Reviewer's report

Title: Key populations and human rights in the context of HIV services rendition in Ghana

Version: 1 Date: 08 Apr 2017

Reviewer: Leslie Wolf

Reviewer's report:

I appreciate the authors' attention and responses to the reviewers' prior comments. While these efforts have helped clarify the paper, I believe that additional work is still required in some areas.

1. I believe that the introduction could be tightened to make the it clearer to the reader what the main thrust of the paper is. I would defer some of the specific statutory language for later - after the reader has made the decision to continue reading.

2. I would move the information about the HIV epidemic in Ghana (currently on page 16 of the submission) before the discussion of human rights norms and laws as it demonstrates the significance. Indeed, I would suggest laying out the details of the epidemic and the criminal laws that may impede prevention efforts before the discussion of the human rights norms and laws, so that the problem would proceed the potential solution.

3. In discussing the human rights declarations and conventions to which Ghana is a signatory, it would be helpful to separately discuss the significance of the moral vision encompassed in them and the legal significance of the steps that Ghana has taken with respect to them. The United States, for example, frequently is a signatory to such UN statements, but does not take the steps to make them binding on it. On the other hand, a cursory search suggests that Ghana has taken additional steps to make them legally binding on it. Addressing this more explicitly would help to support the claim it has an obligation to adjust its treatment of the key populations that are the focus of the paper.

4. The relevance of the discussion of the laws, approaches, etc. of other countries is not obvious. (see e.g., lines 126-175 and Table 1). Is it to situate Ghana in the world/its
region or so the examples have some lessons for Ghana? Some guidance on what the reader should take away from this would be helpful.

5. Is there any evidence that Ghana's criminal laws (lines 177-195) are being used against key populations? The authors have provided some citations in reference to the police "swoops" on line 223, but these refer only to sex workers rather than MSM or those who do HIV prevention work.

6. Lines 203-207 - the Constitutional provision cited does not refer either to disease-status or disability. Are there court decisions or other authority to support the broad interpretation asserted here?

7. Lines 208-215 - A bit more description of the authority of the Patient's Charter and how it might interact with other moral norms and legal obligations would be helpful, as the authors simply say that it "does not have the force of law."

8. Lines 241-242 - The authors should (at least briefly) explain why the view that the "absence of data is not only an ethics issue, but is also an issue of deep public health concern ad a human rights issues that ought to be addressed." This seems an important point that is related to the main thrust of the paper, but it is just asserted here.

9. Lines 351-357 - beyond endorsing the elimination of the criminal laws that interfere with HIV prevention, I would like to see the authors expand on the feasibility of achieving this goal in Ghana in the short-term or long-term? What might facilitate this goal, what are the barriers? Because this is a major thrust of the paper, it deserves more explication, although I recognize there may be significant political barriers.
10. Lines 359-377 - Some more information about the Drop-in-Centers would be helpful. Specifically, I had questions about how the DICs avoid the problem of the laws that criminalize those who "abet" prohibited behavior by providing HIV prevention information? Are these state supported? What kind of leverage does the AIDS Commission have within government (e.g., to negotiate for non-enforcement of the criminal laws)? Answering these questions would help identify features of ways forward.

11. Line 377, the discussion of the reporting system should be a separate paragraph as it is different than the DICs. Some more details about the benefits and barriers to this approach would be helpful.

Note: I have responded "unable to assess with respect to methods/controls/conclusions" above because there was not an option for "not applicable". This was not a data driven paper and, therefore, these questions are not applicable.

Are the methods appropriate and well described?
If not, please specify what is required in your comments to the authors.

Unable to assess

Does the work include the necessary controls?
If not, please specify which controls are required in your comments to the authors.

Unable to assess

Are the conclusions drawn adequately supported by the data shown?
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Unable to assess

Are you able to assess any statistics in the manuscript or would you recommend an additional statistical review?
If an additional statistical review is recommended, please specify what aspects require further assessment in your comments to the editors.

Not relevant to this manuscript
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Please indicate the quality of language in the manuscript:

Needs some language corrections before being published

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