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UGANDA

Provisions in force

- **Penal Code** (1950) VI Laws of Uganda, Cap. 120 (rev. ed. 2000).

*Carnal knowledge
against the order of
nature*

Section 145. Unnatural offences.

Any person who:

- (a) has carnal knowledge of any person against the order of nature; [...]
- (c) permits a male person to have carnal knowledge of him or her against the order of nature,

commits an offence and is liable to imprisonment for life.

*Attempted
unnatural offence*

Section 146. Attempt to commit unnatural offences.

Any person who attempts to commit any of the offences specified in section 145 commits a felony and is liable to imprisonment for seven years.

Gross indecency

Section 148. Indecent practices.

Any person who, whether in public or in private, commits any act of gross indecency with another person or procures another person to commit any act of gross indecency with him or her or attempts to procure the commission of any such act by any person with himself or herself or with another person, whether in public or in private, commits an offence and is liable to imprisonment for seven years.

Human rights situation

In July 2015, the Uganda Consortium on Monitoring Violations Based on Sex Determination, Gender Identity and Sexual Orientation published a detailed report on violations based on SOGI in 2014 with targeted recommendations. In September 2016, they produced a report outlining 171 recorded violations in the previous period.

In March 2016, the [Non-Governmental Organisations Act](#) (2016) entered into force. This law impedes the registration of NGOs "where the objectives of the organisation as specified in its constitution are in contravention of the laws of Uganda". Sexual Minorities Uganda's (SMUG)

application for registration was rejected on the ground that its name and objectives were unacceptable because same-sex sexual relations were criminalised in the country.¹

Uganda's openly hostile rhetoric has aggravated discrimination and violence against members of the LGBTI community.² Several cases of people subjected to forced anal examinations to prove engagement in proscribed consensual same-sex acts have been documented.³

While Ugandan human rights activists have been internationally recognised for promoting equality

¹ For more information see "Existing legal challenges" (above) and entry for Uganda under section on "Legal barriers to the registration of sexual orientation-related NGOs" in the *Global Overview* section of this report.

² "Sexual minorities in Uganda: 'modify the law, but also the mentality'" (in French), *RFI Afrique*, 17 May 2017.

³ Human Rights Watch, *Dignity Debased. Forced Anal Examinations in Homosexuality Prosecutions* (2016), 49-56.

as related to SOGI,⁴ there have been threats and violent attacks against NGOs fighting for the rights of LGBTI people in the country,⁵ and some of them have even been forced to temporarily shut down operations.⁶

Plans by NGO Rainbow Riots to open Uganda's first community centre for LGBT persons in 2019 met with public opposition from Ethics and Integrity Minister, Simon Lokodo.⁷ On Lokodo's orders, officials have been banning events thought to be "promoting homosexuality", specifically targeting HIV prevention and response meetings.⁸

In 2016, Pride celebrations were repeatedly and violently disrupted, and activists were arrested.⁹ In 2017, after a Pride gala scheduled to take place at a hotel was shut down and police officers appeared at other venues with the intention of arresting participants, organisers were forced to cancel the event.¹⁰ They explained the decision in these terms: "even all the courage and determination that we carry in our hearts is not enough to put the lives of so many innocent people at risk".¹¹

A few weeks later, the government announced the set up of the Pornography Control Committee, designed to detect and curtail the circulation of pornographic material.¹² Human rights organisations fear it may turn into another vehicle to persecute LGBT groups and communities.¹³

In December 2017, SMUG and Icebreakers Uganda launched the #SeeTheInvisible campaign addressing depression within the LGBTI

community.¹⁴ A report by SMUG highlighting healthcare discrimination faced by sexual and gender minorities in the country was released in June 2018.¹⁵ According to the organisation's Executive Director, Frank Mugisha, the situation is alarming: "[t]he moment you open up to a health worker about your sexual orientation you are immediately frowned upon, asked if you are a Christian and in some instances threatened with arrest or denied services."¹⁶ The report also mentions the growing HIV prevalence among LGBTI people, especially men who have sex with men (MSM).

Statements by public officials

Uganda's President, Yoweri Museveni, 2017: "Africans here, we know a few people who are 'rumoured' to be homosexuals, even in history we had some few being rumoured, but you cannot stand up here and say 'I am a homosexual.' People will not like it. So whenever we talk to our partners in other parts of the world [we say]: 'please that's a private matter, you leave it'. But no, they want to impose it on you... that I should stand up and say, 'oh yeah, homosexuals, oh yeah'".¹⁷

Minister of Health for General Duties Sarah Opendi, 2017: "Homosexuality remains an illegally activity, according to our laws and, therefore [...] we cannot be seen doing the opposite [...] the Global Fund money is supposed to help in the fight against malaria and other diseases not buying lubricants for homosexuals".¹⁸

⁴ "Ugandan Videographer Honoured at Global Innovative Advocacy Summit", *Kuchu Times*, 5 April 2017; "World's Greatest Leaders", *Fortune*, 2017.

⁵ "ILGA and Pan Africa ILGA are among the 31 human rights groups demanding investigations on a series of attacks on Ugandan non-governmental organizations and human rights defenders", *ILGA Website*, 13 June 2016; *Icebreakers Uganda Facebook Page*, 29 March 2017; *DefendDefenders Twitter*, 9 February 2018; "Uganda: Human Rights Group Targeted in Violent Break-In", *Human Rights Watch*, 9 February 2018.

⁶ "Rainbow Mirrors evicted from Bunamwaya Offices", *Kuchu Times*, 25 July 2018.

⁷ "Minister condemns plans for Uganda's first LGBT centre as 'criminal act'", *The Guardian*, 9 October 2018.

⁸ "Uganda: Police Raid Queer Kampala Film Festival", *Human Rights Watch*, 15 December 2017; "Statement on Postponed First Annual Conference on Key and Priority Populations", *Sexual Minorities Uganda Website*, 30 April 2018; "HIV Organizations Decry 'Political Interference' with HIV Response in Uganda", *Sexual Minorities Uganda Website*, 22 November 2018.

⁹ "Pride Uganda raided by police as LGBT activists arrested", *PinkNews*, 4 August 2016; "Ugandan police storm Gay Pride event, arrest at least 15 - activist", *Reuters*, 5 August 2016; "Police Shut Down An LGBT Pride Parade In Uganda Before It Even Began", *BuzzFeed*, 24 September 2016.

¹⁰ "No gay promotion can be allowed: Uganda cancels pride events", *The Guardian*, 21 August 2017.

¹¹ "Statement on cancellation of Pride Uganda 2017", *Kuchu Times*, 16 August 2017.

¹² "Uganda: Government introduces pornography control committee", *Deutsche Welle*, 29 August 2017.

¹³ "Uganda's 'Pornography Control Committee' To Get Away With Tracking LGBT People", *Sexual Minorities Uganda Website*, 28 August 2017.

¹⁴ "SMUG and IBU launch #SeeTheInvisible Campaign", *Kuchu Times*, 8 December 2017; "SMUG & Icebreakers Uganda - Kampala, 2017", *Data4chan Website*.

¹⁵ *Sexual Minorities Uganda, "Even if they spit at you, don't be surprised". Health Care Discrimination for Uganda's Sexual and Gender Minorities* (2018).

¹⁶ "Even If They Spit At You, Don't Be Surprised' 2017 Health Report", *Sexual Minorities Uganda Website*, 27 June 2018.

¹⁷ "President Museveni says West 'imposing' homosexuality on Uganda", *Mambaonline*, 8 August 2017.

¹⁸ "Row erupts over purchase of Shs3b sex lubricants for homosexuals", *Daily Monitor*, 23 April 2017.

Member of Parliament, Latif Ssebagala, 2017: "There is a lot of homosexuality in schools and I think we need to bring back the [Anti-homosexuality] Bill to curb this vice".¹⁹

Minister of Ethics and Integrity, Simon Lokodo, 2017 (variously):

"Homosexuality is not allowed and completely unacceptable in Uganda. [...] We don't and can't allow it. LGBT activities are already banned and criminalised in this country. So popularising it is only committing a crime".²⁰

"It's true I ordered the police to stop and shut down all the gay pride events. No gay gathering and promotion can be allowed in Uganda. We can't tolerate it at all. [...] We know they are trying to recruit and promote homosexuality secretly. But it's worse to attempt to stand and exhibit it in public arena. This is totally unacceptable. Never in Uganda."²¹

"The display, sale and circulation of pornographic images in the print and electronic media is one of the key reasons we have escalating cases of drug abuse among youths, incest, teenage pregnancy and abortion, homosexuality and lesbianism and defilement".²²

"We are going to procure this machine and it will detect 'homos' and porn actors especially those misusing applications like WhatsApp with sex acts. The South Koreans are programming it. And very soon we will ship it into the country and all the evil will be busted".²³

Buhweju County MP Francis Mwijukye, 2018: "We shall continue to fight the LGBT issues on the international level until people here appreciate that same-sex is inhuman and anti-culture".²⁴

Existing legal challenges

Consensual same-sex sexual acts

On 20 December 2013, the Parliament adopted the Anti-Homosexuality Act, which sought to punish same-sex sexual relations with imprisonment for life and prohibited same-sex marriage and "homosexual propaganda". However, on 18 August 2014, the Act was annulled by the Constitutional Court, which ruled that parliament lacked a required quorum when the law was approved, thereby retaining the previous 1950 Penal Code.²⁵

On 29 October 2014, members of Uganda's ruling party circulated a draft of a new bill entitled, "The Prohibition of Promotion of Unnatural Sexual Practices Bill", which was intended to replace the annulled 2013 Act by categorising same-sex sexual acts alongside pedophilia, bestiality and other heinous acts.²⁶ The Human Rights Awareness and Promotion Forum sought a ruling from the East African Court of Justice in February 2015, to clarify that laws such as the Ugandan Anti-homosexuality Act, are unacceptable and violate human rights.²⁷ That Court found that because the law was not enacted, the case was moot, but under a public interest exception the court did not find the evidence sufficient to "...establish the degree of public importance attached to the practice of homosexuality in Uganda....".²⁸

NGO registration

Sexual Minorities Uganda (SMUG) filed an application in the High Court of Uganda challenging Uganda Registration Services Bureau's refusal to reserve the name of the organisation and register it because of its connection with people whose conduct is criminalised in the country.²⁹

¹⁹ "Ethics Minister Lokodo Backs Ugandan Legislator's Call for Anti Homosexuality Bill", *Sexual Minorities Uganda Website*, 20 July 2017.

²⁰ "Minister condemns plans for Uganda's first LGBT centre as 'criminal act'", *The Guardian*, 9 October 2018.

²¹ "No gay promotion can be allowed: Uganda cancels pride events", *The Guardian*, 21 August 2017.

²² "Lokodo appoints committee to fight pornography", *Daily Monitor*, 29 August 2017.

²³ "Uganda's 'Pornography Control Committee' To Get Away With Tracking LGBT People", *Sexual Minorities Uganda Website*, 28 August 2017.

²⁴ "Kadaga rallies IPU legislators to oppose gay debate in Geneva", *The Observer*, 16 October 2018.

²⁵ "Uganda court annuls anti-homosexuality law", *BBC news*, 1 August 2014.

²⁶ *A Bill for an Act Entitled: The Prohibition of Promotion of Unnatural Sexual Practices Bill* (2014).

²⁷ Full text of submission before the Court can be read [here](#).

²⁸ East African Court of Justice, *Reference 6 of 2014: Human Rights Awareness and Promotion Forum v The Attorney General of Uganda*, 27 September 2016.

²⁹ "SMUG v URSB Adjourned to 24th March 2017", *Sexual Minorities Uganda Website*, 17 February 2017; "SMUGVsURSB Returns to High Court on 28th April 2017", *Sexual Minorities Uganda Website*, 24 March 2017; "Sexual Minorities Uganda-SMUG To File Written Submissions On 15th May 2017 in the SMUG v URSB Case", *Sexual Minorities Uganda Website*, 28 April 2017; "Update on SMUG v URSB Court Case", *Sexual Minorities Uganda Website*, 29 May 2017.

Hate speech

In 2012, SMUG sued Scott Lively, a United States-based anti-LGBTI evangelical pastor for his role in the persecution of LGBT people in Uganda.³⁰ On 5 June 2017, U.S. District Court in Springfield, Massachusetts, dismissed the suit on jurisdictional grounds but affirmed that Lively's actions violated international law: "The question before the court is not whether Defendant's actions in aiding and abetting efforts to demonize, intimidate, and injure LGBTI people in Uganda constitute violations of international law. They do. [...]". SMUG's Executive Director Frank Mugisha stated the case was a win for the organisation.³¹ A few days after, an appeal was filed by the Liberty Counsel claiming that the language used by the judge was not necessary to the disposition of the case and was, therefore, seeking to strike it from the record.³² On 10 August 2018, U.S. Court of Appeals for the 1st Circuit denied Lively's attempt to censor the District Court's ruling.

National Human Rights Institution

Uganda's National Human Rights Institution, operating in accordance with the Paris Principles, is the Uganda Human Rights Commission. The NHRI has dealt with SOGIESC issues, as evidenced in its 17th Annual Report.³³

UN voting record

In 2011, Uganda voted against the adoption of Resolution 17/19, the first SOGI resolution adopted by the Human Rights Council, which requested the OHCHR to produce the first report on SOGI.³⁴ Further on, in 2014 and 2016, Uganda was not a member of the Human Rights Council and, therefore, did not participate in the vote for the adoption of the SOGI resolutions adopted in those years.³⁵

At the session of Third Committee of the UN General Assembly held in November 2016, Uganda voted against the LAC amendment to remove Operative Paragraph 2,³⁶ and in favour of the African oral amendment to block the IE SOGI at the UNGA Plenary Session on 19 December 2016.

Additionally, Uganda voted in favour of the amendment which tried to block financial resources allocated to the IE SOGI.

International advocacy and supervision

Universal Periodic Review

In October 2011, at its 1st UPR review, Uganda received 19 recommendations, only three of which it accepted (all to do with prosecution of individuals who perpetrate violence against LGBT people). The rest of the recommendations concerned existing and proposed new legislations.³⁷

At Uganda's 2nd UPR in November 2016, the Draft Report of the Working Group contains 18 sexual orientation recommendations that the State received, asking for concrete measures to tackle the discrimination suffered by the LGBTIQ community and the decriminalization of consensual same-sex sexual relations.³⁸

However, during the Interactive Dialogue the State's formal response appeared to ignore the realities associated with SOGI in Uganda: "All Ugandans were treated equally, without discrimination. Lesbian, gay, bisexual, transgender and intersex persons who were discriminated against in accessing services or in the enjoyment of certain rights could petition the Commission for redress".³⁹ The State noted (functionally rejected) all recommendations on SOGIESC issues.

³⁰ "Sexual Minorities Uganda v. Scott Lively", Center for Constitutional Rights Website.

³¹ "In Scathing Ruling, Court Affirms SMUG's Charges Against U.S. Anti-Gay Extremist Scott Lively While Dismissing on Jurisdictional Ground", Center for Constitutional Rights Website, 6 June 2017.

³² "Pastor Lively Files Challenge to Judge's Prejudicial Language", Liberty Counsel Website, 8 June 2017.

³³ Uganda Human Rights Commission, 17th Annual Report (2014).

³⁴ Human Rights Council, Resolution 17/19: Human rights, sexual orientation and gender identity, A/HRC/RES/17/19, 14 July 2011.

³⁵ Human Rights Council, Resolution 27/32: Human rights, sexual orientation and gender identity, A/HRC/RES/27/32, 2 October 2014. Human Rights Council, Resolution 32/2: Protection against violence and discrimination based on sexual orientation and gender identity, A/HRC/RES/32/2, 15 July 2016.

³⁶ Operative Paragraph 2 was an attempt by the Africa Group to defer consideration and action on HRC Resolution 32/2 under the pretext that further consultations were needed to determine the legal basis upon which the IE SOGI would operate on. For more information, see: Out Right, ISHR, ILGA and ARC International, *Defending the independent expert on protection against violence and discrimination based on sexual orientation and gender identity at the 71st Session of the United Nations General Assembly* (2017), 4.

³⁷ Report of the Working Group on the Universal Periodic Review Uganda, A/HRC/19/16, 22 December 2011.

³⁸ Report of the Working Group on the Universal Periodic Review: Uganda, A/HRC/34/10, 27 December 2016.

³⁹ Report of the Working Group on the Universal Periodic Review: Uganda, A/HRC/34/10, 27 December 2016, para. 56.

Treaty Bodies

In November 2010, the **Committee on the Elimination of Discrimination against Women (CEDAW)** expressed its concern about the criminalisation of consensual same-sex sexual acts and reported violence against women on account of their sexual orientation and gender identity, particularly in employment, health care and education, and it addressed the negative effects of the proposed Anti-Homosexuality Bill.⁴⁰ It called on Uganda to decriminalise, oppose the [then] Bill, and provide effective protection from violence and discrimination against women based on SOGI, and sensitising public, law enforcement and others.⁴¹

In May 2016, the Committee overseeing the **Convention of the Rights of Persons with Disabilities** noted “the absence of concrete measures to prevent and eradicate discrimination against women and girls with disabilities... especially on the grounds of sexual orientation and gender identity.”⁴²

In 2015, the **Committee on Economic, Social and Cultural Rights** called for Uganda to urgently take steps to amend the Penal Code to decriminalize consensual same-sex sexual conduct”, as well as to prevent discrimination against LGBTs [sic] and “bring perpetrators to justice”.⁴³

Special procedures

In February 2011, various mandates⁴⁴ were informed about the alleged murder of LGBTI activist David Kato in late January.⁴⁵

In March 2012, several mandates⁴⁶ received a report concerning the re-tabling of the Anti-Homosexuality Bill (AHB),⁴⁷ and in February 2013 some of those mandates⁴⁸ were presented with concerns over the proposed Bill in the parliamentary agenda.⁴⁹

In February 2014, various mandates⁵⁰ were informed⁵¹ of the alleged passing by Parliament of a revised version of the AHB on 20 December 2013. In June 2012, three mandates⁵² had been provided with information on the reported disruption of a workshop for LGBTI human rights defenders by the police.⁵³

In August 2016, a number of mandates⁵⁴ received a report⁵⁵ about police raids, arrests of human rights defenders and assault of many participants during that year’s Uganda Pride celebration.

⁴⁰ *Concluding observations of the Committee on the Elimination of Discrimination against Women: Uganda*, CEDAW/C/UGA/CO/7, 5 November 2010, para. 43.

⁴¹ *Id.*, para. 44.

⁴² *Concluding observations on the initial report of Uganda*, CRPD/C/UGA/CO/1, 12 May 2016.

⁴³ *Concluding observations on the initial report of Uganda*, E/C.12/UGA/CO/1, 8 July 2015.

⁴⁴ Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

⁴⁵ For more information, see: UGA 1/2011, 1 February 2011.

⁴⁶ Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Working Group on Arbitrary Detention.

⁴⁷ For more information, see: UGA 2/2012, 29 March 2012

⁴⁸ Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders.

⁴⁹ For more information, see: UGA 6/2012, 21 February 2013.

⁵⁰ Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders.

⁵¹ For more information, see: UGA 1/2014, 3 February 2014.

⁵² Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association.

⁵³ For more information, see: UGA 5/2012, 25 June 2012

⁵⁴ Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

⁵⁵ For more information, see: UGA 6/2016, 29 August 2016.