

HUMAN SEXUAL RIGHTS AND FAMILY VALUES BILL, 2025

MEMORANDUM

The object of the Bill is to provide for human sexual rights and family values and related matters.

On 31st January 2021, several news media in Ghana reported the opening of an LGBTTTQAP+ advocacy resource center in Accra. In attendance at the event were some delegates from the European Union, the Australian High Commissioner to Ghana and the Danish Ambassador to Ghana. Subsequently, the European Union, on its official Facebook page, handled its advertised participation in the event and reiterated its support for all civil society organisations supporting LGBTQI+ groups.

The news was greeted with a plethora of criticism from a cross-section of Ghanaians, with several persons including the National House of Chiefs, the National Chief Imam, the Christian Council, the Catholic Bishops' Conference and the National Coalition for Proper Human Sexual Rights and Family Values calling for the resource center to be shut down and persons involved in the opening of the centre arrested and prosecuted. The episode brought about a renewed national debate on the activities of LGBTTTQAP+ persons in Ghana, with calls for such activities to be punished as they do not accord with the sociocultural values of any ethnic group in Ghana.

Further to an emergency meeting of the Governance, Health and Development Committee of the National House of Chiefs held on 26th February 2021, the National House of Chiefs issued a statement and specifically noted

“The House wants to state without equivocation that throughout history, nowhere does the Ghanaian culture subscribe to LGBTQI which is a taboo, inhuman and alien to our society...In God’s wisdom, man and woman were created to fulfil the procreation of humans on earth to satisfy God’s will...The symbolism for sex [and] marriage was between man and woman, as such, the idea of man marrying man and woman marrying woman is an abomination to our tradition and culture as Ghanaians...”

The statement of the National House of Chiefs cannot be glossed over considering the fact that Chapter Twenty-Two of the 1992 Constitution

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is dedicated to chieftaincy, the institution of which is guaranteed by article 270 of the 1992 Constitution. Indeed, the traditions, cultures and religions of Ghanaians disavow homosexuality and all its variants.

The unitary position of the various cultures and ethnicities in Ghana regarding LGBTTQAP+ activities and the comments of the Rt. Hon. Speaker of Parliament when the Australian High Commissioner paid a courtesy call on the Speaker on 1st April 2021, the Statement of the National House of Chiefs and the subsequent closing down of the resource centre are testaments of the unacceptability of LGBTTQAP+ groups and their activities by the majority of Ghanaians and that the activities of LGBTTQAP+ groups go against the cultural values of Ghanaians.

Furthermore, the emphatic positions of our former Presidents is equally worth mentioning. In the case of the former President John Agyekum Kufuor, he recounted to the Accra FM radio station on 3rd March, 2021 how he stood his ground and rejected the legalisation of gay rights when he was President. The former President specifically stated

“I rejected LGBT legalisation when I was President because it baffled me. It still baffles me because LGBT practice is against our culture, religion and even defies nature. No law allows such a thing in Ghana.”

Additionally, the late President J.E.A. Mills is credited to have assertively communicated the position of Ghanaians on the issue of LGBTTQAP+ when on 2nd November, 2011, the British Prime Minister, David Cameron, during an interactive session with the media at Osu Castle, intimated the policy of Britain to review its aid to countries that persecute homosexuals or fail to respect gay rights. The late President J.E.A. Mills intimated that

“Let me make one thing very clear: no one can deny Prime Minister Cameron his right to make policies, take initiatives or make statements that reflect his societal norms and ideals but he does not have the right to direct other sovereign nations as to what they should do especially where their societal norms and ideals are different from those which exist in Prime Minister Cameron’s society. I, as President of this nation will never initiate or support any attempts to legalise

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homosexuality in Ghana. As a government, we will abide by the principles enshrined in our Constitution which Constitution is supreme. Let me also say that, while we acknowledge all the financial assistance and all the aid which has been given to us by our development partners, we will not accept any aid with strings attached if that will not inure to our interests or the implementation or the utilisation of that aid with strings attached would rather worsen our plight as a nation or destroy the very society we want to use the money to improve.”.

Former President Nana Addo Dankwa Akufo-Addo, at the induction of the second Archbishop of the Anglican Church of Ghana at Asante Mampong in the Ashanti Region on February 27, 2021, also reiterated the position espoused by the other former Presidents on the issues of LGBTQ rights.

Civil Society Organisations, including the National Coalition for Proper Human Sexual Rights and Family Values which is an amalgamation of Christian and para-Christian bodies, religious bodies including the Ghana Pentecostal and Charismatic Council, the Coalition of Muslim Organisations, Ghana, the National Chief Imam’s Office, the Catholic Bishops’ Conference, the Advocates for Christ, non-religious bodies, the National House of Chiefs and opinion leaders in Ghana, have condemned the advocacy activities of persons in support of LGBTTQAP+. They have further called on Government to strengthen the laws of the country and resist attempts by any entity, whether local or foreign, to misinterpret or worse of all, rewrite our laws to disregard the cherished culture and social values of Ghanaians. The sovereignty of this country must be respected and protected. Among the multi-religious faiths and various traditional and customary values across the country, an overwhelming consensus is established on the position of the nation in utter rejection of the practices of and advocacy for the LGBTTQAP+ group in conformity with the customary law and tenets of faith and respect for public morality.

Subsequent to the opening of the LGBTTQAP+ advocacy resource centre on 31st January 2021, a Statement was submitted to the Rt. Hon. Speaker of Parliament on the subject. The Statement was read on the

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floor of the House on 5th March 2021, expressing concern about the activities an advocacy of persons who identified as LGBTTTQAP+. Concern was equally expressed about the effects of such activities on Ghanaian culture and family values. In the Statement, an indication was given to propose a bipartisan Private Member's Bill to proscribe the practices of and advocacy for LGBTTTQAP+ in line with our customs and values as a people.

Consequently, a group of eight (8) Members of Parliament initiated a Private Member's Bill in 2021 titled *The Proper Human Sexual Rights and Ghanaian Family Values Bill*. Several stakeholder engagements were held in the lead up to the preparation of the Bill for its introduction in Parliament. The contributions of the National Coalition for Proper Human Sexual and Family Values and many other Civil Society Organisations have culminated in the preparation of the Bill. The Bill was passed in 2024 as the Human Sexual Rights and Family Values Bill by the Eighth Parliament and presented to the President for assent.

The Bill was contested in the Supreme Court in the case of *Richard Sky vrs the Parliament of Ghana and the Attorney-General (J1/09/2024) [2024] GHASC 66* on several grounds including the basis that the Bill was unconstitutional. The case was subsequently dismissed, paving the way for a presidential assent by the then President, His Excellency Nana Addo Danquah Akufo-Addo. However, the Bill was not assented to by the President despite several calls for the presidential assent.

The Eighth Parliament lapsed on 6th January, 2025 and consequently all Bills introduced in the Eighth Parliament, but not passed or assented to such as the Human Sexual Rights and Family Values Bill also lapsed.

Having regard to the importance of the Human Sexual Rights and Family Values Bill in the protection of the cultural values of the Ghanaian society and overwhelming support for the Bill, some Members of the Ninth Parliament consider it expedient to reintroduce the Bill to the House under the title "Human Sexual Rights and Family Values Bill, 2025".

Indeed, the reintroduction of the Bill is critical because LGBTTTQAP+ activities threaten the concept family and the associated value systems

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that are central to the social structure of all ethnic groups in Ghana. The concept of family for Ghanaians has always been a unit of society initiated by marriage between a man and a woman, each of whose gender is assigned at birth. Globalisation and its attendant acculturation are supposed to augment the strength and values of states and not to compromise the cultural and moral values therein. The right of states to self-determination is a peremptory rule of international customary law that recognises the sovereignty of states and their power to make laws to protect their values and identity, provided that the laws do not infringe on fundamental human rights.

Indeed, Article 2(4) of the UN Charter recognises the principle of sovereignty and equality of its member states. In that regard, all member states in their international relations are required to refrain from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations. In a vastly globalised world where the threat of the infiltration of foreign cultures is ever-present, states rely on the right to self-determination to preserve their socio-cultural values by enacting legislation to minimise the effect of unacceptable foreign influence.

The Bill gives consideration to the issue of whether or not prohibiting LGBTTQAP+ persons from forming associations, groups and organising people in any form for the purpose of advocating for and promoting the rights of LGBTTQAP+ persons constitutes an infringement of the fundamental human right of freedom of speech and expression or assembly or whether it constitutes discriminatory treatment, which are guaranteed in Chapter Five of the 1992 Constitution, particularly in articles 12(2), 17(1) and 21(1)(a) and (d). It must be noted that such rights or freedoms by their very nature are not absolute. The Constitution prescribes reasonable restrictions that are necessary for public health, public morality, public order or public safety.

As a first step, one must separate the prohibited acts from the right to engage in their advocacy. One would invariably conclude that once the acts are prohibited under the Bill as being injurious to public health and

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safety, any association, group, meetings or organisation of persons for the purpose of promoting the prohibited acts would also be unlawful. It is this reasoning that provides justification for Parliament to enact legislation such as the Vigilantism and Related Offences Act, 2019 (Act 999) which proscribed the formation of groups for the furtherance of the interests of group members by use of threat of violence or intimidation.

Once it is determined that the object or purpose of the group is unlawful, there can be no right of assembly or association in respect of the object or purpose. Similarly, the Cybersecurity Act, 2020 (Act 1038), which was passed by Parliament permits reasonable restrictions or interference in the enjoyment of the right to privacy of home, property, correspondence or communication. Such interference is justified as reasonably necessary for public safety or the economic well-being of the country, for the protection of health or morals and the prevention of disorder or crime or for the protection of the rights or freedoms of others.

State regulation of sexual behaviour is founded on the principle that certain sexual expressions such as sexual intercourse with a close relative, with or without the consent of the other party, are inimical to public health or public morality. In that vein, the Criminal Offences Act, 1960 (Act 29), being the principal legislation on criminal offences in Ghana, prohibits incest and bestiality. Act 29 however, does not make specific reference to LGBTTQAP+. This is no surprise since Act 29 was promulgated about sixty years ago when the subject of LGBTTQAP+ in Ghana was far-fetched. Section 104 of Act 29, which is the most proximate reference to LGBTTQAP+ only prohibits “unnatural carnal knowledge” as follows:

“Unnatural carnal knowledge

(1) A person who has unnatural carnal knowledge

(a) of another person of not less than sixteen years of age without the consent of that other person commits a first degree felony and is liable on conviction to a term of imprisonment of not less than five years and not more than twenty-five years; or

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(b) of another person of not less than sixteen years of age with the consent of that other person commits a misdemeanor; or

(c) of an animal commits a misdemeanor.

(2) Unnatural carnal knowledge is sexual intercourse with a person in an unnatural manner or, with an animal.”.

The Supreme Court, in *Banosin v The Republic; No. J 3/2/2014 dated 8th March 2014, S.C (Unreported)*, has clarified what may amount to “carnal knowledge” in its determination that

“it is the female sex organs called the vulva and the vagina that are normally penetrated into during sexual act which can qualify to be carnal knowledge under sections 98 and 99 of Act 29...”.

The passage of the Bill to deal with LGBTTQAP+ is apt considering the 2017 report of the Science Research Council, communicated at the 4th National HIV and AIDS Research Conference in Accra, which indicated that about 18.1% of people living with AIDS are gays (men sleeping with men).

Additionally, there is no specific legislation that imposes obligations on persons to promote sociocultural values in accordance with article 39 of the 1992 Constitution. *Clauses (1) and (2) of article 39 provide as follows:*

“(1) Subject to clause (2) of this article, the State shall take steps to encourage the integration of appropriate customary values into the fabric of national life through formal and informal education and the conscious introduction of cultural dimensions to relevant aspects of national planning.”

(2) The State shall ensure that appropriate customary and cultural values are adapted and developed as an integral part of the growing needs of the society as a whole; and in particular that traditional practices which are injurious to the health and well-being of the person are abolished.”.

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The time is ripe for Parliament to actualise the intentions of the framers of our Constitution by providing a legal framework for the promotion of the values that define our nationhood.

One of the issues gaining currency is the increasing acceptance of same-sex marriages in some jurisdictions. The law applicable to marriages in Ghana, being the Marriages Act, 1885-1985 (CAP 127) is silent on the required sex of marriage partners. The general language of the provisions however, lends itself to the interpretation that marriage can only be between a man and a woman, each of whose gender is assigned at birth. With the increasing blurring of the concept of 'male' and 'female' as a result of the activities of the transgender category of LGBTTQAP+ and the deconstruction of "male" and "female" as gender concepts, the absence of clear language on the acceptable sex of marriage partners in CAP 127 is likely to render the legislation challenging in the face of the LGBTTQAP+ movement. The Bill seeks to fill this gap by enacting specific provisions on the required sex of persons who may celebrate marriage in Ghana. The purpose is to strengthen our laws to make them more robust, more encompassing and more stringent in dealing with the LGBTTQAP+ activities and also provide a framework for the promotion of desirable family values and social norms in the country.

Marriage and family are recognised as concepts that have deep-rooted social and cultural connotations that may differ largely from one society to another. Several international protocols attest to the sensitive moral choices concerned with and the importance to be attached to the protection of children and the fostering of secure family environments. Article 18(1) and (2) of the African Charter on Human and Peoples' Rights states as follows:

"(1) The family shall be the natural unit and basis of society. It shall be protected by the State, which shall take care of its physical health and moral.

(2) The State shall have the duty to assist the family which is the custodian of morals and traditional values recognised by the community."

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Article 18(1) and (2) of the Charter is consistent with article 16 of the Universal Declaration of Human Rights, article 23 of the International Covenant on Civil and Political Rights and article 10 of the International Covenant on Economic, Social and Cultural Rights on the sanctity of families as the basic unit of society and the duty of states to preserve family and marriage as well as secure the protection of children.

The rights of states to enact legislation to protect families is also a cardinal principle in the 1978 Hague Convention on Celebration and Recognition of the Validity of Marriages. In Articles 11 and 14 of the Convention, state-parties are entitled to refuse recognition to marriages contracted in other jurisdictions if such marriages violate local laws on bigamy, consanguinity, capacity, consent or are manifestly incompatible with public policy. Though Ghana is not a signatory to the Hague Convention, this principle of the right of states to determine the validity of marriages is a well-known principle of international law.

On the issue of advocacy and other promotional activities, there is currently no legislation that specifically criminalises advocacy for, funding of, promotion of or encouragement of LGBTTQAP+ activities except the inchoate provisions in Act 29 namely, preparation for committing certain criminal offences, abetment of a criminal offence and conspiracy. This gap in the law creates opportunities for advocates of LGBTTQAP+ activities to sponsor and promote the proliferation of those sexual activities. The effect of these sponsorship and promotion is that young persons are lured to assimilate the otherwise unacceptable forms of sexual expressions. Credible reports from the Coalition for Proper Human Sexual Rights and Family Values indicate instances where young persons are promised travel opportunities, allowances and other gifts to cause them to engage in or advocate for LGBTTQAP+. In some instances, young persons, mostly students in colleges, are awarded “commission” for luring other young persons to join LGBTTQAP+ groups.

The Bill is also important for establishing and consolidating the relevant local indicators on sexual expressions in accordance with the country’s developmental needs and its social and cultural values. In 2015,

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the United Nations General Assembly adopted Agenda 2030, which outlined 17 Sustainable Development Goals (SDGs) to guide international development for the next decade. The global SDG indicator framework also requires member states to contextualise and complement the framework by establishing locally relevant indicators.

The Bill aligns with the intended outcomes of the SDGs, in particular, Goal 3 which is to “*ensure healthy lives and promote well-being for all at all ages*” and Goal 5 which calls on states to “*achieve gender equality and empower all women and girls*”. The Bill also aligns with SDG Goal 10 which is to “*reduce inequality within and among countries*”. To this end, the Bill emphasises the objectives of strengthening the Ghanaian family unit as the basic unit of society, maintaining the binary gender construct of male and female as the fundamental basis for formation of family and society while at the same time working to eliminate inequalities between males and females in all areas of national development.

Furthermore, the Bill seeks to contextualise SDG 10, target 10.3 which requires states to “*ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard*”. In furtherance of target 10.3, the relevant global indicator being 10.3.1, measures the “*Proportion of population reporting having personally felt discriminated against or harassed in the previous twelve months on the basis of a ground of discrimination prohibited under international human rights*”, the Bill seeks to prohibit the abuse or harassment of persons suspected to be LGBTTQAP+.

Furthermore, it is critical to ensure that the overwhelming public abhorrence for LGBTTQAP+ activities is not channeled into mob justice or the meting out of instant justice to persons perceived to be participating in LGBTTQAP+ activities. By prohibiting extra-judicial treatment including verbal abuse of such persons, the Bill seeks to prevent negative social treatment. This policy is in consonance with the appeal made by the National House of Chiefs calling on Ghanaians not to take the law into their own hands by way of burning, lynching, molesting and visiting mayhem on suspected LGBTTQAP+ persons. *Nananom* in their

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statement advised the public to report such individuals to the law enforcement agencies for necessary action.

A suggestion to include specific inchoate offences related to the offences created in the Bill is jettisoned as that would amount to surplusage. By reason of subsection (10) of section 25 of the Interpretation Act, 2009 (Act 792), where an enactment creates an offence, an attempt to commit that offence is an offence under the enactment and the attempt is punishable as if the offence itself had been committed. Similarly, sections 20 and 23 of the Criminal Offences Act, 1960 (Act 29) create the offences of abetment and conspiracy in respect of any criminal offence; thus, the provisions should apply in respect of offences under the Bill notwithstanding the fact that the offences are created subsequent to Act 29.

Clause 1 deals with the preliminary provision on application of the Bill. The Bill applies to a person who holds out as a lesbian, a gay, a bisexual, a transgender, a transsexual, a queer, an ally, a pansexual, or 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; a person who is involved in the promotion of, propagation of, advocacy for, support or funding of LGBTTQAP+; 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; and any other person engaged in a sexual activity prohibited under the Bill.

Clause 2 deals with human sexual rights and family values. *Clause 2* imposes a duty on a citizen and in particular, a parent, a guardian, a teacher, a religious instructor, a church, a mosque, other religious organisations and traditional institutions, the three organs of State, the media and creative arts industry, as well as relevant independent constitutional bodies to promote and protect human sexual rights and family values. The *clause* also requires the institutions specified to ensure that the values are integrated into the fabric of national planning and national life and also adapted and developed as an integral part of the growing needs of society.

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Clauses 3 to 8 deal with LGBTTQAP+ and related activities. Clause 3 prohibits a person from engaging in a sexual intercourse with a person of the same sex or with an animal or in a pansexual activity. The clause further prohibits a person from marrying or purporting to marry a person who is of the same sex as that person or holds out as a lesbian, a gay, a bisexual, a transgender, a transsexual, a queer, a pansexual, an ally, a non-binary or any other sexual or gender identity that is contrary to the binary categories of male and female. Furthermore, the clause prohibits a person from knowingly marrying or purporting 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. The clause also prohibits a person from providing or participating in the provision of a surgical procedure for sex or gender reassignment or 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. A person who contravenes clause 3 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 to a term of imprisonment of not less than two months and not more than three years or both.

Clause 4 prohibits a person from using threat, obstruction, deterrence, improper or corrupt means, molestation, intimidation or inducement to procure another person to engage in a sexual activity prohibited under the Bill. The clause further prohibits a person from using false pretence or false representation to procure another person to engage in a sexual activity prohibited under the Bill. A person found culpable under clause 4 commits an offence 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 to a term of imprisonment of not less than three months and not more than three years or to both.

Clause 5 prohibits detention with intent to commit a sexual activity prohibited under the Bill. A person commits an offence and is liable on summary conviction to a term of imprisonment of not less than three months and not more than three years if that person detains another

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person with intent to cause that person to engage in a sexual activity prohibited under the Bill.

Clause 6 also prohibits a person from keeping a movable asset, a room, a house or any other asset for purposes of a sexual activity prohibited under the Bill. The *clause* further prohibits 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 from inducing or knowingly allowing a person to be in or on the movable asset, room, house or any other asset for the purpose of engaging in or promoting sexual activity prohibited under the Bill. A person summarily convicted under *clause 6* and is liable to a term of imprisonment of not less than three years and not more than six years.

Clause 7 prohibits gross indecency. The *clause* interprets gross indecency as a public show of romantic relations between or among persons of the same sex or where one or more of the persons involved have undergone gender or sex reassignment and 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 the Bill. A person engaged in an act under *clause 7* commits an offence and is liable on summary conviction to a term of imprisonment of not less than six months and not more than one year.

Clause 8 provides for void marriage. Under the *clause*, a marriage entered into between persons of the same sex or a person and another person who has undergone gender or sex reassignment is void. Furthermore, a marriage entered into between a person and another 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 is void. A certificate issued by a foreign authority pursuant to a marriage entered into between persons of the same sex or a person and another person who has undergone gender or sex reassignment is unenforceable in Ghana. Moreover, any certificate issued in respect of such marriage is not valid in Ghana. The *clause* prohibits a person in Ghana from administering, witnessing, abetting, solemnising or aiding

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the solemnisation of a marriage or from issuing, aiding or abetting in the procurement of a certificate in respect of a prohibited marriage under the Bill. A person found culpable under *clause 8* commits an offence and is liable on summary conviction to a term of imprisonment of not less than one year and not more than three years.

Clauses 9 to 13 deal with LGBTTQAP+ propaganda, advocacy, support and other promotional activities. *Clause 9* prohibits the use of a medium, technological platform, technological account or the production, procurement, marketing, broadcasting, disseminating, publication or distribution of a material for purposes of promoting an activity prohibited under the Bill. *Clause 9* also prohibits a person from using 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 the Bill. *Clause 9* further prohibits a person from engaging in, participating in, promoting or supporting an act prohibited under the Bill or aimed at changing public opinion towards an act prohibited under the Bill. Furthermore, *clause 9* prohibits a person from offering a premises or any other movable or immovable asset or providing any form of assistance for purposes of promoting an activity prohibited under the Bill. A person summarily convicted under *clause 9* is liable to a term of imprisonment of not less than five years and not more than ten years.

Clause 10 prohibits propaganda of, promotion of and advocacy for activities directed at a child. Thus, a person who, by use of a medium, technological platform, technological account or any other means, produces, procures, markets, broadcasts, disseminates, publishes or distributes a material or information directly or indirectly directed at a child with intent to evoke the interest of the child in an activity prohibited under the Bill, or teach the child to explore any gender or sex other than the binary category of male or female determined at birth commits an offence. Similarly, *clause 10* prohibits the use of 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, directly or indirectly

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directed at a child with intent to evoke the interest of the child in an activity prohibited under the Bill or teach the child to explore any gender or sex other than the binary category of male or female determined at birth. A person convicted under *clause 10* is liable on summary conviction to a term of imprisonment of not less than six years and not more than ten years.

Furthermore, where a person is convicted under *clause 9* or *10*, 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 is deemed to have committed the offence unless it is proved that the owner did not consent to or connive at the commission of the offence and the owner exercised the degree of reasonable diligence as necessary in the circumstances to have been exercised to prevent the commission of the offence. *Clauses 9* and *10* are also intended to prohibit the glamourisation of LGBTTQAP+ lifestyle by the media and creative arts industry in ways that are likely to corrupt public morals, children and the youth.

Clause 11 prohibits funding, sponsorship or promotion of prohibited acts. A person found culpable is liable on summary conviction to a term of imprisonment of not less than three years and not more than five years. In line with subsections (2), (3), (4), (5) and (6) of section 25 of the Interpretation Act, 2009 (Act 792), where a body corporate is convicted or an unincorporated body of persons is convicted, the principal officer or officers of the body of persons should be deemed to have also committed the offence unless it is proved that a principal officer did not consent to or connive at the commission of the offence and a principal officer exercised the degree of reasonable diligence as is necessary in the circumstances to have been exercised to prevent the commission of the offence. This provision recognises and aims at preventing the activities of highly organised and funded movements and groups that collaborate with local organisations, by the use of financial or other forms of support to lure young and destitute Ghanaians into LGBTTQAP+ activities. This also provides a justification for the absence of pecuniary penalties.

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Clause 12 seeks to disband LGBTTQAP+ groups, societies, associations, clubs or organisations existing before the coming into force of the Bill, whose purposes, overtly or covertly, are wholly or in part to promote, facilitate, support or sustain in any way, an act prohibited under the Bill.

Clause 13 also prohibits the formation, organisation, operation or registration of LGBTTQAP+ group, society, association, club or organisation under the Bill. The *clause* further provides that any group, society, association, club or organisation whose purpose is wholly or partly, overtly or covertly to promote, facilitate, support or sustain an act prohibited under the Bill is barred. A person culpable under *clause 13* commits an offence and is liable on summary conviction to a term of imprisonment of not less than three years and not more than five years.

Clauses 14 and *15* deal with the protection and support for children. In *clause 14*, the Court is empowered to refuse an application for an adoption order, whether intercountry adoption or otherwise, where the applicant is a lesbian, a gay, a bisexual, a transgender, a transsexual, a queer, an ally, a pansexual or 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. Similarly, the Department of Social Welfare is empowered in *clause 15* to refuse an application for fosterage where the applicant is a lesbian, a gay, a bisexual, a transgender, a transsexual, a queer, an ally, a pansexual or a non-binary. These provisions manifest the welfare principle underlying the Children's Act, 1998, (Act 560), as specifically provided in section 2 of Act 560, by preventing persons engaged in activities prohibited under the Bill from having custody of and grooming children.

Clause 16 imposes an obligation on a person who has knowledge that an offence is committed under the Bill to 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. A relevant authority other than the police, who receives such a report, is required to lodge a complaint at the nearest police station within three days of receipt of the report. The *clause* further provides that provisions

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of the Criminal Offences Act, 1960 (Act 29) specifically, sections 84, 85, 86 and 87 are to apply to a person who commits an offence by verbally or physically abusing, assaulting or harassing a person accused of an offence under the Bill or a person suffering from any gender or sexual identity challenge including LGBTTQAP+ or any other variant of a sexual identity challenge. A person who is found culpable under *clause 16* commits an offence and is liable on summary conviction to a term of imprisonment of not less than three months and not more than three years.

Clauses 17 to 19 deal with miscellaneous provisions. *Clause 17* empowers the Minister, in consultation with the Ministers responsible for Gender, Children and Social Protection and Health to make Regulations. *Clause 18* is the interpretation *clause*. The *clause* provides for the interpretation of words used in the Bill. *Clause 19* seeks to consequentially amend the Extradition Act, 1960 (Act 22) in the First Schedule to the effect that an offence committed under the Bill is an extraditable offence.

HON. REV. JOHN NTIM FORDJOUR
MP for Assin South Constituency

Date: 4th June, 2025.

HON. SAMUEL NARTEY GEORGE
MP For Ningo Prampram Constituency

Date: 9th June, 2025.

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HON. EMMANUEL KWASI BEDZRAH

MP for Ho West Constituency

Date: 4th June, 2025.

HON. HELEN ADJOA NTOSO

MP for Krachi West Constituency

Date: 4th June, 2025.

HON. NURIDEEN MUHAMMED MUMMUNI

MP or Nalerigu / Gambaga Constituency

Date: 4th June, 2025.

HON. VINCENT EKOW ASSAFUAH

MP for Old Tafo Constituency

Date: 4th June, 2025.

HON. ALHASSAN TAMPULI SULEMANA

MP for Gushegu Constituency

Date: 4th June, 2025.

HUMAN SEXUAL RIGHTS AND FAMILY VALUES BILL, 2025

HON RITA NAA ODOLEY SOWAH

MP for La Dadekotopon Constituency

Date: 4th June, 2025.

HON ABDUL- KARIBU TIAH MAHAMA

MP for Walewale Constituency

Date: 18th June, 2025.

HON ANTHONY MMIEH

MP for Odotobri Constituency

Date: 4th June, 2025.

HUMAN SEXUAL RIGHTS AND FAMILY VALUES BILL, 2025

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Human Sexual Rights and Family Values Bill, 2025

A
BILL

ENTITLED

HUMAN SEXUAL RIGHTS AND FAMILY VALUES ACT, 2025

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

PASSED by Parliament and assented to by the President:

Preliminary Provision

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;
 - (vi) a queer;
 - (vii) an ally;

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- (viii) a pansexual; or
- (ix) 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 specified in section 18 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, human sexual rights and family values:

- (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) an Organ of State and a State institution; and
 - (f) the media and the creative arts industry.
- (3) A person or institution referred to in subsection (2) shall
- (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;

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- (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.

LGBTTQAP+ and Related Activities

Prohibition of LGBTTQAP+ and related activities

3. (1) A person shall not

- (a) engage in a
 - (i) sexual intercourse with a person of the same sex;
 - (ii) sexual intercourse with an animal; or
 - (iii) pansexual activity;
- (b) marry or purport to marry a person who is of the same sex as that person;
- (c) knowingly marry or purport 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) marry or purport to marry an animal or object;
- (e) hold out as
 - (i) a lesbian,
 - (ii) a gay,
 - (iii) a bisexual
 - (iv) a transgender,
 - (v) a transsexual,
 - (vi) a queer,
 - (vii) a pansexual,
 - (viii) an ally,
 - (ix) a non-binary, or
 - (x) any other sexual or gender identity that is contrary to the binary categories of male and female;
- (f) provide or participate 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) undergo
 - (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 contravenes paragraph (a), (b), (c), (d), (e), (f), or (g) of 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 five thousand penalty units or to a term of imprisonment of not less than two months and not more than three years or 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;
- (b) penetrates or stimulates the vagina or anus of a person of the same sex by use of any object or device;
- (c) penetrates the anus, mouth, vagina or other bodily opening of an animal by use of the penis of the person or any other object or device; 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).

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Procuration

4. (1) A person shall not by threat, obstruction, deterrence, improper or corrupt means, molestation, intimidation or inducement, false pretence or false representation procure another person to engage in a sexual act prohibited under 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 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 both.

Detention with intent to commit prohibited sexual activity

5. (1) A person shall not detain another person with intent to cause that other person to engage in a sexual activity prohibited under this Act.

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

Keeping a brothel for a prohibited sexual activity

6. (1) A person shall not keep a movable asset, a room, a house or any other asset for purposes of a sexual activity prohibited under this Act.

(2) A person who

(a) owns or occupies,

(b) manages or controls, or

(c) acts or assists in the management or control of

a movable asset, room, house or any other asset shall not induce or allow another 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.

(3) A person who contravenes subsection (1) or (2) commits an offence 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

7. (1) A person shall not publicly and wilfully undertake a grossly indecent act.

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(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than six months and not more than one year.

- (3) 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) 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

8. (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 shall not

- (a) administer, witness, abet, solemnise or aid in the solemnisation of a marriage under subsection (1); or
- (b) issue or aid or abet in procuring a certificate in respect of a marriage under subsection (1).

(4) A person who contravenes paragraph (a) or (b) of subsection (3) commits an offence 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

9. (1) Subject to the Constitution, a person shall not produce, procure, market, broadcast, disseminate, publish or distribute through

(a) a medium, technological platform, technological account or any other means; or

(b) a film, the internet service, an electronic device or any other device capable of electronic storage or transmission

a material for purposes of promoting an act prohibited under this Act.

(2) A person shall not

(a) promote or support an act prohibited under this Act;

(b) engage in, participate in, promote or support an act aimed at changing public opinion towards an act prohibited under this Act; or

(c) offer premises or any other movable or immovable asset or provide any form of assistance for purposes of promoting an act prohibited under this Act.

(3) A person who contravenes subsection (1) or paragraph (a), (b) or (c) of subsection (2) 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 (3), 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 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 necessary in the circumstances to have been exercised to prevent the commission of the offence.

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(5) Where

- (a) a body corporate is convicted under subsection (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 (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

10. (1) Subject to the Constitution, a person shall not produce, procure, market, broadcast, disseminate, publish or distribute

- (a) through a medium, technological platform, technological account or any other means; or
- (b) through a film, the internet service, an electronic device or any other device capable of electronic storage or transmission a material or information directed at a child whether directly or indirectly with intent to
 - (c) evoke the interest of the child in an act prohibited under this Act; or
 - (d) teach the child to explore any gender or sex other than the binary category of male or female.

(2) A person who contravenes paragraph (a), (b), (c) or (d) 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.

(3) Where a person is convicted under subsection (2), 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 is deemed

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- 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 necessary in the circumstances to have been exercised to prevent the commission of the offence.
- (4) Where
- (a) a body corporate is convicted under subsection (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 (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.
- (5) For purposes of section 9 and this section,
- “electronic device” means a component that is used for controlling the flow of electronic 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 or technological account or any other means and, where the media, 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 acts

11. (1) A person shall not fund, sponsor or promote an act prohibited under this Act.

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

(3) Where

(a) a body corporate is convicted under subsection (2), 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 (2), 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

12. 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

13. (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 a term of imprisonment of not less than three years and not more than five years.

Protection and Support for Children

Prohibition of adoption order for LGBTTTQAP+ persons

14. 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) a queer;
- (g) an ally;
- (h) a pansexual; or
- (i) 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.

Prohibition of grant of fosterage for LGBTTTQAP+ persons

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

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Duty to report

Duty to report and prohibition of extra judicial treatment

16. (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 made at the nearest police station.

(3) A person shall not verbally or physically abuse, assault or harass 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) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a term of imprisonment of not less than three months and not more than three years.

(5) Sections 84 to 87 of the Criminal Offences Act, 1960 (Act 29) apply to this section.

(6) 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

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

- (a) regulate an approved service provider; and

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- (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

18. 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 act prohibited under this Act;
- (b) evoke the interest of a child in an act 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 life long 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 a parent, guardian or teacher to ensure that a child or young person receives 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 a sexual or romantic activity with another man;

"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 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, gender identity, reproductive sexual rights or the promotion of LGBTTQAP+ tendencies and behavioural activities or conduct among children, adolescents and youth; and
- (c) 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;

“intersex” means a person whose sexual anatomy or chromosomes does not fit the traditional markers of “male” or “female” determined at birth;

“lesbian” means a woman who is primarily attracted to women and engages in a sexual or romantic activity with another woman;

“LGBTTQAP+” includes Lesbian, Gay, Bisexual, Transgender, Transsexual, 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 sexes are determined at birth under the Marriages Act 1884-1985 (CAP 127);

“Minister” means the Minister responsible for Culture;

“non-binary” means a sex categorisation other than male and female;

“pansexual” means a person who engages in a sexual or romantic activity with persons of any gender identity or expression including a person who does not fit into the binary sex categorisation of male or female;

“pansexual activity” means a sexual or romantic activity engaged in by a person with another person of any gender identity or expression including a person who does not fit into the binary sex categorisation of male or female;

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- “queer” means an all-inclusive identity of the various identities or variations that constitute the LGBTTQAP+ community;
- “relevant authority” includes a Member of Parliament, a traditional ruler, a religious leader, a member of a District Assembly or a District Chief Executive;
- “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 3 of this Act;
- “transgender” means a person whose gender identity differs from the sex of the person at birth;
- “transsexual” means a person who voluntarily commences or 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

19. 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, 2025 (Act.....).”.

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Date of *Gazette* notification: 10th September, 2025.

