

**Flygtningenævnets baggrundsmateriale**

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|------------------------------------|----------------------------------------------------|
| <b>Bilagsnr.:</b>                  | <b>457</b>                                         |
| Land:                              | Uganda                                             |
| Kilde:                             | Human Rights Watch                                 |
| Titel:                             | Uganda: New Anti-Gay Bill Further Threatens Rights |
| Udgivet:                           | 9. marts 2023                                      |
| Optaget på<br>baggrundsmaterialet: | 26. juni 2023                                      |

# Uganda: New Anti-Gay Bill Further Threatens Rights

Follows Broader Crackdown on LGBT-Rights Groups, Civil Society in General



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*A rainbow LGBT pride flag. © Wikimedia Commons*

(Nairobi) - A bill introduced in [Uganda's Parliament criminalizing](#) same-sex conduct and sexual and gender identity, if adopted, would violate multiple fundamental rights, Human Rights Watch said today. Among others, such a law would violate the rights to freedom of expression and association privacy, equality, and nondiscrimination.

On March 9, 2023, Asuman Basalirwa, a member of parliament, introduced the 2023 Anti-Homosexuality Bill in Parliament. The bill is a revised and more egregious version of [the 2014 Anti-Homosexuality Act](#), which reinforced existing prison sentences for same-sex conduct and outlawed the “promotion of homosexuality,” but was [struck down by a court](#) on procedural grounds.

“One of the most extreme features of this new bill is that it criminalizes people simply for being who they are as well as further infringing on the rights to privacy, and freedoms of expression and association that are already compromised in Uganda,” said [Oryem Nyeko](#), Uganda researcher at Human Rights Watch, “Ugandan politicians should focus on passing laws that protect vulnerable minorities and affirm fundamental rights and stop targeting LGBT people for political capital.”

Like its predecessor, the 2023 Anti-Homosexuality Bill expands on the criminalization of same sex acts, including broad prohibitions on acts such as touching another person “with the intention of committing the act of homosexuality.” People found guilty of the “offense of homosexuality” may be imprisoned for up to 10 years.

But the bill goes much further by also criminalizing any person who “holds out as a lesbian, gay, transgender, a queer, or any other sexual or gender identity that is contrary to the binary categories of male and female,” with a punishment of up to ten years in prison. In addition, the bill makes it a

crime to “purport to contract a marriage with another person of the same sex.” The bill includes a punishment of up to five years in prison for the “promotion of homosexuality.” It also effectively declares all same-sex conduct as nonconsensual.

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Uganda’s penal code already punishes “carnal knowledge against the order of nature,” which is interpreted to mean homosexual relations, with a punishment of life in prison, although the provision, a colonial remnant, is rarely enforced. In [introducing the bill](#), Basaliriwa said its purpose was to “look at this colonial law and have it in tandem with the current situation.”

The reintroduction of the Anti-Homosexuality Bill follows months of hostile rhetoric against sexual and gender minorities by public figures in Uganda, as well as government crackdowns on LGBT-rights groups and other human rights groups, government critics, and civil society.

On August 3, 2022, Uganda’s National Bureau for Nongovernmental Organizations [banned Sexual Minorities Uganda \(SMUG\)](#), a prominent LGBT rights organization, for not having officially registered with it. The government had previously refused to approve SMUG’s name – a requirement to register as a nongovernmental organization – saying that a group that advocates for the rights and well-being of LGBT people is “undesirable and unregistrable.”

A January 2023 [draft report by the bureau](#) identified 26 nongovernmental organizations, including SMUG, that it accused of “promoting homosexuality” and luring schoolchildren into homosexuality through “forced recruitment.” The report recommends barring any groups identified as “promoting LGBTIQ activities” from operating, and suggests that individual activists should be publicly profiled, to prevent them from any further civil society engagement.

On January 25, the parliamentary deputy speaker, Thomas Tayebwa, [urged the Internal Affairs Ministry](#) to investigate the activities of the Human Rights Awareness and Promotion Forum (HRAPF), an LGBT and sex-worker-rights group. [Tayebwa alleged that HRAPF](#) facilitated the passing of a Kasese district bylaw that recognizes the need to protect key populations including gender and sexual minorities from HIV and tuberculosis, in keeping with Uganda’s own health policies to combat HIV/AIDS.

On February 5, Maj. Gen. Francis Takirwa the deputy commander of land forces in the Ugandan military, used the handover of a renovated community health facility to [call for excluding gay people](#) from receiving health services, saying, “Don’t use our health facilities to treat homosexuals.” On February 24, the state minister for sports, Peter Ogwang, called for the introduction of the death penalty for same-sex conduct.

The introduction of the 2023 Anti-Homosexuality Bill is not the first time Parliament has attempted to recriminalize homosexuality since the 2014 Act was struck down. In 2021, Parliament [approved the Sexual Offenses Bill](#), which criminalized any “sexual act between persons of the same gender,” as well as anal sex between people of any gender, with up to 10 years in prison. On August 3, 2021, President Yoweri Museveni rejected the Sexual Offenses Bill and returned it to Parliament, stating that it covered offenses already provided for in the Penal Code.

The continued criminalization of same sex conduct and crackdowns on sexual minorities in Uganda has had far reaching impacts, Human Rights Watch said. Within [five months of the passing of the 2013 Anti-Homosexuality Act](#) LGBT people faced a notable increase in arbitrary arrests, police abuse and extortion, loss of employment, evictions and homelessness, and scores fled the country.

“The Ugandan government’s targeting of a vulnerable minority and distracting attention from a broader clampdown on rights groups is an all too familiar tactic,” said Nyeko, “What the government is attempting should set off alarm bells among civil society groups in Uganda, and in the international community, as it signals increased repression and the stifling of opposition voices and civil society groups across the board.”