HRAPF
HUMAN RIGHTS AWARENESS AND PROMOTION FORUM

THE ENFORCEMENT OF THE CRIMINAL PROVISIONS OF THE ANTI-HOMOSEXUALITY ACT, CAP 117:

TRENDS AND HUMAN RIGHTS IMPLICATIONS

RESEARCH BRIEF

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1. INTRODUCTION

The Anti-Homosexuality Act Cap 117 (AHA) was passed in May 2023 to prohibit and criminalise same-sex sexual relations in Uganda. Previously, people suspected of homosexuality related offences could be charged with having carnal knowledge against the order of nature under the Penal Code Act, but this criminalisation was expanded exponentially by Parliament through the enactment of a law that has been described as one of the harshest anti-gay laws in the world.[1] The AHA not only punishes same-sex sexual relations, but also prohibits any kind of support towards members of the LGBTIQ+ community through imposing sanctions for 'promotion of homosexuality,'[2] among other equally problematic provisions.[3] As a result of the enactment of the law, there have been multiple arrests of people suspected of such offences related to same-sex sexual conduct under both the AHA and the Penal Code Act, Cap 128, which retained provisions criminalising 'carnal knowledge against the order of nature.'[4]

This study used data from HRAPF's legal aid network to analyse the trends of arrest, prosecution, convictions/acquittals since the AHA came into force on 30th May 2023 until 31st December 2025, and to inquire into the human rights violations that the persons arrested so far have faced. The study covers only cases involving consensual same-sex relations. It therefore excludes cases involving minors, rape and other forms of nonconsensual same-sex relations. According to HRAPF's Legal Aid Policy, the organisation does not handle cases involving non-consensual sexual activity, including acts involving minors and rape. This is because such cases involve truly criminal conduct that causes harm to the victims and which is therefore rightfully criminalised, unlike consensual sexual activity between adults, regardless of their sexual orientation or gender identity.

1. International IDEA, 'The Colonial Legacy of Homophobia in Modern-day Uganda.' 22nd July, 2024, https://www.idea.int, (Accessed on 7th February, 2026).
2. Section 11, Anti-Homosexuality Act, Cap 117.
3. Human Rights Awareness and Promotion Forum (HRAPF) 'A legal and human rights analysis of the amendments to the Anti-Homosexuality Bill, 2023' 3rd May 2026 https://hrapf.org/mdocs-posts/hrapfs-analysis-of-the-changes-to-the-anti-homosexuality-bill-2023/ together with 'A legal and human rights analysis of the Anti-Homosexuality Bill, 2023 as enacted by Parliament' 29th March 2023 https://hrapf.org/mdocs-posts/hrapfs-legal-and-human-rights-analysis-of-the-anti-homosexuality-bill-2023-as-enacted-by-parliament-of-uganda/ (accessed 7th February 2026).
4 Erasing 76 Crimes, 'Anti-LGBTIQ+ arrests rising in Uganda,' 19 February 2025. https://76crimes.com, accessed on 6th February, 2026.

2. KEY FINDINGS

This study reports on 134 cases of sexuality-related arrests handled by HRAPF in the period between May 2023 to December 2025. A total of 165 case files from HRAPF's legal aid network were reviewed for purposes of this study, but 31 case files were excluded from this report because, in 16 of the cases, the sexual acts complained of involved minors and other non-consensual acts in which HRAPF initially intervened but later withdrew support after establishing the apparent nature of the facts; 13 of the excluded cases were out of the study period; and in 2 cases, the threatened arrests never materialised.

2.1. Trends in Arrests

The cases of arrest recorded by HRAPF reveal the following trends:

Number of arrests

There were 134 cases of arrests involving 257 individuals within the period from 30th May 2023 to 31st December 2025 for homosexuality and related offences involving consensual same-sex relations. Arrests for homosexuality and related offences became more common in Uganda following the enactment of the AHA, and a possible explanation for this is that the AHA created an environment that normalised police harassment of suspected LGBTIQ+ persons and the accompanying arbitrary arrests.

A HRAPF legal aid lawyer commented that,

> ***'Before the AHA, we were getting a few [cases] because remember that time we were working under the Penal Code. There were a few incidents where people would be arrested and of course it would be sensational and everything. But with the AHA, I feel like the arrests are more, that's for sure. It's more normalized, it's only rare incidents that it is sensationalised.'***[5]

In terms of victims, the 134 arrests affected a total of 257 victims from different districts of Uganda - 136 persons from Wakiso; 73 from Kampala, 12 from Busia; 4 each from Buikwe and Jinja; 3 each from Soroti, Mbarara and Kasese; 2 each from Kyegegwa, Tororo, Moroto, Mukono, Arua and Masaka, while 1 person was arrested from each of the districts of Kabarole (Fort Portal City), Nakasongola, Gulu, Dokolo, Abim, Hoima and Kayunga.

5. Interview with KII 01 on 2nd April, 2026

Reasons for arrest

Of the 134 cases reviewed for purposes of this study, 81 involved allegations directly derived from offences codified in the AHA while in the others, the holding charges were preferred under other laws. Homosexuality was the most common reason, followed by promotion of homosexuality and unnatural offences/ having carnal knowledge against the order of nature under the Penal Code Act.

The offence of 'homosexuality' was by far the leading reason given at arrest in 71 cases (52.9%). This was followed by the offence of 'promotion of homosexuality' with 11 cases (8.2%), and 'Unnatural offences' came third with 9 cases. This shows that although the police clearly prefer charging persons under the Anti-Homosexuality Act, the Penal Code provisions still come in handy.

There were 6 cases where no formal charge was preferred against the arrested persons, and interestingly, 'sodomy', which is not formally an offence under any laws of Uganda, also came in among the charges with 3 cases out of 134 (2.2%).

Motivations for the arrests

All the cases reported involved mere suspicion of the victims' sexual orientation or gender identity, rather than reasonable suspicion of engaging in a specific prohibited act. The reported arrests were mostly based on complaints from community members, and sometimes on the volition of the individual police officers conducting the arrests. A key feature of these arrests was that, in the case of a community complaint, the police would simply conduct arrests without any effort to investigate the allegations and get a more complete picture. For arrests conducted on the Police's own volition, the major motivation was extortion. One of the respondents mentioned that, in order to be released, they paid UGX 5,000,000 (1,350USD), negotiated downwards from the UGX 15,000,000 (4,050 USD) that the police officers had asked for.[6]

Several cases were reported where police officers engaged in entrapment, which involved police officers getting on gay dating sites or apps, posing as available or interested in dating/ sexual encounters and then luring the unsuspecting victims into physical meetings which resulted in arrest.

Of the 134 cases reviewed for this study, there were 18 recorded incidents of entrapment by police officers through dating sites and apps ordinarily used by queer persons.

6. Interview with IDI 15 on 1st April, 2026.

Arrest of victims of violence instead of offenders

HRAPF recorded 6 incidents where the police arrested the victims of violence and other violations, rather than the perpetrator, just because the victim was identified as LGBTIQ+. In one of these incidents, the victim described the circumstances as thus:

> ***'While in the bar, we gathered as community members and later the table next to us had people who didn't like us, so they started beating us with bottles. So, in that scuffle I tried to run but they hit me hard and I …fainted. When I regained consciousness, I had been tied to a pole and surrounded by very many people; eventually, they brought my friend as well; one of our colleagues rushed to police and informed them about what was happening to us. When they came, they talked to the bar owner and before we knew it, the officers handcuffed us and took us to police'***[7]

2.2. Handling of cases of arrests at police level

Out of the 134 recorded cases, 122 were concluded at police, a curious commentary on the arbitrary nature of the majority of arrests on the basis of sexuality. The reasons why these cases were closed at the police level included absence of real evidence to support the homosexuality charges; and release on police bond being used as bait for extortion by the police officers. This points at using the law to persecute LGBTIQ+ persons rather than the ends of legitimate prosecution for crimes committed.

One of the respondents, a community paralegal, explains why most cases end at the police:

> ***'Actually, they just leave them in the custody like that, because they don't have any case to take to court. They really don't have anything to present in court, even evidence.'8***

2.3. Sanctioning of cases by the Director of Public Prosecutions

Since most cases in the study period ended at police level, there were few cases that made it to the Office of the Director of Public Prosecutions (ODPP). Of the 134 cases included in this study, only 12 cases were sanctioned for prosecution in court, representing 8.9% of all the cases.

7. FGD in Mbarara on 26th March, 2026.
8. During an interview with KII 09 on 26th March, 2026.

All the cases that were referred to the ODPP were sanctioned, a phenomenon that the lawyers attributed to the community pressure surrounding publicised cases of suspected homosexuality. This trend of sanctioning case files merely because there is a community interest in the matter is contrary to the ODPP's Decision to Charge Guidelines, 2023 which require files to be sanctioned where there is s sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge.

For cases under the AHA, the Director of Public Prosecutions issued a directive which required state attorneys to first submit files to the DPP for review before sanctioning,[9] but this was eventually amended to regional officers. In practice, HRAPF lawyers noted that this referral only happened in the beginning but has since died out, and state attorneys do sanction the charges.[10]

2.4. Determination and Conclusion at Court level

All the 12 cases that were sanctioned by the ODPP made it to the courts of law. Of these, 9 ended in dismissals and two were still pending conclusion as at the end of December 2025. There was 1 case in Soroti in which Court relieved the accused of the charges of unnatural offences by reason of their mental state, and court issued a discharge order to this effect. [11]

Experiences on remand: In all the cases where individuals were prosecuted before courts of law, the accused persons were committed to prison on remand at the first arraignment, and in no case was bail granted upon first application at the arraignment.

The victims in these cases reported that prison conditions were generally not ideal, particularly for transgender persons, who are usually pointed out and exposed to harassment by other prisoners.

From interviews with respondents who had been remanded to prisons, it appears that, by the time one gets to the prison, a significant portion of the prison population already knows one is accused of homosexuality, either from the press, other inmates who were present in court at the arraignment or the prison staff.

Individuals are thus identified and profiled as LGBTIQ+ almost as soon as they get into the prison, which exposes them to abuse and harassment from both prison staff and fellow inmates.

9. ODPP Circular No.18/2023. For a deeper analysis of the implications of this circular, see Women's Probono Initiative 'Interpretation and Implementation of the Anti-Homosexuality Act: A Qualitative Assessment of the Director of Public Prosecution's Circular No. 18/2023, August 2024, https://womenprobono.org/wp-content/uploads/2024/11/WPI-DPP-circular-interpretation-final.pdf (accessed 15 April 2026).
10. During an interview with KII 01 on 2nd April, 2026.
11. HRAPF/E/148/26.

From the interviews with some of the victims, the following experiences were registered: sexual assault, discrimination, assaults and stigmatisation from fellow inmates and sometimes warders. One recounted the following experience:

> ***'…it was hard at prison, when I got there the fellow inmates make you stand up and mention the charge that brought in you, and when you mention it, they start mistreating and segregating you."***[12]

Dismissal of cases for want of prosecution: Out of the 12 cases that proceeded to court, 10 cases were dismissed. 7 of these were dismissed for want of prosecution, 1 was dismissed because the court lacked jurisdiction, 1 was dismissed due to the accused's mental status, and 1 was dismissed because there was no competent charge. Dismissals for want of prosecution often happens because the prosecution does not bring any witnesses against the accused persons.

This is particularly disturbing in light of the fact that individuals accused of homosexuality and related offences are usually arrested quite brutally, subjected to inhuman and degrading treatment and detained for several days before being presented to court, only for the cases to be dismissed without so much as going through the full trial process, because of lack of evidence.

Convictions: There was no case in which an individual was convicted of any offence involving consensual same-sex sexual activity between adults during the study period. The fact that there had been no convictions at the time of publication underscores the worrisome fact that the law is being used to persecute suspected persons, rather than for any legitimate prosecution purposes.

***Experiences in court*:** It is usually hard for suspects to raise the necessary defence due to witnesses fearing to appear before court and being seen as 'co-conspirators'. One lawyer shared the following experience:

> ***"…some people (in the case) were released because court dismissed the allegations against them, but a colleague of theirs was referred to High court on a related charge. But when those that had been released came to court, in solidarity with their fellow … they even sent them out of court. So, such acts deter a lot of them from bringing witnesses in fear for being sent away and most times being denied audience."***[13]

12. Interview with IDI 10 on 30th March, 2026.
13. Interview and FGD with HRAPF lawyers and paralegals in Kampala on 19th March, 2026.

Access to bail was also noted as a common challenge, particularly in specific courts where judicial officers are biased against LGBTQ+ persons. One lawyer explained that in some courts, the accused is not granted bail until they have been remanded for at least 6 months.

3. HUMAN RIGHTS VIOLATIONS ARISING FROM THE ARRESTS

3.1. Number of violations

HRAPF recorded a total of 625 incidents of human rights violations arising out of the 134 cases that HRAPF handled where people were arrested on allegations of homosexuality during the period 31st May 2023 to 31st December 2025. The highest number of violations were of the right to liberty, followed by the right to equality and freedom from discrimination, and the least was the right to property..

Human Rights Violations in the Course of the Enforcement of the Criminal Provisions in the AHA

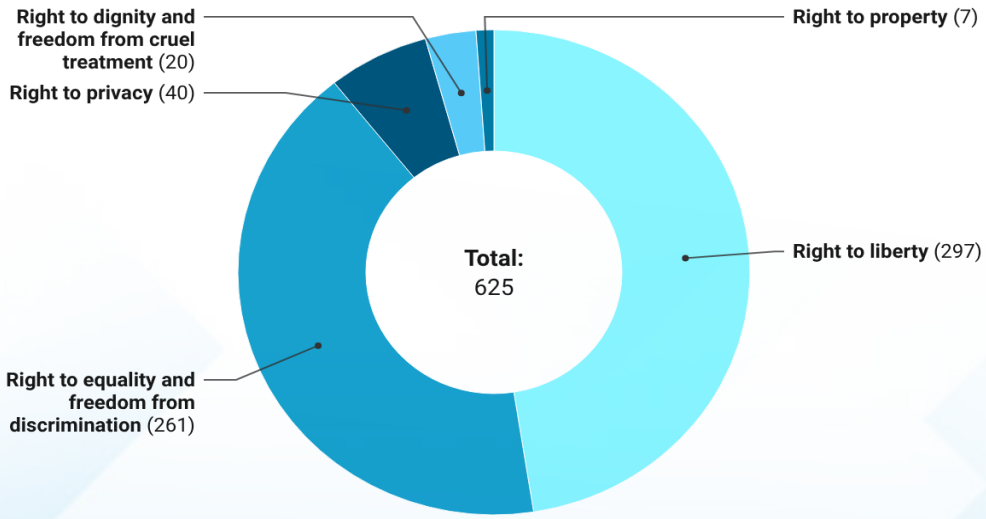

Chart: HRAPF Research Department • Source: HRAPF Legal Aid Clinic • Created with Datawrapper

3.2. Nature of Violations

Right to liberty: This was the most violated right for LGBTIQ+ persons during the study period, with 297 incidents of violations. The right is multifaceted and the aspects that were mostly affected were the right to freedom from arbitrary arrest, arising out of arrests of individuals on suspicion of engaging in consensual same-sex sexual relations,

which was essentially in all recorded cases. The other aspect that stands out is prolonged detention at police, with 40 incidents recorded in which suspects were held in police custody before arraignment in courts of law for more than the constitutionally allowed 48 hours. There were 24 incidents of extortion in the 134 cases that HRAPF handled, and 21 of these were perpetrated by police officers while 3 were from some community members who knew about the victims' sexuality.

In one of the cases, 3 clients were detained for 18 days following an arrest from their separate homes on the evening of 8th September 2024.[14]

Access to medical services for persons arrested on homosexuality-related offences was also constrained. A few respondents reported accessing medicines at police stealthily. One respondent explained that,

> ***'...the medicine would be received cunningly, we would ask our relatives to bring for us, and they we would sneak it inside without the knowledge of the officers. They would sneak it in through the food they brought for us. My mother always tied the medicine in a kaveera and put it in the sauce...'***[15]

Access to lawyers was also commonly denied. Out of the 15 interviews conducted with victims of arrests, only 3 of them were informed of their right to legal representation of their choice, and allowed access to their lawyers. As a result, the clients have had to devise ways in which they can access their lawyers. One of the lawyers explained that,

> ***'...I think over time they learnt that most times the police officers arrest them because they want money, so, what they do, they tell the officer that let me call my people, my relative, but then they call a lawyer...'***[16]

Right to equality and freedom from discrimination: This right was also violated in all the cases reported in the study period and included in this report, as every arrest of a person on the basis of their sexuality essentially constitutes an act of discrimination, because heterosexuals are not arrested for equivalent conduct. All the 257 arrests therefore amounted to discrimination on the basis of real or presumed SOGIE. Additionally, there were 4 recorded incidents in which the police arrested victims of violence rather than the perpetrators once they were informed of the suspicion that the victims were LGBTIQ+ persons, thus denying them equal protection of the law. There were therefore 261 violations of this right during the study period.

14. HRAPF/E/47/26
15. During an FGD in Busia 31st March, 2026.
16. During an interview with KII 01 on 2nd April, 2026

Right to privacy: The right to privacy was also violated through searches of both the homes of people and their phones without lawful excuse or a court order. There were 40 incidents of violation of this right. Of these, 36 incidents were of unlawful entry and searches, 3 were of illegal phone searches and 1 was of publicising photographs and identities of suspects in homosexuality related offences. One of the HRAPF lawyers explained that,

> ***'... there have been a lot of illegal searches. No search warrant, a lot of breaches of privacy, people are forced to open their phones. For example, someone could be arrested for a different thing and then some police officer searches through their phone, finds a suspicious video, maybe some nude photos...'***[17]

Right to freedom from torture, inhuman and degrading treatment: This right was violated in circumstances where there was violence. There were 12 incidents where the suspects were beaten severely, mostly by members of the general community, in the name of enforcing the provisions of the AHA. Another aspect of the violation of the right to freedom from torture, cruel, inhuman or degrading treatment involved subjecting arrested persons to forced anal examinations and HIV tests. There were 8 incidents where the victims were subjected to anal examinations by police officers. These degrading and intrusive procedures are done as part of the police's investigations to gather evidence to support the homosexuality charges. The examinations also extended to intersex persons in one case:

> ***'...they took them to the hospital, checked their vagina to ascertain if they have ever had sex, they want to find the truth, the girls came back when they were traumatized, they even put things in her genitals to find out if she was an intersex person. She told us that they did a lot on her that she cannot even reveal it.'***

In addition to the forced anal exams, police also subjected some of the victims to forceful body searches. In one of the recorded cases, the suspect was undressed by police officers, who claimed that they needed to ascertain whether she was a man or woman, and then took pictures of her naked body.[18]

17. During an interview with KII 01 on 2nd April, 2026.
18. HRAPF/E/92/26.

Right to property: There were 7 incidents where suspects were deprived of their property by the police during and after the arrests, particularly mobile phones.

Right to fair hearing: In as much as the Uganda Judicial Code of Ethics strongly condemns bias when executing judicial duties, there are incidents where the judicial officers show an open bias against accused persons and lawyers in homosexuality-related cases. In one of the interviews, a paralegal who had gone to court to follow up a homosexuality-related offence stated that the magistrate's attitude towards them was quite bad. He adds that the magistrate and their clerk held his ID and said, '*whenever you see this organization, you have to know a homosexual is close by*.'[19]

The other aspect is the right to be tried without undue delay. In some of the recorded cases, judicial officers intentionally adjourned cases involving homosexuality and other related offences for unreasonably longer periods, even when the clients were on remand, thus frustrating access to justice for the people accused of homosexuality and other related charges.

One respondent recalls that they were remanded for 28 days upon arraignment and without even plea taking.[20]

Another respondent mentioned that they were remanded for 3 months but in different prisons (the place of remand was changed once by the magistrate).[21]

3.3. Perpetrators

The majority of the violations reported in this study were perpetrated by members of the Uganda Police Force (UPF) at 97.1% of all reported violations. However, 18 violations were reported as having been perpetrated by members of the general communities in which the suspects resided, and these were primarily violations of the rights to dignity and privacy before the victims were handed over to the police.

19. During an interview with KII 07 on 26th March, 2026.
20. During an FGD in Busia on 31st March, 2026.
21. Above.

4. CONCLUSION

The Anti-Homosexuality Act was enacted on the premise that it would effectively deal with homosexuality since its provisions were allegedly clearer and more comprehensive. However, two and a half years down the road, the data indicates that the process has not yielded results, except to perpetuate violence and human rights violations against real or suspected LGBTIQ persons.

This study demonstrated that the Anti-Homosexuality Act (AHA) is actively enforced in Uganda, to the detriment of LGBTIQ+ persons. Real or suspected LGBTIQ+ persons are subjected to arrests, usually on the prompting of community members and with no reasonable suspicion of having engaged in a criminalised act. These arrests, often done without a reasonable basis, usually involve a lot of violence, including assaults, anal examinations and illegal phone searches. All these actions constitute egregious violations of human rights, including the right to liberty, freedom from discrimination, right to dignity and right to privacy.

Surprisingly, through all these arrests, there has been no single conviction recorded by HRAPF for consensual same-sex sexual activity since the Act came into force, indicating that sustaining a charge of homosexuality where there is no victim is impractical. Therefore, there is need to revisit this law and study its applicability and adherence to the national and international human rights standards.

5. RECOMMENDATIONS

To Parliament of Uganda

Repeal the Anti-Homosexuality Act as it clearly perpetuates persecution of LGBTIQ+ persons and discrimination and it does not serve the purpose for which it was initially intended.

To the Uganda Police Force

i) Refrain from arresting people for homosexuality without reasonable suspicion of having committed an offence. Arrests must only be done if there is reasonable suspicion that an offence has been committed in line with the laws of Uganda.

ii) When an arrest must be done, the police should respect the right to liberty, including not detaining people for more than 48 hours, informing arrested persons of the reasons for arrest as well as their rights to a lawyer and access to medical services.

iii) Discipline officers who arrest suspected LGBTIQ+ persons without reasonable cause for the sole purpose of extorting them through bribes.

To the Office of the Director of Public Prosecutions

i) In handling cases under the Anti-Homosexuality Act, strictly follow the Prosecutorial Guidelines and only sanction files that have a real prospect of success.

To Courts/ Judiciary

i) Handle cases involving suspicion of homosexuality and related offences in a way that respects the human rights of accused persons, considering that the arrests and charges are often arbitrary and usually not backed up by credible evidence.

ii) Expedite hearing of cases involving persons who have been remanded to prisons, especially considering the discrimination and violence that individuals charged with offences related to same-sex sexual conduct usually experience in prisons.

To Civil Society Organisations and Legal Aid Service Providers

i) Document violations against LGBTIQ+ persons in order to maintain a record of such violations

ii) Engage with police officers to discuss the human rights of LGBTIQ+ persons as well as general human rights protections for suspects in police custody

ABOUT HUMAN RIGHTS AWARENESS AND PROMOTION FORUM

Background

Founded in 2008, **Human Rights Awareness and Promotion Forum (HRAPF)** is an independent, non-partisan, registered non-governmental organisation committed to advancing the human rights of some of the most marginalised and discriminated persons in Uganda. HRAPF works to challenge unfavourable laws, harmful social and cultural norms, and exclusionary practices that undermine dignity, equality, and access to justice. At the core of its mandate is the conviction that the human rights of all persons—particularly marginalised persons and key populations—must be respected, protected, and fulfilled.

Legal Status

HRAPF is incorporated under the laws of Uganda as a company limited by guarantee.

Vision

A society where the human rights of all persons are valued, respected, protected and realized.

Mission

To advance the protection and realization of the human rights of marginalised persons and key populations through legal and human rights interventions.

HRAPF's Objectives

1. To create awareness on the national, regional and international human rights regime.

2. To promote access to justice for marginalised persons and Most at Risk Population groups.
3. To undertake research and legal advocacy for the rights of marginalised persons and Most at Risk Population groups.
4. To network and collaborate with key strategic partners, government, communities and individuals at national, regional and international level.
5. To enhance the capacity of marginalised groups, key populations and key stakeholders to participate effectively in the promotion and respect of the rights of marginalised persons.
6. To maintain a strong and vibrant human rights organisation.

Our target Constituencies

Our core target constituencies are marginalised persons and key populations.

1. Key Populations
2. Sexual and Gender Minorities
3. Women, girls and health workers in conflict with abortion laws
4. Indigent women, girls and elderly persons facing land and climate injustice
5. People Living with HIV/AIDS

HRAPF Values

- Dignity, Difference and Belonging
- Participation, Power and Empowerment
- Transparency, Integrity and Accountability
- Learning, Reflection and Innovation
- Collaboration, Professionalism and Excellence

Slogan

Human Rights for All!

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