

HUMAN SEXUAL RIGHTS AND FAMILY VALUES ACT, 2024

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Act



REPUBLIC OF GHANA

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED

HUMAN SEXUAL RIGHTS AND FAMILY VALUES ACT, 2024

AN ACT to provide for human sexual rights and family values and related matters.

DATE OF ASSENT:

PASSED by Parliament and assented to by the President

Preliminary Provisions

Application

1. This Act applies to a person
 - (a) who holds out as
 - (i) a lesbian;
 - (ii) a gay;
 - (iii) a bisexual;
 - (iv) a transgender;
 - (v) a transsexual;

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- (vi) an ally;
- (vii) a pansexual; or
- (viii) a person of any other sexual orientation or in a sexual relationship that is contrary to the sociocultural relationship between a male and a female;
- (b) who is involved in the promotion of, propagation of, advocacy for, support or funding of LGBTTQAP+;
- (c) who provides or participates in the provision of sex or gender reassignment, surgical procedure or any other procedure intended to create a sexual category other than the sexual category of a person determined at birth except where the procedure is intended to correct a biological abnormality including intersex; or
- (d) who engages in a sexual activity prohibited under this Act.

Human Sexual Rights and Family Values

Duty to promote human sexual rights and family values

2. (1) A citizen shall promote and protect the human sexual rights and family values defined in section 19 of this Act

(2) Subject to article 39 of the Constitution, the following persons or institutions shall, within the control of the persons or institutions, promote and protect, through formal and informal education, the human sexual rights and family values defined in section 19 of this Act:

- (a) a parent;
 - (b) a guardian;
 - (c) a religious instructor, a teacher or any other educational instructor;
 - (d) a traditional institution, a church, a mosque or any other religious organisation;
 - (e) Organs of State and State institutions; and
 - (f) the media and the creative arts industry.
- (3) The institutions referred to in subsection (2) shall variously
- (a) ensure that the human sexual rights and family values are preserved and integrated into the fabric of national life through formal and informal education;

- (b) make conscious effort to introduce the human sexual rights and family values dimensions to relevant aspects of national planning; and
- (c) ensure that the human sexual rights and family values are adapted and developed as an integral part of the growing needs of society.

Prohibition against subverting family values

3. (1) A person shall not directly or indirectly instigate, command, counsel, procure, elicit, solicit, or in any other manner purposely aid, facilitate, encourage or promote, whether by a personal act or presence or otherwise, an act that subverts the family values defined in section 19 of this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than seven hundred and fifty penalty units and not more than two thousand penalty units or a term of imprisonment of not less than two months and not more than four months or to both.

LGBTTQAP+ and Related Activities

Prohibition of LGBTTQAP+ and related activities

4. (1) A person commits an offence if the person
- (a) engages in a
 - (i) sexual intercourse with a person of the same sex;
 - (ii) sexual intercourse with an animal; or
 - (iii) pansexual activity;
 - (b) marries or purports to marry a person of the same sex as that person;
 - (c) knowingly marries or purports to marry a person who has undergone gender or sex reassignment, except in the case of a person who has undergone a surgical procedure to correct a biological abnormality, including intersex;
 - (d) marries or purports to marry an animal or object;
 - (e) holds out as
 - (i) a lesbian,
 - (ii) a gay,

- (iii) a transgender,
 - (iv) a transsexual,
 - (v) a queer,
 - (vi) a pansexual,
 - (vii) an ally,
 - (viii) a non-binary, or
 - (ix) any other sexual or gender identity that is contrary to the binary categories of male and female;
- (f) provides or participates in the provision of
- (i) a surgical procedure for sex or gender reassignment; or
 - (ii) any other procedure that is intended to create a sexual category other than the sexual category of a person determined at birth except in the case of correcting a biological abnormality including intersex; or
- (g) undergoes
- (i) a surgical procedure for sex or gender reassignment; or
 - (ii) any other procedure that is intended to create a sexual category other than the sexual category of the person determined at birth except in the case of correcting a biological abnormality including intersex.

(2) A person who commits an offence under paragraph (a), (b), (c), (d), (e), (f), or (g) of subsection (1) commits a misdemeanour and is liable on summary conviction to a fine of not less than seven hundred and fifty penalty units and not more than five thousand penalty units or a term of imprisonment of not less than two months and not more than three years or to both.

(3) For purposes of this section, “sexual intercourse” occurs where a person

- (a) penetrates the anus or mouth of a person of the same sex with the penis of that person or other device; or

- (b) by use of any object or device, penetrates or stimulates the vagina or anus of a person of the same sex; or
- (c) by use of the penis of the person or any other object or device, penetrates the anus, mouth or vagina or other bodily opening of an animal; or
- (d) allows penetration of the anus, mouth, vagina or other bodily opening of that person by an animal

for sexual gratification.

(4) This section shall be read together with subsection (2) of section 104 of the Criminal Offences Act, 1960 (Act 29).

Procuration

5. A person who

- (a) by threat, obstruction, deterrence, improper or corrupt means, molestation, intimidation or inducement procures another person to engage in a sexual activity prohibited under this Act; or
- (b) by false pretence or false representation procures another person to engage in a sexual activity prohibited under this Act

commits a misdemeanour and is liable, on summary conviction, to a fine of not less than twenty-five penalty units and not more than five hundred penalty units or a term of imprisonment of not less than three months and not more than three years or to both.

Detention with intent to commit prohibited sexual activity

6. A person who detains another person with intent to cause that person to engage in a sexual activity prohibited under this Act commits a misdemeanour and is liable, on summary conviction, to a term of imprisonment of not more than three years.

Keeping a brothel for a prohibited sexual activity

7. (1) A person who keeps a movable asset, a room, a house or any other asset for purposes of a sexual activity prohibited under this Act commits a misdemeanour and is liable, on summary conviction, to a term of imprisonment of not less than three years and not more than six years.

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(2) A person who, being the owner or occupier of a movable asset, a room, a house or any other asset or having or acting or assisting in the management or control of the premises, induces or knowingly allows a person to be in or on the movable asset, room, house or any other asset for the purpose of engaging in or promoting a sexual activity prohibited under this Act, commits a second degree felony and is liable on summary conviction, to a term of imprisonment of not less than three years and not more than six years.

Prohibition of gross indecency

8. (1) A person who publicly and willfully does a grossly indecent act commits a misdemeanour and is liable on summary conviction, to a term of imprisonment of not less than six months and not more than one year.

- (2) For purposes of this section, “grossly indecent act” means
- (a) public show of romantic relations between or among persons of the same sex;
 - (b) public show of romantic relations between or among persons where one or more of the persons have undergone gender or sex reassignment; or
 - (c) intentional cross-dressing to portray that the person is of a gender different from the gender determined at birth with intent to engage in an act prohibited under this Act.

Void marriage

9. (1) A marriage entered into by the following persons is void:
- (a) persons of the same sex;
 - (b) a person who has undergone gender or sex reassignment; or
 - (c) a person who has undergone any other procedure that is intended to create a sexual category other than the sexual category of the person determined at birth except in the case of correcting a biological abnormality including intersex.
- (2) A certificate issued by a foreign authority pursuant to a marriage under subsection (1) is unenforceable in Ghana.

(3) A person who

- (a) administers, witnesses, abets, solemnises or aids the solemnisation of a marriage under subsection (1); or
- (b) issues or aids or abets in procuring a certificate in respect of a marriage under subsection (1)

commits a misdemeanor and is liable on summary conviction to a term of imprisonment of not less than one year and not more than three years.

LGBTQAP+ Propaganda, Advocacy, Support and Other Promotional Activities

Prohibition of propaganda of, promotion of and advocacy for activities prohibited under this Act

10. (1) Subject to the provisions of the Constitution, a person who,
- (a) through a medium, technological platform, technological account or any other means produces, procures, markets, broadcasts, disseminates, publishes or distributes; or
 - (b) uses an electronic device, the internet service, a film, or any other device capable of electronic storage or transmission to produce, procure, market, broadcast, disseminate, publish or distribute a material for purposes of promoting an activity prohibited under this Act

commits an offence and is liable, on summary conviction, to a term of imprisonment of not less than five years and not more than ten years.

(2) A person who engages in, participates in, promotes or supports an act

- (a) prohibited under this Act; or
- (b) aimed at changing public opinion towards an act prohibited under this Act

commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years.

(3) A person who offers premises or any other movable or immovable asset or provides any form of assistance for purposes of promoting an activity prohibited under this Act commits an offence and is liable, on summary conviction, to a term of imprisonment of not less than five years and not more than ten years.

(4) Where a person is convicted under subsection (1), the owner of the medium, technological platform or technological account on which the material or information is produced, procured, marketed, broadcast, disseminated, published or distributed under subsection (1) is deemed to have committed the offence unless it is proved that the owner

- (a) did not consent to, or connive at the commission of the offence; and
- (b) exercised the degree of reasonable diligence as ought in the circumstances to have been exercised to prevent the commission of the offence.

(5) Where

- (a) a body corporate is convicted under subsection (1), (2) or (3) of this section, subsections (2), (3), (4), (5) and (6) of section 25 of the Interpretation Act, 2009 (Act 792) shall apply; or
- (b) an unincorporated body of persons is convicted under subsection (1), (2) or (3) of this section, the principal officers of the body of persons shall be deemed to have also committed the offence unless it is proved that a principal officer
 - (i) did not consent to or connive at the commission of the offence; and
 - (ii) exercised the degree of reasonable diligence as is necessary in the circumstances to have been exercised to prevent the commission of the offence.

Prohibition of propaganda of, promotion of and advocacy for activities directed at a child

11. (1) Subject to the provisions of the Constitution, a person who,
- (a) through a medium, technological platform, technological account or any other means produces, procures, markets, broadcasts, disseminates, publishes or distributes; or
 - (b) uses an electronic device, the internet service, a film, or any other device capable of electronic storage or transmission to produce, procure, market, broadcast, disseminate, publish or distribute

a material or information directed at a child whether directly or indirectly with intent to

- (c) evoke the interest of the child in an activity prohibited under this Act; or
- (d) teach the child to explore any gender or sex other than the binary category of male or female;

commits an offence and is liable, on summary conviction, to a term of imprisonment of not less than six years and not more than ten years.

(2) Where a person is convicted under subsection (1), the owner of the medium, technological platform or technological account or any other means on which the material or information is produced, procured, marketed, broadcast, disseminated, published or distributed under subsection (1) is deemed to have committed the offence unless it is proved that the owner

- (a) did not consent to, or connive at the commission of the offence; and
- (b) exercised the degree of reasonable diligence as ought in the circumstances to have been exercised to prevent the commission of the offence.

(3) Where

- (a) a body corporate is convicted under subsection (1) or (2) of this section, subsections (2), (3), (4), (5) and (6) of section 25 of the Interpretation Act, 2009 (Act 792) shall apply; or
- (b) an unincorporated body of persons is convicted under subsection (1) or (2) of this section, the principal officers of the body of persons shall be deemed to have also committed the offence unless it is proved that a principal officer
 - (i) did not consent to or connive at the commission of the offence; and
 - (ii) exercised the degree of reasonable diligence as is necessary in the circumstances to have been exercised to prevent the commission of the offence.

- (4) For purposes of section 10 and this section,
- “electronic device” means a component that is used for controlling the flow of electrical currents for the purpose of information processing and system control;
 - “internet service” means services provided to the public whose provision consists of subscriber interaction with the internet or the transmission of information to or over the internet;”
 - “medium” includes radio, newspaper and television;
 - “owner” means the legal owner or operator of the medium, technological platform, technological account or any other means and, where the medium, technological platform, technological account or any other means, is owned by more than one person, includes every joint owner;
 - “technological account” includes Facebook account, X account, Instagram account and any other social media account; and
 - “technological platform” includes websites, Facebook, X, Instagram and other social media applications and sites.

Prohibition of funding, sponsorship or promotion of prohibited activities

12. (1) A person who funds, sponsors or promotes an activity prohibited under this Act commits an offence and is liable, on summary conviction, to imprisonment for a term of not less than three years and not more than five years.

(2) Where

- (a) a body corporate is convicted under subsection (1), subsections (2), (3), (4), (5) and (6) of section 25 of the Interpretation Act, 2009 (Act 792) shall apply; or
- (b) an unincorporated body of persons is convicted under subsection (1), the principal officers of the body of persons, shall be deemed to have also committed the offence unless it is proved that a principal officer
 - (i) did not consent to or connive at the commission of the offence; and

- (ii) exercised the degree of reasonable diligence as is necessary in the circumstances to have been exercised to prevent the commission of the offence.

Disbandment of LGBTTQAP+ group, society, association, club or organisation

13. Any group, society, association, club or organisation in existence before the coming into force of this Act, whose purpose, whether partly or fully, overtly or covertly, is to promote, facilitate, support or sustain in any way an act prohibited under this Act is disbanded.

Prohibition of LGBTTQAP+ group, society, association, club or organisation

14. (1) A person shall not directly or indirectly

- (a) form, organise, facilitate, operate or register;
- (b) promote the formation, organisation, operation or registration of; or
- (c) participate in an activity to support or sustain

a group, society, association, club or organisation whose purpose, whether partly or fully, overtly, or covertly, is to promote, facilitate, support or sustain an act prohibited under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to imprisonment for a term of not less than three years and not more than five years.

Protection and Support for Children

Prohibition of adoption order for LGBTTQAP+ persons

15. The Court shall not grant an application for an adoption order whether intercountry adoption or otherwise if the applicant is

- (a) a lesbian;
- (b) a gay;
- (c) a bisexual;
- (d) a transgender;
- (e) a transsexual;
- (f) an ally;

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- (g) pansexual;
- (h) a non-binary; or
- (i) a queer.

Prohibition of grant of fosterage for LGBTTQAP+ persons

16. The Department of Social Welfare shall not grant an application for fosterage where the applicant is

- (a) a lesbian;
- (b) a gay;
- (c) a bisexual;
- (d) a transgender;
- (e) a transsexual;
- (f) an ally;
- (g) pansexual;
- (h) a non-binary; or
- (i) a queer.

Duty to report

Duty to report and prohibition of extra judicial treatment

17. (1) A person who has knowledge that an offence is committed under this Act shall report the commission of the offence to a police officer, or in the absence of a police officer to a relevant authority of the community in which the offence is committed.

(2) A relevant authority to whom a report is made under subsection (1) shall, within three days of the report, ensure that the report is lodged at the nearest police station.

(3) Sections 84 to 87 of the Criminal Offences Act, 1960 (Act 29) shall apply to a person who commits a misdemeanour if that person verbally or physically abuses, assaults or harasses a person

- (a) accused of an offence under this Act; or
- (b) suffering from any gender or sexual identity challenge including LGBTTQAP+ or any other variant of a sexual identity challenge.

(4) Despite subsection (3), the use of a graphic description of the behavioural pattern of a person engaged in an activity prohibited under this Act

- (a) for the purposes of education or instruction; or
- (b) in response to any form of advocacy or activism

does not constitute abuse, assault or harassment.

Miscellaneous Provisions

Regulations

18. The Minister may, in consultation with the Ministers responsible for Health and Gender, Children and Social Protection, by legislative instrument, make regulations to

- (a) regulate an approved service provider; and
- (b) provide for
 - (i) the support of victims of sexual activities prohibited under this Act;
 - (ii) assistance for intersex persons; and
 - (iii) the effective and efficient implementation of this Act.

Interpretation

19. In this Act, unless the context otherwise requires,

“ally” means a person who produces, procures, markets, broadcasts, disseminates, publishes or distributes a material with intent to

- (a) promote an activity prohibited under this Act;
- (b) evoke the interest of a child in an activity prohibited under this Act; or
- (c) teach a child to explore a gender other than the binary category of male or female;

“bi-sexual” means a person who is attracted to persons who are of the same sex as that person and to persons who are of the opposite sex;

“child” means a person below the age of eighteen years;

“creative arts industry” includes cultural sites, visual arts, traditional cultural expressions, performing arts, music, publishing and literary arts, audio visual, new media, design and creative services and research and record keeping;

“family values” include

- (a) respect for the sanctity of marriage as a lifelong relationship between a man and a woman, each of whose gender is determined at birth;
- (b) the recognition
 - (i) of the family as the basic unit of the Ghanaian society; and
 - (ii) that the ultimate purpose for the role of Government in protecting and advancing the family as the basic unit of society is to safeguard and promote the best interest of children;
- (c) the obligation of parents, guardians and teachers to ensure that children and young persons receive special protection against exposure to physical, emotional and moral hazards; and
- (d) the recognition in Ghanaian ethnic groups, of ‘gender’ as a social construct to only male and female humans each of whose gender is determined at birth;

“gay” means a man who is primarily attracted to men and engages in sexual activities with men;

“gender” means the binary sex categories of male and female determined at birth, and the behavioural, cultural and psychological traits typically associated with either sex, but does not include transgender, gender non-conformity or non-binary categories;

“human sexual rights” means the right of a person

- (a) with the binary sex categorisation of male and female determined at birth to the
 - (i) physical, emotional and psychological wellbeing and enhancement; or

- (ii) healthy growth and development of the person especially where the person is an adolescent or a youth;
- (b) to positive educational and instructional materials, activities and actions relating to the reproductive health of an adolescent or youth whose gender is determined at birth, for purposes of preparing the adolescent or youth for adulthood and parenthood but does not include
 - (i) any material on comprehensive sexuality education or any other variant of comprehensive sexuality education by whatsoever name called; or
 - (ii) any matter pertaining to sexual orientation and gender identity or reproductive sexual rights as defined to include the promotion of LGBTTQAP+ tendencies and behavioural activities or conduct among children, adolescents and youth; and
 - (iii) under the customary law of a particular ethnic community, relating to the puberty rites of passage of an adolescent or youth whose gender is determined at birth;

“lesbian” means a woman who is primarily attracted to women and engages in sexual activities with women;

“LGBTTQAP+” includes Lesbian, Gay, Bisexual, Transgender, Transexual, Queer, Ally, Pansexual and any other sociocultural orientation of sex and sexual relationship that is contrary to the sociocultural orientation of male and female determined at birth;

“marriage” means a union between a man and a woman whose sex is determined at birth under the Marriages Act 1884 – 1985 (CAP 127);

“Minister” means the Minister responsible for Culture;

“relevant authority” includes a Member of Parliament, a traditional ruler, a religious leader, a member of a District Assembly or a District Chief Executive;

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“sex” means the binary categories of male and female or chromosomal composition at birth and excludes any non-binary category;

“sexual activity” used in relation to an offence under this Act means an act prohibited under paragraph (a) of subsection (1) of section 4 of this Act;

“traditional ruler” means a chief, queen, queen mother or headman;

“transgender” means a person whose gender identity differs from the sex of the person at birth;

“transsexual” means a person who voluntarily

(a) commences a medical process including surgery or hormonal manipulation; or

(b) undergoes a medical process including surgery or hormonal manipulation to permanently change the gender identity of the person; and

“+” means any other gender identity not contained in the short acronym LGBTTQAP+

Consequential amendment

20. The Extradition Act, 1960 (Act 22) is amended in the First Schedule by the addition of the following after the paragraph for “Cybercrime and cyber offences”:

“LGBTTQAP+ offences

An offence under the Human Sexual Rights and Family Values Act, 2024 (Act.....).”.

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Act

This printed impression has been carefully compared by me with the Bill which was passed by Parliament on the day of, and found by me to be a true copy of the Bill.

Clerk to Parliament

Date of authentication:

I hereby signify assent to this Bill.

President

Date of Assent:

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Date of *Gazette* notification: