**TWO NEW BILLS TO MAKE SUBSTANTIAL CHANGES TO THE PUBLIC HOLIDAYS IN GHANA.**

The two new bills were submitted to the Clark to Parliament on Wednesday, 29th November, 2023 and currently being processed. In view of the above, this amendment of the Public Holidays Act 2001, Act 601, forms part of efforts to realize the achievement of a more progressive and productive and inclusive society.

1. I**ntroduction of law to make holidays observance more Productive.**

**The Public Holidays (Amendment) Bill, 2023 (No.1)** has a primary purpose of ensuring effective use of public holidays to ensure **productivity** seeks to amend the Public Holidays (Amendment) Act, 2001, Act 601, to remove the power of the President to declare additional public holiday, grant authority to the President to merge public holidays, postpone celebration of public holidays on productive days to Friday, remove criminal sanctions for non-observance of public holidays, and provide for related matters.

When passed public holidays that fall on days between Tuesday and Thursday shall be observed on Fridays. A substitute public holiday is an ordinary day that is treated like a public holiday instead of the actual public holiday. The basis for this proposal stems from the fact that productivity may be at its peak in the middle of the working week, say on a Tuesday or Wednesday.

The proposed amendment also gives relevant power and authority to the President to by Executive Instrument merged in a particular calender year the celebration of any two public holidays in the public interest and in the interest of productivity.

Currently, by practice, pubic holidays that fall on weekends are not marked as such, but such public holidays are postponed to Mondays, which fall on a working day, which contributes to loss of revenue by the State. By this amendment such practice would be done away with.

Also, the proposal seeks to abolish the regime of criminalizing conducts associated with public holidays by a repeal of the Offences and penalties provisions under section 5 of Act 601.

**2. Introduction of Bill for Two (2) New Islamic Holidays:**

**The Public Holidays (Amendment) Bill, 2023 (No.2) seeks** to extend the period of public holidays for Muslims from the current one (1) day each to two (2) days for each Islamic festivity. The amendment seeks to include **Tashreeq** (a day after Eid-al-Adha Festival) and **Shaqq** (a day before the Eid-al-Fitr) as Public Holidays and provide for related matters.

The right of every Ghanaian to freedom of religion is a fundamental one. In Article 21(c) every Ghanian has the freedom to practice any religion and to manifest any religion. Being the 2nd dominant religion in Ghana, Ghanaian Muslims must have equal opportunities when it come to celebration of religious festivals. After 40 days of mandatory religious obligation of fasting, practitioners of Islamic Religion deserve an additional day for rest and to prepare for full activities.

As such, the proposed days are the day before the Eid-al-Fitr which is observed by Muslims as the Shaqq day (a day before the end of the holy month of Ramadan in which Muslims mark the end of the fast), and the Tashreeq day (a day after the Eid-al-Adha in which Muslims remember the unwavering trust by Prophet Ibrahim to offer his son as a sacrifice). The religious significance of these holidays is to afford Muslims the opportunity to fully manifest and observe their faith, and offer gratitude to Allah for all that He has done, granted them, and continues to do; as well as for them to fully place and restore their trust in Allah and His abundant care, Grace and wisdom.

Article 17(1) of the 1992 Constitution provides that “All persons are equal before the law”, and (2) states that “A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status. Also, Article 26(1) states that “All persons shall have the right to freedom to practice any religion and to manifest such practice.”

Also, Article 2 of the African Charter on Human and Peoples’ Rights provides that “Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.”

Under the current regime, it is unfair, discriminatory, and does not allow for the full manifestation of the Islamic faith by Muslims as enshrined and guaranteed by the 1992 Constitution and other international laws and treaties.

When passed, this Act will go a long way to promote religious tolerance and help realize, promote and guarantee a more open, progressive, inclusive and secure society.

**HON. FRANCIS-XAVIER SOSU (ESQ)**

*MP, MADINA CONSTITUENCY*

HUMAN RIGHTS LAWYER AND ACTIVIST

DEPUTY RANKING MEMBER, CONSTITUTIONAL LEAGAL AND

PARLIAMENTARY AFFAIRS COMMITTEE OF PARLIAMENT