Draft of 29th October, 2014

THE PROHIBITION OF PROMOTION OF UNNATURAL SEXUAL PRACTICES BILL, 2014

ARRANGEMENT OF CLAUSES

Clause

1. Interpretation.
2. Prohibition of promotion of unnatural sexual practices.
3. Funding for purposes of promoting unnatural sexual practices.
4. Exhibiting unnatural sexual practices.
5. Trafficking in persons.
6. Inducement with intent to engage in unnatural sexual practices.
7. Adoption, custody, guardianship and fostering.
8. Consent not a defence.

https://html1-f.scribdassets.com/3xvby3vg3k453ajb/images/1-4784e29f6a.jpg 25-11-2014

A Bill for an Act

ENTITLED

THE PROHIBITION OF PROMOTION OF UNNATURAL SEXUAL PRACTICES BILL, 2014

An Act to prohibit the promotion of unnatural sexual practices; to criminalise funding for purposes of promoting unnatural sexual practices; to make it an offence to exhibit unnatural sexual practices; to criminalise inducement with intent to engage in unnatural sexual practices, and for other related matters.

BE IT ENACTED by Parliament as follows-

1. **Interpretation**

In this Act, unless the context otherwise requires-

"inducement" means the act or process of enticing or persuading another person to engage in unnatural sexual practices in exchange for a benefit or advantage, whether or not the act or process of enticing or persuading is by means of misrepresentation of truth, concealment of a material fact or conduct;

"promotion" means recruiting, encouraging, soliciting, or inciting a person to engage in unnatural sexual practices by providing premises, distributing textual or visual material or any other means to interest a person in unnatural sexual practices;

"sexual act" means -

(a) the penetration of the vagina, mouth or anus, however slight, of any person, by a sexual organ;

(b) the unlawful use of any object or organ by a person on another persons sexual organ;

"sexual organ" means vagina or penis;

"transsexual" means a person born with the physical characteristics of one sex but who has undergone or is preparing to undergo sex- change surgery;

"unnatural sexual practice" means a sexual act between persons of the same sex, or with or between transsexual person, a sexual act with an animal, and anal sex, within the meaning of section 145 of the Penal Code Act; and

"vulnerable persons" includes persons with disabilities, children and the elderly.

https://html2-f.scribdassets.com/3xvby3vg3k453ajb/images/2-b1ffe9d315.jpg 25-11-2014

2. Prohibition of promotion of unnatural sexual practices.

(1) A person shall not promote or aid or abet the promotion of the performance of unnatural sexual practices.

(2) A person who-

(a) advertises, publishes, prints, broadcasts, distributes or causes the advertisement, publication, printing, broadcasting or distribution of any document or information intended or likely to facilitate engaging in unnatural sexual practices;

(b) participates in producing, procuring, marketing, broadcasting, disseminating or publishing materials for the purposes of promoting the performance of unnatural sexual practices;

(c) leases or subleases, uses or allows to be used any premises for the purpose of engaging in unnatural sexual practices;

(d) uses information technology; including the internet, films or mobile phones for purpose of promoting unnatural sexual practices;

(e) introduces or matches any person to another for purposes of engaging in unnatural sexual practices;

(f) confines a person for purposes of engaging that person in the promotion of unnatural sexual practices;

(g) adopts or facilitates the adoption of a child for purposes of engaging that child in unnatural sexual practices;

(h) attempts to solemnize or solemnize a same sex marriage; or

(i) recruits, transports, transfers, harbors, provides or receives a person for domestic or overseas employment or training or apprenticeship with the intention of introducing that person to unnatural sexual practices;

commits the offence of promotion of unnatural sexual practices and is liable on conviction to imprisonment not exceeding seven years.

(3) A person who acts as an accomplice or attempts to promote or in any way aids or abets the promotion of the performance of unnatural sexual practices, commits an offence and is liable on conviction to imprisonment not exceeding five years and on a subsequent conviction for the same offence, is liable to imprisonment not exceeding seven years.

3. Funding for purposes of promoting unnatural sexual practices.

A person who funds or sponsors another person with intent to promote unnatural sexual practice commits an offence and is liable on conviction to imprisonment not exceeding seven years.

https://html2-f.scribdassets.com/3xvby3vg3k453ajb/images/3-e2b4270603.jpg 25-11-2014

4. Exhibiting unnatural sexual practices.

A person who makes a representation through publication, exhibition, cinematography, information technology or by whatever means, of a person engaged in real or fictitious unnatural sexual practices commits an offence and is liable on conviction to imprisonment not exceeding seven years.

5. Trafficking in persons for unnatural sexual practices.

(1) A person who -

(a) recruits, transports, transfers, harbours, hires, maintains, confines, or receives a person, by means of threat or use of force or other form of coercion; or

(b) by abduction, fraud, deception, abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of promoting or engaging in unnatural sexual practices;

commits an offence and is liable on conviction to imprisonment not exceeding fifteen years.

6. Inducement with intent to engage in unnatural sexual practices.

(1) A person who induces another person by false pretences or other fraudulent means to engage in unnatural sexual practices commits an offence and is liable on conviction to imprisonment not exceeding seven years.

(2) A person commits the offence of aggravated inducement with intent to engage in unnatural sexual practices where—

(c) he or she adopts, is a guardian or fosters a child for the purpose of engaging the child in unnatural sexual practices;

(d) the offender is engaged in organizing, directing or protecting vulnerable persons in society; or

(e) the offender is a person exercising authority over the victim;

and is liable on conviction to imprisonment not exceeding ten years.

7. Adoption, custody, guardianship and fostering.

A person convicted of an offence under this Act is ineligible to apply for adoption, custody, guardianship or fostering of a child in Uganda.

8. Consent not a defense.

The consent of a person or, in the case of a child, the consent of a parent or guardian is not a defense to an offence under this Act.

https://html1-f.scribdassets.com/3xvby3vg3k453ajb/images/4-41e53aedd7.jpg 25-11-2014

Cross References.

The Penal Code Act, Cap 120.