

IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT OF GHANA
ACCRA- AD 2024.

Filed on 5/3/24
1:00 am/pm
Registrar
SUPREME COURT OF GHANA

WRIT TO INVOKE THE ORIGINAL JURISDICTION OF THE SUPREME COURT
ARTICLES 2(1), 12(1) and (2), 15(1), 17(1), 18(2), 21(1)(a), (b), (d), and (e), 33(5),
104(1), 106(2), 108(a)(ii), 130(1) AND 296(a)(b) and (c) OF THE 1992
CONSTITUTION: RULE 45 OF THE SUPREME COURT RULES, 1996 (CI 16)

SUIT NO:
J1/9/2024

BETWEEN

RICHARD SKY
HOUSE NUMBER 3
JASMINE CLOSE
GHS ESTATES
KORLEMAN, GA WEST MUNICIPAL ASSEMBLY
ACCRA

..... PLAINTIFF

AND

1. THE PARLIAMENT OF GHANA
OFFICE OF PARLIAMENT
ACCRA

..... 1ST DEFENDANT

2. THE ATTORNEY-GENERAL
ATTORNEY-GENERAL'S DEPARTMENT
MINISTRY OF JUSTICE
ACCRA

..... 2ND DEFENDANT

IN THE NAME OF THE REPUBLIC, you are hereby commanded within fourteen days after service on you of the statement of the plaintiff's case inclusive of the day of service, that you are to file or cause to be filed for you a statement of the defendant's case in an action of.

RICHARD SKY
HOUSE NUMBER 3
JASMINE CLOSE
GHS ESTATES
KORLEMAN, GA WEST MUNICIPAL ASSEMBLY
ACCRA

The nature of the reliefs sought are as follows:

- i. A declaration that upon the true and proper interpretation of Article 33(5) of the Constitution of 1992, in light of Articles 12(1) and (2), 15(1), 17(1) and (2), 18(2), and 21(1) (a) (b) (d) and (e) of the Constitution, the passage of "The Human Sexual Rights and Family Values Bill, 2024" by Parliament on 28th February 2024 contravened the Constitution and is to that extent null, void, and of no effect.

- ii. A declaration that the Speaker of Parliament contravened **Article 108(a)(ii) of the Constitution**, in light of **Article 296(a)(b) and (c)**, by admitting and allowing Parliament to proceed upon and pass "**The Human Sexual Rights and Family Values Bill, 2024**" into law as the same imposes a charge upon the Consolidated Fund or other public funds of Ghana.
- iii. A declaration that Parliament exceeded its authority under **Articles 106(2) and 108(a)(ii)** in passing "**The Human Sexual Rights and Family Values Bill, 2024**," as the same imposes a charge upon the Consolidated Fund or other public funds of Ghana.
- iv. A declaration that, upon the true and proper interpretation of **Articles 102 and 104(1)** of the Constitution, Parliament lacked the requisite quorum to pass "**The Human Sexual Rights and Family Values Bill, 2024**."
- v. An order restraining the Speaker of Parliament and the Clerk to Parliament from presenting "**The Human and Sexual Values Bill, 2024**" to the President of the Republic for his assent.
- vi. An order restraining the President of the Republic from assenting to "**The Human and Sexual Values Bill, 2024**," as such action will directly contravene the Constitutional safeguards of liberties and rights of Ghanaians.
- vii. An injunction barring any attempts to enforce the provisions of "**The Human Sexual Rights and Family Values Bill 2024**," particularly those criminalising same-sex relationships and related advocacy efforts.
- viii. Such further orders or directions as to this Honourable Court may seem meet.

The capacity in which the plaintiff is bringing the action is as follows:

The Plaintiff, a citizen of Ghana, brings this action pursuant to Article 2 of the 1992 Constitution of the Republic of Ghana, asserting his right to challenge acts deemed unconstitutional.

The address for service of the Plaintiff is as follows:

**HOUSE NUMBER 3
JASMINE CLOSE
ESTATES**

WEST MUNICIPAL ASSEMBLY

The address for service of Counsel for the Plaintiff is as follows:

**LAW ALERT GROUP
HARMONEY HOUSE (2ND FLOOR)
OPPOSITE ST. ANDREW ANGLICAN CHURCH,
ABOSSEY-OKAI, ACCRA**

The names and addresses of persons affected by this writ are as follows:

1. THE PARLIAMENT OF GHANA
OFFICE OF PARLIAMENT
ACCRA
2. THE ATTORNEY-GENERAL,
MINISTRY OF JUSTICE,
MINISTRIES, ACCRA.

DATED THIS 4th DAY OF MARCH, 2024.

.....
C.A CHAMBERS ESQ,
LAWYER FOR PLAINTIFF
LIC NO. GAR 01887/24
CHAMBERS LIC. NO. ePP0891/23
/ A. CHAMBERS ESQ
LAW ALERT GROUP
OPP. ANGLICAN CHURCH
ABOSSEY-OKAI, ACCRA

THE REGISTRAR,
SUPREME COURT,
ACCRA.

AND TO THE ABOVE-NAMED DEFENDANTS.

HUMAN SEXUAL RIGHTS AND FAMILY VALUES ACT, 2024

ARRANGEMENT OF SECTIONS

Preliminary Provision

1. Application

Human Sexual Rights and Family Values

2. Duty to promote human sexual rights and family values
3. Prohibition against subverting family values

LGBTTQAP+ and Related Activities

4. Prohibition of LGBTTQAP+ and related activities
5. Procuration
6. Detention with intent to commit prohibited sexual activity
7. Keeping a brothel for a prohibited sexual activity
8. Prohibition of gross indecency
9. Void marriage

LGBTTQAP+ Propaganda, Advocacy, Support and Other Promotional Activities

10. Prohibition of propaganda of, promotion of and advocacy for activities prohibited under this Act
11. Prohibition of propaganda of, promotion of and advocacy for activities directed at a child
12. Prohibition of funding, sponsorship or promotion of prohibited activities
13. Disbandment of LGBTTQAP+ group, society, association, club or organisation
14. Prohibition of LGBTTQAP+ group, society, association, club or organisation

Protection and Support for Children

15. Prohibition of adoption order for LGBTTQAP+ persons
16. Prohibition of grant of fosterage for LGBTTQAP+ persons

Duty to report

17. Duty to report and prohibition of extra judicial treatment

HUMAN SEXUAL RIGHTS AND FAMILY VALUES ACT, 2024

Miscellaneous Provisions

18. Regulations
19. Interpretation
20. Consequential amendment

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;

- (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 LGBTTTQAP+;
- (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;

HUMAN SEXUAL RIGHTS AND FAMILY VALUES ACT, 2024

ARRANGEMENT OF SECTIONS

Preliminary Provision

1. Application

Human Sexual Rights and Family Values

2. Duty to promote human sexual rights and family values
3. Prohibition against subverting family values

LGBTQAP+ and Related Activities

4. Prohibition of LGBTQAP+ and related activities
5. Procuration
6. Detention with intent to commit prohibited sexual activity
7. Keeping a brothel for a prohibited sexual activity
8. Prohibition of gross indecency
9. Void marriage

LGBTQAP+ Propaganda, Advocacy, Support and Other Promotional Activities

10. Prohibition of propaganda of, promotion of and advocacy for activities prohibited under this Act
11. Prohibition of propaganda of, promotion of and advocacy for activities directed at a child
12. Prohibition of funding, sponsorship or promotion of prohibited activities
13. Disbandment of LGBTQAP+ group, society, association, club or organisation
14. Prohibition of LGBTQAP+ group, society, association, club or organisation

Protection and Support for Children

15. Prohibition of adoption order for LGBTQAP+ persons
16. Prohibition of grant of fosterage for LGBTQAP+ persons

Duty to report

17. Duty to report and prohibition of extra judicial treatment

- (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