



UGANDA NETWORK OF SEX WORKER – LED ORGANIZATIONS

STATEMENT ON PASSING OF SEXUAL OFFENCES BILL 2021

On 3rd May 2021 the Parliament of Uganda passed the Sexual Offences Bill, 2021, which is now awaiting presidential assent. In 2015, the Sexual Offences Bill was first presented in parliament by Hon Monica Amoding Kumi Municipality MP under the umbrella of the Uganda Women Parliamentary Association (UWOPA) as a private member's bill. The bill was intended to address the successful prevention of sexual violence; to provide for enhanced punishment for sexual offenders; to provide for the protection of victims during trial of sexual offences; to provide for extra territorial application of the law on sexual offences, consequentially repeal some provisions of the Penal Code Act, Cap. 120 and for other related matter. Since 2015, the bill intends to replace the ancient law /or Penal code Act which criminalizes and penalizes sex work and same sex acts.

Uganda Network of sex worker -led organizations [UNESO] is an umbrella that brings together sex worker-led organizations across Uganda to form a collective voice that enables sex workers to advocate for their rights. As UNESO, we are concerned on the Presumptive section 14, 15 and 16 of the Act that criminalize operating of brothels, engaging in prostitution and engaging in a sexual act with a prostitute respectively. Presumptive section 16 criminalizes the buying of sex from sex workers. The Bill had proposed that the provisions on sex work in the Penal Code be repealed.

These are new provisions recommended by the committee that reintroduce and redefine provisions of the Penal Code criminalizing sex work.

Committee recommendations

- The proposal to delete clauses 132 138 and 139 be rejected since they are still good law.
- The offence of prostitution should be maintained on the law book save that it should be expanded to attach criminal liability to a person who pays for sexual services.
- Expand the definition of the word "prostitute" to include persons who have engaged in sexual conduct for money or other monetary gain.

We are also concerned Clause 13 Presumptive section 13. criminalises 'carnal knowledge against the order of nature' and defines it thus: penetrates another person's anus with his or her sexual organ; allows another person to penetrate his or her anus with that other person's sexual organ; penetrates or allows another person to penetrate his or *her or that other person's sexual organ or* anus with an object or performs a sexual act with a person of the same gender.

The bill is to fuel the continued violations, stigma and discrimination of sex workers in their diversity. Continued criminalization of sex work will also discourages sex workers' access to the necessary HIV/AIDS information as they stay in hiding. Criminalization also discourages service providers from providing the necessary HIV/AIDS services for fear of contravening the law.

The Bill also goes against the right and protection of minorities as stipulated in the Constitution of the Republic of Uganda under Article 21 on Right to Equality and Non-discrimination as enjoyed by ALL Ugandans.

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With the passing of the sexual offenses bill, it is certain that it will deliberately be used against sex workers in their diversity including LGBTIQ sex workers. As if the penal code act was not enough to cause prolonged negative effects on the sex workers, the passed sexual offenses bill will definitely lead to increased human rights violations against sex workers in their diversity including disempowering sex workers of their sexual consent rights, limiting voluntary access and utilization of health services, HIV and AIDS services while it also attacks the clients of sex workers, rendering sex workers jobless hence lack of income for sex workers.

It is of a common knowledge that new laws normally attracts and speaks to intense enforcement just like the previous anti-pornography act which attracted mob justice including undressing women on streets who were assumed to be putting on mini dresses and unlawful arrests and, so the case may not be different from this sexual offenses bill now passed thus causing a bigger threat to the sex workers in their diversity, human rights defenders and organisations that works to advocate for the rights of sex workers in all their diversity.

Call for Action

- ❖ We urge the president of Uganda to task parliament to re-review provisions of the Bill that will fuel Human Rights violations, impede, and undermined the registered gains in the fight against HIV/AIDs.
- ❖ We recommend the Civil Society in Uganda and members of the public to call upon the legislative body to reevaluate and amend provision of the Bill that fall short of a good conscience, endangers lives of sections of Ugandans, retards the country’s progress towards the achievement of Agenda 2030, increase disunity and propel unreasonable criminal harassment and persecutions.
- ❖ We call upon the Uganda Equal Opportunities Commission to seriously pursue the Constitutionality of sections of the Sexual Offenses Bill that impinge on the equality of ALL Ugandans as stipulated by the Equal Opportunities Commission Act.

