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Second UA: 48/23 Index: AFR 59/7260/2023 Uganda of October 02, 2023

UGANDA REPEAL ANTI-HOMOSEXUALITY ACT & ENSURE ACCOUNTABILITY

On May 26, the Ugandan President assented to the Anti-Homosexuality Bill 2023. The Act criminalizes same-sex conduct between consenting adults and has retained the death penalty in cases of “aggravated homosexuality”. Since the passing of the Act, increasing cases of violence and human violations against the LGBTI people in Uganda have been documented. The Government of Uganda must repeal the Anti-Homosexuality Act 2023 and ensure accountability for the attacks against the LGBTI community.

Write to the Ugandan President urging him and the Parliament of Uganda to:

- Immediately repeal the 2023 Anti-Homosexuality Act and take steps to protect the human rights of all individuals, regardless of their sexual orientation or gender identity.
- Promptly and impartially investigate and prosecute all hate-based attacks against LGBTI individuals and organizations.
- To stop prosecuting people based on their real or perceived sexual orientation or gender identity.

Write to:

President Yoweri Museveni
Parliament Avenue
Kampala, Uganda
Email: info@statehouse.go.ug
Twitter: @kagutamuseveni Copies to: Parliament of Uganda
Email: cpa@parliament.go.ug
Salutation: Your Excellency:

And copy:

Her Excellency Joy Ruth ACHENG
High Commissioner
High Commission for the Republic of Uganda
350 Sparks Street, Suite 601
Ottawa, ON K1R 7S8
Tel: (613) 789-7797 Fax: (613) 789-8909
Email: ottawa@mofa.go.ug

ADDITIONAL INFORMATION

The Anti-Homosexuality Act 2023 (AHA 2023) is not the first time the Ugandan government has attempted to criminalize homosexuality. Since the striking-down of Uganda’s Anti-Homosexuality Act in 2014, there have been repeated efforts to proscribe homosexuality including in 2021 with 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 a penalty of up to 10 years in prison. AHA 2023 is one of the most extreme anti-LGBTI laws in the world as it broadens penalties and appears to be the first to outlaw anyone identifying as LGBTI.

Since the passing of the Act in May, there has been an increase in hatred, discrimination, and violence against individuals because of their sexual orientation or gender identity.

The Human Rights Awareness and Promotion Forum (HRAPF) based in Uganda has recorded a total of 149 cases in [June and July 2023](#). The cases involve sexuality related cases, evictions from homes, villages and rented homes, and actual or threatened violence. To date, at least five people had been charged with different offences under the Act. Two of the five were charged in August with “aggravated homosexuality”, which carries the death penalty.

The Anti-Homosexuality Act is in violation of Uganda’s obligations under both national and international law, including Chapter 4 of the Constitution of Uganda which protects the rights to equality and non-discrimination, protection of personal liberty, protection from cruel or degrading treatment, and privacy. The Act further violates provisions of the African Charter on Human and People’s Rights (the African Charter), prohibiting discrimination, cruel or degrading treatment, and prohibition of arbitrary arrests.

The Act also violates various provisions of the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights. The UDHR protects everyone’s right to express themselves freely, and the right to equality and non-discrimination. Like the African Charter, the UDHR prohibits torture or cruel, inhuman, or degrading treatment or punishment, arbitrary arrest, detention, or exile, arbitrary interference with a person’s privacy, family, home, or correspondence. The ICCPR has similar provisions in its articles 2, 7, 9 and 17.