Uganda passes bill criminalising same-sex relationships and sex work

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By Samuel Okiror

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The Ugandan parliament has passed a controversial sexual offences bill which further criminalises same-sex relationships and sex work.

The laws were passed by MPs this week, reiterating sections of legislation first enforced in the country by British colonial rule. They condemn same-sex couples who perform acts deemed against the “order of nature” to 10 years’ imprisonment.

The legislation consolidates previous rulings around [child marriage](https://www.theguardian.com/society/child-marriage) and rape, and criminalises incest, sexual harassment, sex tourism and indecent communication.

“This bill consolidates all laws relating to sexual offences in Uganda. We are hoping that the bill is going to help us in the prevention of sexual violence, enhance punishment for sexual offenders and protection of victims during trials,” Monicah Amoding, the MP who proposed the bill, said. She defended the legal discrimination as supporting “societal values”.

“We are not yet ready for those [homosexual] rights. Maybe in future, as of now our society still views relationships, sex and marriage … as between a man and woman,” said Amoding.

“Those who are criticising us should wait for Uganda to grow up in that area. Our society hasn’t come of age to appreciate those rights that some parts of the world want us to do.”

But there was anger from activists. Frank Mugisha, director at [Sexual Minorities Uganda](https://sexualminoritiesuganda.com/) said: “It is unfortunate that the parliament of Uganda is obsessed with legislating around people’s private lives. Such legislation is very hard to enforce. This will only increase the vulnerability of LGBT persons,” he said.

“This is yet another law that will be used by law enforcers to harass, blackmail and arrest LGBT persons. I also do not see the need, since same-sex relations are already criminalised in our penal code.”

The bill has been pending for more than a decade. In 2014, an attempt to make some homosexual acts punishable by death was [declared “null and void”](https://www.theguardian.com/world/2014/aug/01/uganda-anti-gay-law-null-and-void) by a constitutional court.

Trisha Mugerwa, one of the feminist activists who had been working on drafting the bill with the Uganda Women’s Parliamentary Forum, said: “Sadly, the bill gave and took away some. It’s one step forward, two steps backward.

“I am a feminist. We are happy and celebrate the efforts of everyone to ensure we have a gender responsive bill in the country. We have been struggling with it. We hoped it would provide a response to sexual offences which aren’t recognised in the penal code.

“It really gives us a basis through which we can now handle sexual offences in Uganda. We have now sexual harassments, cyber harassment, rape and aggravating factors being well defined.”

But she said the law, which now awaits the presidential assent, gave to one group of women and then oppressed another – lesbians and sex workers – and that she was disappointed MPs had removed clauses.

“It’s still dangerous. It’s a direct attack for people who are practising same-sex relationships and sexual minority groups,” said Mugerwa.

“It’s intrusive when it comes to women and persons practising sex work. We have been advocating for decriminalisation of the sex industry, and opting for regulation. So it’s a discussion that is still going and will take some time for us to get where we want to be.”

Campaigners expressed disappointment over MPs striking out progressive clauses, such as consent being required for a sexual act, which Joan Anena, project officer at Refugee Law Project, Makerere University, said was “key in elimination of sexual violence”.

“It provides a right to informed consent and to step out of any sexual activities that kill a person’s dignity and self-respect,” she said.

In a tweet, Sarah Kasande, a Kampala-based lawyer, said: “It is a discriminatory and regressive piece of legislation. It smuggles back provisions of the nullified Anti-Homosexuality Act and entrenches the criminalisation of sex work.

“The dunderheads [@Parliament\_Ug](https://twitter.com/Parliament_Ug) are too obtuse to realise the irony of deleting a critical provision on consent from sexual offences legislation,” she said. “By omitting this provision our good MPs sanctioned rape.”

In 2018, the then British prime minister, Theresa May, apologised for the [UK’s role in criminalising same-sex relations](https://www.theguardian.com/world/2018/apr/17/theresa-may-deeply-regrets-britain-legacy-anti-gay-laws-commonwealth-nations-urged-overhaul-legislation) in former colonies. Anti-gay laws passed under British rule are still used in 37 of the Commonwealth’s 53 member nations. The laws were “wrong then and wrong now” she said.