

Ugandan court upholds anti-LGBTQ law but says some rights infringed

By Reuters

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Activists say the law has unleashed a torrent of abuse against LGBTQ people, including torture, rape, arrest and eviction.

"We decline to nullify the Anti-Homosexuality Act 2023 in its entirety, neither will we grant a permanent injunction against its enforcement," said lead judge Richard Buteera, reading the judgment on behalf of his four colleagues.

However, the court struck down certain sections it said were "inconsistent with right to health, privacy and freedom of religion".

The portions of the act that were voided had criminalised the letting of premises for use for homosexual acts and failure to report homosexual acts.

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Under the Anti-Homosexuality Act, citizens had an obligation to report anyone they suspected of engaging in homosexuality. This requirement violated individual rights, the court found.


The government will now have to remove these sections from the law, Edward Ssemambo, a human

rights lawyer representing the petitioners, told Reuters.

When the law was enacted in May 2023 the World Bank halted new lending to Uganda, and the United States announced visa and travel restrictions against Ugandan officials.

The legislation imposes penalties of up to life imprisonment for consensual same-sex relations and contains provisions that make "aggravated homosexuality" an offence punishable by death.



[1/7] A panel of five Constitutional Court Judges of Uganda led by the Deputy Chief Justice of Uganda Richard Buteera read their joint judgement at the Constitutional Court, where the Court upheld the anti-LGBTQ Law in Kampala, Uganda April 3, 2024. REUTERS/Abubaker Lubowa [Purchase Licensing Rights](#) 



It also bans promotion of homosexuality and violations are punishable by up to 20 years in jail.

Petitioners against the law include a lawmaker and [Frank Mugisha](#), Uganda's most prominent LGBTQ activist. They asked judges to strike the law down, saying it violated their constitutional rights.

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"The judges are supposed to... protect vulnerable groups, but they have rather sided with majority Ugandans to punish minority groups," Mugisha told Reuters.

The petitioners would appeal the ruling to the Supreme Court, he said.

White House spokeswoman Karine Jean-Pierre called the court's decision "a small and insufficient step towards safeguarding human rights" and vowed to continue to advance respect for human rights in Uganda and elsewhere.

"The United States is deeply concerned about the remaining provisions, which undermine public health, human rights and Uganda's international reputation," Jean Pierre, the first openly gay White House press secretary, told a news briefing.

"No one should have to live in constant fear, nor be subjected to violence or discrimination. It is wrong."

The United Nations High Commissioner for Human Rights, Volker Türk, said close to 600 people are reported to have been subjected to human rights violations and abuses based on their actual or imputed sexual orientation or gender identity since the act was enacted last May.

"It must be repealed in its entirety or unfortunately this number will only rise," he said in a statement.

The ruling is part of a growing anti-gay crackdown across Africa. [Ghana](#) passed stringent anti-gay legislation in February, intensifying restrictions on the rights of LGBTQ people.

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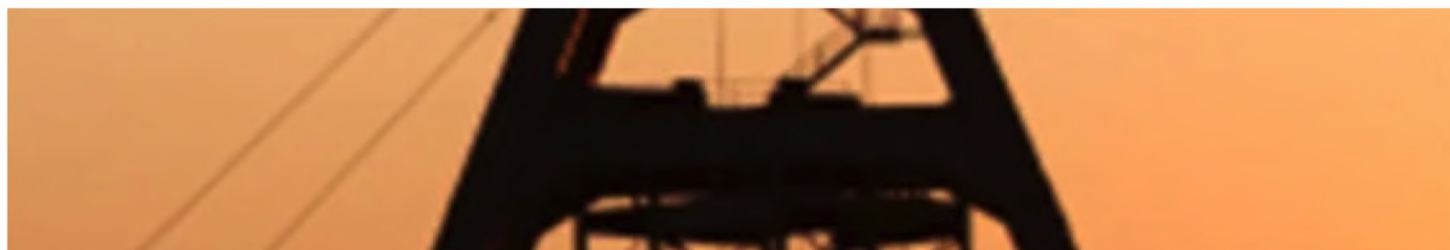
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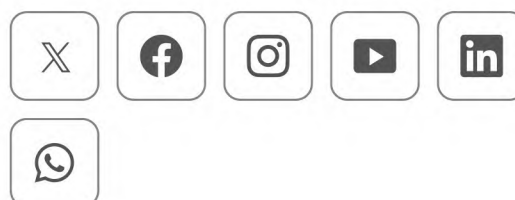
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