

The Big 18 and Human Rights Coalition

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PRESS RELEASE

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The “Big 18” and Human Rights Coalition urge Parliament to reconsider passage of the Bill which criminalizes persons, including journalists

Parliament has indicated it will pass the Human Sexual Rights and Family Values Bill, 2021 also popularly called the Anti-LGBTQI Bill, sometime this week, perhaps as soon as tomorrow, Wednesday, February 28, 2024.

We observe that the proposal to amend the Bill to substitute community service for incarceration, by Member of Parliament for Efutu, Mr. Afenyo-Markin was unfortunately rejected. Although his amendments were opposed by the majority of the House, leading to a removal of the proposed amendments, we appreciate his efforts aimed at reforming the justice system to foster rehabilitation and reduce incarceration rates. This stance reflects a recognition of the inherent dignity and rights of all persons, regardless of their sexual orientation or gender identity. It also affirms the position articulated by Cardinal Peter Appiah Turkson, who has emphasized the importance of not criminalizing individuals simply for their sexual orientation.

Distinguished members of the media, as Parliament proceeds towards the passage of this obnoxious Bill, the Big 18 and Human Rights Coalition would like to restate our original objections to the Bill as follows:

- I. The Anti-LGBTQ+ Bill violates key fundamental human rights provisions in Ghana’s 1992 Constitution. In one swoop, this Bill seeks to infringe on, among others, the rights to dignity, freedom of speech, freedom of association, freedom to partake in processions, academic freedom, equality and non-discrimination. These rights and freedoms constitute the bedrock of any constitutional democracy and any attempt to tinker with them will set a dangerous precedent for our democracy and must be of great concern to all Ghanaians.
- II. Rights are the pillars upon which democracy rests to prevent the tyranny of the majority. Depending on where we find ourselves, and on any given issue, we can all experience the

feeling of being minorities. The rights guaranteed in the Constitution are therefore our only protector from majoritarian tyranny.

- III. Human rights are not dependent on majority approval or disapproval, therefore, the assertion by proponents of the Anti-LGBTQ+ Bill that because the majority of Ghanaians are allegedly in favour of the Bill justifies its passage into law, is untenable.
- IV. Ghana is a secular and multi-religious country with over 50 ethnic groups with different cultural practices and beliefs. Any attempt to create a single cultural value system for Ghana erases the beautiful cultural mosaic that makes us a unique people. It is for this reason that the Constitution abolishes all practices and laws detrimental to people's health and well-being, even in the name of culture and tradition.
- V. We are aware that some religious communities may find LGBTQ+ activities offensive and classify them as sinful. It is within their right to freedom of thought and religious practice to take such a stance. However, Ghana's secular democratic organization allows and encourages diversity and inclusivity. For this reason when the Constitution makes provisions for, among other things, freedom of religion, it does not prescribe nor impose a singular religious faith on the country but allows for people to profess, belong to, adopt and manifest their religion of choice. Any attempt to criminalize what some regard as a sin through the instrumentality of the State, violates the long-standing principle of separation of Church and State. It would also constitute a state-sanctioned imposition of the religious views of one segment of the Ghanaian society onto those who may not share them.
- VI. The crusade against LGBTQ+ persons that has been championed by many religious communities in Ghana, has not been one of compassion, contrary to what their professed religious doctrines constantly preach. Did Christ spearhead the stoning of the woman who committed adultery before telling her to go and sin no more? Did He not show compassion by first protecting her from the mob, before telling her to sin no more? Is encouraging criminalisation of LGBTQ+ identities and activities the type of compassion Christ would have shown? These are some of the questions we must ask ourselves if we profess faith.
- VII. In addition, the Bill would violate media and press freedoms as it would punish any citizen who broadcasts or posts publications, stories or reports that are said to be related to LGBTQ+ activities. Any person that uses the media to broadcast and/or advocate on this topic, faces a prison sentence of up to three years. This places a heavy restriction on journalists, bloggers, influencers, and various social media users who produce or publish content, especially those who work in the field of human rights.
- VIII. Furthermore, the Bill violates Article 108 of the 1992 Constitution which prohibits private members' bills that impose a charge on the public purse. As a result of this, we urge the president not to assent to the Human Sexual Rights and Family Values Bill, 2021.

Finally, we reiterate to all Ghanaians the importance of upholding the rights of all citizens and individuals. This Bill criminalizes a person's identity and strips away the rights of many groups in Ghana, including the media. If it becomes law, not only will it mark a sharp departure from both domestic and international human rights standards, but it will also undermine the fundamental rights journalists have to do their work without fear of being held criminally liable. It will signal a sad day indeed for the media's hard-earned right to discharge its responsibilities to society and have a chilling effect on freedom of expression for all.

Signed:

The Big 18 and the Human Rights Coalition

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