

# FACT SHEET



## SEXUAL OFFENCES BILL AND THE LAW

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**This factsheet summarises the provisions in the newly passed Sexual Offences Bill that affect LGBT+ persons in Uganda.**

### **Key facts:**

- Same sex conduct is specifically prohibited.**
- Both “buyers” and “sellers” of sex can be prosecuted.**
- A sex offenders’ register maintained by NIRA has been established.**



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**The Sexual Offences Bill of 2019 was passed by Parliament on May 3, 2021. It consolidated all the provisions in the Penal Code Act that relate to sexual offences as well as updated some of those to reflect current times. Some of the key provisions that are concerning for LGBTI+ persons include:**

**-The clarification of the phrase "against the order of nature" to mean sexual acts between persons of the same gender.**



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**The expansion of criminalization of sex workers to include those who “buy” sex**

**-The inclusion of HIV/AIDS as an aggravating factor for the crimes of rape and aggravated defilement.**

**-The establishment of a Sex Offenders Register, whose record is maintained for the rest of the natural life of the person.**



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### Offence

- **Performing a sexual act contrary to the order of nature. Maximum Penalty: 10 years**
- **Attempt to commit an unnatural offence. Maximum Penalty: 5 years.**
- **Keeping a place for the purpose of prostitution. Maximum Penalty: 7 years.**
- **Engaging in prostitution. Maximum Penalty: 2 years**
- **Engaging in a sexual act with a prostitute. Maximum Penalty: 2 years**

**Penalties**



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**This law is dangerous because it clearly criminalises consensual same sex conduct, which has the effect of further marginalizing LGBTI+ persons in Uganda. Further, the implementation of such a law is likely to be discriminatory against LGBTI+ persons as well as violate their right to privacy.**

**In order to be in line with international human rights standards, as well as guarantee the rights of all Ugandans, the provisions that criminalise adult consensual same sex conduct, sex work, and persons living with HIV/AIDS should be excluded.**



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**Well as, there is no legislation that pronounces Uganda as “a judeo-Christian morality county”, legislators keep refereeing to their religions and appealing to an ambiguous morality when drafting legislation.**

**The result is bills like SOB which dehumanise a section of Ugandans living the on the margins of society like Sex workers, HIV+ persons and LGBT+ persons. Morality isn't a clause or a section in the Ugandan Constitution which is the supreme law of the land.**

