



Commonwealth Lawyers Association

Statement of concern regarding the passing by the Parliament of Ghana of the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill

The Commonwealth Lawyers Association (CLA) notes with grave concern that the Parliament of Ghana, on 28 February 2024, passed the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill (the Bill). While this remains to be ratified by the President of Ghana, the CLA wish to express their profound concern and to urge that the President does not ratify the legislation.

The CLA notes the provisions of the Constitution of the Republic of Ghana, noting in particular Article 12 (2) and Article 17 (2) & (3) and also noting Article 108 which it considers to be relevant as the Bill originated as a Private Members Bill and not from the Government.

In addition to expanding criminalisation of those – including allies - who advocate for the rights of LGBT people, the Bill makes it a criminal offence to fail to report an LGBT person to the authorities or to report anyone who uses their social media platform to produce, publish, or disseminate content promoting activities prohibited by the Bill.

The current law punishes same-sex conduct with a maximum penalty of three years in prison. Under the new bill, anyone who identifies as LGBT, or any sexual or gender identity other than male and female, commits a misdemeanour and is liable on conviction to a fine of between US\$750 to US\$4,700, or a prison term between two months and three years, or both.

The UN High Commissioner for Human Rights Volker Türk said on 28th February “The Bill broadens the scope of criminal sanctions against lesbian, gay, bisexual, transgender, transexual and queer people – simply for being who they are – and threatens criminal penalties against perceived allies of LGBTQ+ people.” The Anglican Church and the Archbishop of Canterbury have also condemned the legislation.

The CLA notes that Ghana ratified the African Charter on Human and Peoples’ Rights. Article 3 of the African Charter states that every individual shall be equal under the law and every individual is entitled to equal protection under the law. Article 19 states; “All peoples shall be equal; they shall enjoy the same respect and shall have the same rights.”

The principles of equality and non-discrimination enshrined in the African Charter have been developed by the African Commission on Human & Peoples Rights.

By its Resolution 275 on “Protection against violence and other human rights violations against persons on the basis of their real or imputed sexual orientation or gender identification”, all subscribing governments, including Ghana, accepted a duty to prevent discrimination and to protect minorities and to encourage respect and tolerance.

The Bill is in flagrant breach of these international commitments.

The Bill further endangers lawyers who represent clients charged under its provisions who may be seen as aiding or abetting LGBTQ clients.

The CLA notes the Commonwealth Charter Principle 2 - Human Rights which states:

“We are implacably opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds.”

Ghana as a member of the Commonwealth has accepted the Commonwealth Charter. The proposed legislation is profoundly at odds with Ghana’s commitment to uphold the Charter.

The CLA considers it unacceptable that Ghana’s legislature is endorsing stigma and discrimination and showing blatant disrespect for minority rights, and instead promotes intolerance for others.

The CLA calls upon the Government of Ghana:

- **to respect the rights of minorities, and**
- **to promote tolerance and appreciation of difference, and**
- **to abandon this legislation and**
- **to adhere to its international and Commonwealth commitments and respect Commonwealth values; and further**

calls upon the President of Ghana not to sign into law this regressive and discriminatory legislation.

Commonwealth Lawyers Association (CLA)

11th March 2024

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