

The Big 18 and the Human Rights Coalition

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Press Release

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The “Big 18” and Human Rights Coalition Reiterate Position for the Non-Criminalisation of Sexual Minorities in Ghana

The “Big 18” and the Human Rights Coalition welcome the recent statement made by Cardinal Peter Appiah Turkson, during an interview on BBC’s HardTalk programme aired on Tuesday November 28, 2023, and the concurring statement made by the Deputy Majority Leader, Honorable Alex Afenyo-Markin, that sexual minorities should not be criminalized nor imprisoned, as proposed in the Human Sexual Rights and Family Values Bill, 2021 (the “Anti-LGBTQ+ Bill”), because “they have committed no crime.”

The “Big 18” and the Human Rights Coalition welcome this position, which aligns with the coalition’s original objections to the Bill, and wish to reiterate as follows:

I. The Anti-LGBTQ+Bill I 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, 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, this justifies it being passed into law, is untenable.

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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 injurious to people's health and well-being, even in the name of culture and traditions.

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. This is the reason why 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, and adopt 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, and would constitute a state-sanctioned imposition of the religious views of one segment of the Ghanaian society on others who may not share them.

VI. The recent 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 as professors of the faith.

VII. The Bill violates Article 108 of the 1992 Constitution which prohibits private members' bills that impose a charge on the public purse. The speaker, fueled by his self-proclaimed prejudice towards LGBTQ+ persons, has encouraged this violation of our Constitution.

It is the hope of the "Big 18" and the Human Rights Coalition that the endorsement of a core principle of our position by a high personage as Cardinal Peter Appiah Turkson, which has evoked similar sentiments from some clergy and Members of Parliament, would guide Parliament in reconsidering the enactment of such a harmful bill that would not only violate several provisions of the 1992 Constitution but also unnecessarily open up Ghana to economic sanctions from international organizations and governments.

Signed:

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