamental rights to its citizens without discrimination. Article 30 of the 1992 Constitution talks about the right to health and guarantees the right of the sick. In conclusion, Dr. Annan mentioned weak institutional responses regarding the implementation of economic, social and cultural rights.

Discussion

Due to the interdependence and indivisibility of human rights, protection work also includes ensuring LGBTI persons access economic, social and cultural rights. Deep rooted stigma prevents most of them from accessing general services like health care, housing and even employment. Some individuals have lost employment due to their perceived or real sexuality. Interestingly however, some organizations have shown preference to homosexual employees as they tend to have fewer family commitments.

EXPERIENCES OF LGBTI PERSONS IN GHANA

Mr. Mac-Darling Cobbinah, Executive Director of the Center for Popular Education and Human Rights in Ghana (CEPERG) shared experiences of the LGBTI community in Ghana. These include violence, abuse and discrimination. He also noted with concern that the hostile environment is a hindrance for individuals to come out or seek assistance. Some LGBTI persons have unique medical requirements that are not sufficiently catered for. Consequently, some health care facilities breach confidentiality. In describing the abuses and violations faced, he mentioned maltreatment from the police also to individuals who are perceived to be homosexuals. Individuals who are arrested are sometimes prone to forced anal and HIV testing, detained without justifiable reasons and any charges preferred against them as determined by the officers. There are instances where landlords have denied them access to premises or have evicted tenants upon finding out of their LGBTI status as well as fleeing from family homes to live with friends for fear of being abused or stigmatized. He made mention of the hostile and unfriendly media which has also been a tool that has continued to fuel misconceptions by portraying that individuals choose to be gay because they are looking for economic benefits. The media has made some individuals susceptible to blackmailing and violence. He continued to add that some LGBTI persons are also rejected by their families, friends and colleagues and suffer social exclusion. Some have been denied access to education and others drop out of school for fear of stigmatization. Mac-Darling Cobbinah in his concluding statements appealed to the Commission and its Staff to help expedite action on their cases reported to them and also give the appropriate remedy.

Discussion

Discrimination perpetrated by private actors is difficult to sanction. For example, there were a couple of incidents which involved loss of employment and being chased out of rental spaces. CHRAJ should be strategic on the examination of the redress options available, mostly monetary compensation, as restorative redress is difficult to secure.

More often than not, human rights officers wrongly prioritize and consequently problematize homosexual marriages, which are a secondary concern, as opposed to protection of their rights. It was noted that most government departments do not have personnel who are competent in human rights, hence there was need to train them.

Criminal acts such as pedophilia should not be imputed on homosexuality; rather it should be viewed as criminal conduct by an individual. Other noted challenges include:

- The danger that victims may abandon their search for redress mid-way because of the length of time it takes to determine complaints.
- Direct or indirect denial of health services leading to high rates of HIV/AIDS infection especially among men who have sex with men.
- Religious backlash from sections of faiths that seek to punish homosexuality.
- Educational system whose response is to expel students involved in any sexual conduct, homosexual or otherwise, rather than adopting more proportionate or less punitive forms of punishment as well as teaching sexuality in schools.
- Lack of training in police to handle LGBTI person's complaints.
- Convictions based on weak evidence by homophobic judicial officers.

MIGRATION/ASYLUM PROTECTION OF SOGIE PERSONS

This session was led by Mr. Edmund Quartey, an Associate Protection Officer from UNHCR. He took participant through the definition and description of who a refugee is and how to determine if a person qualifies as a refugee. He explained that refugee status is not determined by a person's wealth, his likeability or his credibility. He further stated that refugee status is not something granted out of goodwill or out of sympathy or only granted to good people but by recognized criteria. The criteria is stated in the 1951 Refugee Convention which states that "if a person owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, and none of the exclusion clauses apply-then that person is a refugee and should be recognized as such".

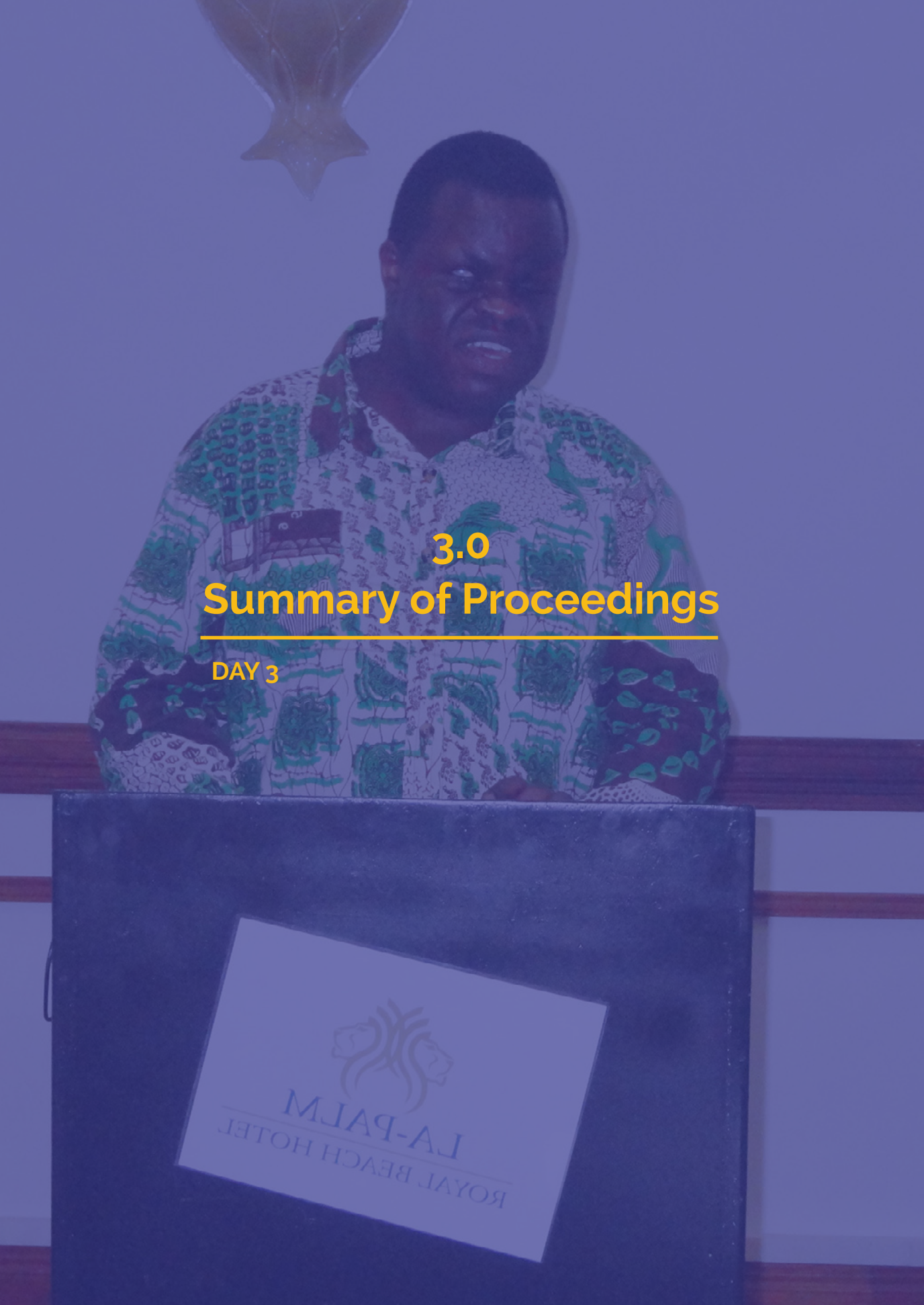
Touching on migration, asylum and the protection of LGBTI persons he emphasized that human rights instruments are inclusive of SOGI. Stating, for example, the Yogyakarta Principle 23 that stipulates the right to seek and enjoy asylum from persecution related to sexual orientation and/or gender identity. He stated the various refugee laws and policies that protect the rights of LGBTI persons which include the 1951 Refugee Convention, UNHCR Guidelines on Gender-related Persecution (2002), UNHCR Guidelines on membership of a Particular Social Group (2002) and Guidelines on International Protection No.9.

Mr. Quartey threw more light on some common harms faced by people with diverse sexual orientation gender identity such as: physical, psychological and sexual violence or torture, family and community disapproval and/or ostracism, harm by non-state agents where the State is unwilling or unable to protect, laws criminalizing same-sex relations or diverse gender identities (e.g. impersonation laws), denial of protection by, or access to service provided by, the State, or denial of access to justice and discrimination e.g. in relation to private and family law, and in matters of economic, social and cultural rights. In conclusion He said that there are various laws and policies that are aimed at protecting the rights of LGBTI persons especially the right to seek asylum from persecution.

Discussion

Under refugee law, membership to a particular social group could be interpreted to mean LGBTI individuals, hence making it a ground to grant asylum.



A man in a patterned shirt is speaking at a podium. The podium has a logo for LA-PALM ROYAL BEACH HOTEL. The background is a light blue wall with a decorative object hanging from the ceiling.

3.0 Summary of Proceedings

DAY 3



LA-PALM
ROYAL BEACH HOTEL

3.0 SUMMARY OF PROCEEDINGS – DAY 3

THE ROLE OF CHRAJ IN THE PROTECTION OF SOGIE RIGHTS

Dr. Isaac Annan made this presentation and he emphasized that CHRAJ as a national human rights institution has obligations as stated in the Paris Principle to uphold, protect and promote the fundamental human rights of all Persons in Ghana .He stated that the Commission should apply the human rights based approach to service delivery in addressing issues of human rights of all persons especially the rights of LGBTIs. The cardinal principles in Human Rights Based Approach are also referred to as PANEL Principles that is:



He concluded by saying that there are vulnerable groups in our societies which includes LGBTI persons and that human rights are mostly group rights other than individual rights.

Discussion

Some staff were skeptical about what promotion work on issues of SOGIE may entail. However, protection of their rights translates to promotion of their rights. Having ratified most human rights instruments, Ghana should draw inspiration from the theme of equality and non-discrimination that cuts across all its instruments. Chapter 5 of the Constitution of Ghana out rightly prohibits the exclusion of other fundamental rights. The inclusive nature of the non-discrimination clauses covers SOGIE. CHRAJ must continue playing its mandated roles of ensuring the rights of all Ghanaians. It should execute these mandates at the national level as suggested in this report and it should continually review its work in this regard. It should employ an approach which includes SOGIE work within its overall human rights programming, and it should consult relevant stakeholders from time to time.

ACTION PLAN REVIEW AND PRESENTATION

The participants formed three groups for this exercise.

- Northern Sector made up of the Upper West, Upper East and Northern Regions.
- Middle Sector made up of the Brong Ahafo, Eastern and Ashanti Regions
- Southern Sector made up of the Western, Central and Volta Regions. Participants from the Greater Accra and Head office were added to the three groups.

Each group was made to present their action plans. Each action plan was infused into the initial action plan proposed by the three representatives of CHRAJ in the face to face regional training workshop in Nairobi Kenya. See Annex 1.

EPILOGUE

Marie Ramtu in her remarks expressed her satisfaction with regards to the way the training was organized as well as the active participation of all participants and resource persons. She expressed these sentiments on behalf of the Secretariat and was with no doubt that this training had been enlightenment to some, if not all the participants. She encouraged participants to implement the lessons learnt from the training. She expressed gratitude to CHRAJ as a whole, all the resource persons and participants for their lively engagement.

In his closing remarks, the Commissioner Mr. Joseph Whittal, expressed his delight about the training program and the comportment of participants throughout the period. He expressed the view that the Commission was now on a solid foot to carry out proper human rights agenda for the years to come. He stated also that the Commission will from next year undertake human rights programs that affect the ordinary Ghanaian and basic to their fundamental human rights. He encouraged the participants to go to their various regions and offices to be good ambassadors of human rights to the ordinary Ghanaian and make the Commission a safe place for all persons including LGBTI persons.



Annex 1

Amended Action Plan

ANNEX 1 – AMENDED ACTION PLAN

Outline the current strategies/actions that are being employed within your NHRI to respond to SOGI-related violence and discrimination

1. Selected staff have been sensitized on LGBTI issues
2. Creation of Discrimination Reporting System for minority/vulnerable group
3. Launching of Confidentiality policy for staff.
4. Focal persons have undergone trainer of trainees program to train SOGIE victims on their rights and perpetrators to respect the rights of SOGI/LGBTI

Innovative Suggestions

1. Confidentiality – The Confidentiality Policy of the Commission must be upheld. To ensure this, there must be a separate office for the Complaints Unit of the Commission at the Regional as well as the District levels. The Officer in charge must swear an oath of secrecy.
2. Training Program for Assistant Registrars and Investigators
3. There must be sensitization program for the general public
4. A Unit or Department of LGBTI must be created in the Police Service to handle LGBTI issues
5. CHRAJ must draw a strategic Plan on SOGIE persons

Propose strategies/actions that your NHRI can undertake to increase/improve the response to SOGI-related violence and discrimination. Outline objectives, propose activities, identify other actors and timelines

| Objective | Activities | Actors | Timeline (monitoring) |
|---|--|--|-----------------------|
| <p>Objective 1</p> <p>Internal Training on SOGIE issues and Discrimination Reporting System</p> <p>The reporting system must be decentralized to the Regional Offices.</p> | <p>Workshop for all staff both at the Head office and in our Regions and Districts</p> <p>The Assistant Registrars and Investigators in the Regions and the District Offices must be trained in SOGIE issues</p> | <p>CHRAJ staff Head Office Regional and District Directors Regional Directors and Registrars</p> | <p>On going</p> |

| Objective | Activities | Actors | Timeline (Due Date) |
|---|---|--|--------------------------------|
| Objective 2 To train key stakeholders on SOGIE issues | Organize Symposia and workshops, Develop educational materials such as fliers, posters etc | CHRAJ staff Police NGOs/CSO's Judiciary Media Health practitioners Religious Leaders Traditional Rulers, School Authorities | July – September, 2018 |
| Objective 3 Drafting of National LGBTI Policy | Organize Workshop for the LGBTI group to draft a policy | CHRAJ LGBTI s community CSOs/NGO's MOGCSP Parliament Religious Leaders Judiciary Health practitioners Police Traditional rulers Ghana Education Service | October – December, 2018 |

Outline steps to have the proposed plan adopted and implemented by your NHRI.

1. Debriefing session with the Commissioners
2. Approval by Commissioners
3. Include in our Annual Work plan
4. Allocation of funds

ANNEX 2 – PROGRAM

| Day One: Tuesday 3rd October, 2017 | | | |
|---|-----------------|---|--|
| Session Chair: Commissioner Joseph Whittal | | | |
| Session I Preliminary Session | 08:00-8:30 a.m. | Participants' Registration | Coordinator - Gloria A. Gyedu |
| | 8:30-8:45 a.m. | Climate Setting/ Self Introduction | Mavis Andoh |
| | 8:45-9:00 a.m. | Opening Remarks | Commissioner Joseph Whittal |
| | 9:00 – 10.00am | Brief about the SOGIE Training | Marie Ramtu - NANHRI |
| 10:00 – 10:40am | | Tea Break & Group Photo | Coordinator |
| Session Chair: Ms. Kagwiria Mbogori | | | |
| Session II International and Regional Framework Terminologies & definitions | 10.40 – 11.40am | Introduction to key concepts | Marie Ramtu, NANHRI / Mavis Andoh, CHRAJ |
| | 11.40 – 12.40pm | International and Regional framework relating to SOGIE rights. | Commissioner Lawrence Mute |
| | 12.40 – 01.30pm | Plenary session | |
| 01:30 – 2:30pm | | Lunch | Coordinator |
| Session Chair: Commissioner Lawrence Mute | | | |
| Session III Domestic legal framework | 2:30-3.30pm | Interpretation of the domestic legal framework governing the rights of SOGIE persons in Ghana | Dr. Isaac Annan |
| | 3:30 – 4:30pm | Plenary Discussion | Commissioner Lawrence Mute |
| 5.00 pm | | Evening Tea & Closure of Day 1 | Coordinator-Gloria A. Gyedu |

Day Two: Wednesday 4th October, 2017

Session Chair: Dr. Isaac Annan

| | | | |
|--|----------------|---|-----------------------------------|
| Session IV Integrity, dignity and equal rights | 08:00 – 8:30am | Participants' Registration | Coordinator-Gloria Gyedu |
| | 8:30 – 8:45 am | Recap of Previous Day | Rapporteur-Michael Osei-Koranteng |
| | 8:45 – 9:45am | Equality and Non Discrimination: The need for protection of Human Rights for all. | Commissioner Lawrence Mute |
| | 9:45 – 10:30am | Plenary Discussion | |

10:30 - 11:00am Tea Break Coordinator

Session Chair: Ms Kagwiria Mbogori

| | | | |
|---|-----------------|--|---------------------------------|
| Session V Economic, Social and Cultural Rights. Case study & experience sharing | 11.00 – 12.00pm | Access to Economic/social rights of SOGIE persons. | Dr. Isaac Annan |
| | 12.00 – 1.00pm | Experiences of SOGIE persons in Ghana | Mac- Darling Cobbinah (CEPEHRG) |
| | 1.00 – 1.30 pm | Plenary Discussion | |

1:30 – 2:30 pm Lunch Break Coordinator

| | | | |
|---|---------------|--|-----------------------|
| Session VI Integrity, dignity, and equal protection 2 | 2:30 – 3:15pm | Migration/ asylum protection of SOGIE persons. | Edmond Quartey, UNHCR |
| | 3:15 – 3:45pm | Plenary Discussion | Commissioner Mute |
| | 3:45 – 4:30pm | Group Activity | UNHCR |
| | 4:30 – 5:00pm | Group Presentation | UNHCR |

5.00 pm Evening tea & Closure of Day Two Coordinator

Day Three: Thursday, 5TH OCTOBER, 2017

Session Chair: Commissioner Lawrence Mute

| | | | |
|---|-----------------|---|-------------------------|
| Session VII Mainstreaming SOGIE rights in human rights training. | 08:00 – 8:30am | Participants' Registration | Coordinator |
| | 8:30 – 8:45 am | Recap of Previous Day | Rapporteur |
| | 8:45 – 9:30am | Role of CHRAJ in the protection of SOGIE rights | Dr. Isaac Annan |
| | 9:30 – 10:00am | Plenary Discussion | |
| | 10:00 – 11:00am | Action plan presentation | Participants |
| 11:00 – 11:30am | | Tea Break | Coordinator |
| Session VIII Action Planning & Closing Remarks | 11:30 – 12:30pm | Reporting back and review of action plan | Marie Ramtu |
| | 12:30 – 1: 00pm | Wrap up discussion | Commissioner Mute |
| | 1:00 – 2.00 pm | Lunch | Coordinator |
| | 2:00 – 2:30pm | Remarks | NANHRI |
| | 2:30 – 3:00pm | Evaluation | Coordinator |
| | 3:00 – 3:30 pm | Closing Remarks | Commissioner Whittal |

END OF DAY 3





SOGIE & HUMAN RIGHTS TRAINING FOR CHRAJ STAFF