

BILLS SUPPLEMENT

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Bill No. 80

The Sexual Offences Bill

2024

THE SEXUAL OFFENCES BILL, 2024

MEMORANDUM

1. Object of the Bill

The object of this Bill is to enact a specific law on sexual offences for the effectual prevention of sexual violence; to enhance punishment of sexual offenders; to provide for the protection of victims during trial of sexual offences; to provide for extra territorial application of the law; to repeal some provisions of the Penal Code Act, Cap. 128; and for other related matters.

2. Defects in the existing law

In Uganda, whereas sexual offences are mainly prescribed under the Penal Code Act Cap. 128, various other laws such as the Prevention of Trafficking in Persons Act, Cap. 131, the Domestic Violence Act, Cap. 123 and the Children Act, Cap. 62 make provision for a number of sexual offences.

The scattered nature of sexual offences in different pieces of legislation denies the public a single piece of legislation on sexual offences to guide the prevention, protection and prosecution of these offences. There is need to ensure the legislation responds to the evolving and current trends in sexual offences, curbs sexual violence and adopts international best practices in the prevention of sexual violence.

The Bill draws from experience of a number of Commonwealth Countries such as India, United Kingdom and Kenya which have all consolidated sexual offences into a single legislation. The Bill also seeks to review and update the sexual offences contained in the Penal Code Act Cap. 128 in order to remedy the new forms of sexual violence and exploitation which are prevalent today.

3. Remedies

The Bill therefore makes provision for sexual offences, enhanced punishment for sexual offenders, makes offences gender neutral and creates new offences to deal with new social vices that perpetuates sexual violence in Uganda.



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ADEKE ANNA EBAJU, MP
District Woman Representative, Soroti City.

THE SEXUAL OFFENCES BILL, 2024**ARRANGEMENT OF CLAUSES***Clauses***PART I—PRELIMINARY**

1. Interpretation

PART II—SEXUAL OFFENCES

2. Rape
3. Aggravated rape
4. Administering substance with intent to commit a sexual act
5. Sexual assault
6. Indecent exposure
7. Indecent communication
8. Sexual Harassment
9. Detention with sexual intent
10. Sexual act with person in custody
11. Sexual exploitation
12. Brothels
13. Prohibition of prostitution
14. Prohibition of sexual act with a prostitute
15. Incest

PART III—SEXUAL OFFENCES AGAINST CHILDREN

16. Defilement
17. Aggravated defilement
18. Procuring defilement
19. Sexual offences by children
20. Householder permitting defilement
21. Supply of sexual content and material to a child
22. Child prostitution
23. Child sex tourism

- 24. Sexual act in presence of a child
- 25. Child grooming

PART IV—COURT POWERS

- 26. Payment of compensation
- 27. Proceedings held in camera
- 28. Prohibition of publication
- 29. Evidence of character and previous sexual history
- 30. Uncorroborated evidence of a victim

PART V—SEX OFFENDERS' REGISTER

- 31. Establishment of a sex offenders' register
- 32. Registration of sexual offenders
- 33. Content of the register
- 34. Access to the register
- 35. Duration of registration
- 36. Disclosure of sexual offences record
- 37. Requirement to report presence

PART VI—MISCELLANEOUS PROVISIONS

- 38. Attempts to commit sexual offence
- 39. Conspiracy to defeat justice and interference with witnesses
- 40. Extra – territorial jurisdiction
- 41. Discontinuation of investigations
- 42. Amicable settlement of sexual offence
- 43. Failure to report sexual offence
- 44. Knowledge of age of child immaterial
- 45. Regulations
- 46. Repeal and savings
- 47. Transitional provisions

SCHEDULE

SCHEDULE— Currency Point

A Bill for an Act

ENTITLED

THE SEXUAL OFFENCES ACT, 2024

An Act to revise and consolidate the law on sexual offences for the effectual 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; to repeal some provisions of the Penal Code Act, Cap. 128; and for other related matters.

BE IT ENACTED by Parliament as follows—

PART I—PRELIMINARY

1. Interpretation

In this Act, unless the context otherwise requires—

“advanced age” means fifty five years and above;

“attempt” means when the intention to commit an offence begins to be put into execution by means adapted to its fulfillment, and manifested by an overt act, but is not executed to such an extent as to amount to an offence under this Act;

“child” means a person below the age of eighteen years;

“care institution” includes an orphanage, children’s home, open shelter, an education institution, or any residential childcare

institution, whether licensed or unlicensed established for purposes of providing care, education or protection to any person who needs such services;

“consent” means the voluntary, specific, informed and continuous indication of a person’s wish by which he or she signifies agreement to perform a sexual act;

“computer” has the meaning assigned to it under the Computer Misuse Act;

“currency point” has the value assigned to it under the Schedule to this Act;

“disability” means a substantial functional limitation of a person’s daily life activities caused by physical, mental or sensory impairment and environment barriers, resulting in limited participation in society on equal basis with others and includes an impairment specified in Schedule 3 of the Persons with Disabilities Act;

“education institution” means a pre-primary school, a primary school, a post-primary school, a tertiary institution, a university, or any other place by whatever name called established for purposes of providing children or adults with formal, non-formal or religious education;

“gain” means—

- (a) a financial advantage, including the discharge of an obligation to pay or the provision of goods or services gratuitously or at a discount or the goodwill of any person which is or appears likely, in time, to bring financial advantage; and

- (b) any other social or political benefit that arises or is likely to arise from an act or omission;

“Minister” means the Minister responsible for justice;

“on-line platform” means a computer based set of technologies, sites, and practices which are used for communication or for sharing information, opinions, experiences and perspectives, and includes YouTube, WhatsApp, Facebook, Instagram, Twitter, WeChat, TikTok, SinaWeibo, QQ, Telegram, Snapchat, Kuaishou, Qzone, Reddit, Quora, Skype, Microsoft Team and LinkedIn;

“person in authority” means a person who is charged with the duty or responsibility for the health, education, welfare, spirituality or supervision of a person;

“person in position of trust” means a person entrusted with responsibility over another person where the other person is vulnerable due to age, disability or dependency;

“prostitute” means a person who—

- (a) holds himself or herself out as available for a sexual act or sexual gratification for monetary or other gain; or
- (b) engages in a sexual act or sexual gratification for monetary or other gain;

“prostitution” means the practice of engaging in sexual acts or sexual gratification for monetary or other gain;

“register” means the sex offenders’ register established in section 31;

“serial offender” means a person with a record of a conviction for an offence under this Act;

“sexual act” means—

- (a) the penetration of the vagina, mouth or anus, however slight, of any person, by a sexual organ; or
- (b) the unlawful use of any object or organ by a person on another person’s sexual organ or anus;

“sexual organ” means a vagina or a penis;

“sexually transmitted disease” includes chlamydia, gonorrhoea, syphilis, trichomoniasis, genital herpes, hepatitis B and Human papillomavirus (HPV); and

“victim” means a person against whom an offence is committed under this Act.

PART II—SEXUAL OFFENCES

2. Rape

(1) A person who performs a sexual act with another person—

- (a) without that other person’s consent; or
- (b) who is incapable of consenting to the sexual act,

commits an offence and is liable on conviction, to imprisonment for life.

(2) For purposes of subsection (1) (a), consent of a person to a sexual act shall be irrelevant where the consent was obtained by—

- (a) threat;
- (b) force;
- (c) fear of bodily harm;
- (d) duress;
- (e) undue influence;
- (f) misrepresentation as to the nature of the act; or
- (g) intimidation of any kind.

(3) For the purposes of subsection (1) (b), a person is incapable of consenting to a sexual act if, at the time of performance of the sexual act, the person was—

- (a) asleep;
- (b) unconscious;
- (c) in an altered state of consciousness due to the influence of medicine, drug, alcohol or substance that adversely affects his or her judgment; or
- (d) suffering from a mental illness.

(4) A person who attempts to perform a sexual act in any of the circumstances referred to in subsection (1), commits an offence and is liable, on conviction, to imprisonment for a period not exceeding eight years.

3. Aggravated rape

(1) A person who commits the offence of rape in any of the circumstances specified in subsection (2) commits the offence of aggravated rape and is liable, on conviction, to suffer death.

(2) The circumstances referred to in subsection (1) are where—

- (a) the offender is a serial offender;
- (b) the offender is infected with the Human Immunodeficiency Virus (HIV) or another sexually transmitted disease;
- (c) the victim is a person with disability or suffers a disability as a result of the sexual act;
- (d) the victim is suffering from a mental illness or suffers a mental illness as a result of the sexual act;
- (e) the offence of rape is committed by a relative of the victim;
- (f) the offender uses or threatens to use force or violence against the victim;
- (g) the offence of rape is committed by two or more persons;
- (h) the offence of rape is committed in the presence of another person;
- (i) the offender is a person in authority or person in position of trust; or
- (j) the victim is of advanced age.

(3) A person who is arrested on suspicion of having committed the offence of rape or is charged with the offence of rape shall undergo a medical examination to determine—

- (a) his or her Human Immuno Deficiency Virus (HIV) status; and
- (b) if he or she has a sexually transmitted disease.

(4) A person who attempts to perform a sexual act in any of the circumstances referred to in subsection (1) commits an offence and is liable, on conviction, to imprisonment for a period not exceeding ten years.

4. Administering substance with intent to commit a sexual act

A person who intentionally administers or causes to be administered a substance to another person, with the intention of inducing, stupefying or overpowering that other person so as to perform a sexual act on that person or to enable another person perform a sexual act on that person, commits an offence and is liable, on conviction, to imprisonment for a period not exceeding seven years.

5. Sexual assault

(1) A person who—

(a) intentionally and without consent of a person—

(i) touches the sexual organ, breasts, buttocks or thighs of that person;

(ii) comes into contact with the sexual organ, breasts, buttocks or thighs of that person, using his or her sexual organ or any other object;

(b) compels, induces or causes a child or any other person in a care institution to—

(i) touch his or her sexual organ; or

(ii) come into contact with his or her sexual organ using that person's mouth, breasts, buttocks or thighs,

commits an offence and is liable, on conviction, to imprisonment for a period not exceeding three years.

(2) The consent of a child to any of the acts constituting sexual assault shall not be a defence to a charge under this section.

(3) Where the offence of sexual assault is committed against a child, the person convicted of the offence shall instead of the punishment prescribed in subsection (1), be liable to imprisonment for life.

6. Indecent exposure

(1) A person who—

(a) while in a public place, intentionally exposes his or her bare sexual organ to any other person;

(b) while using an on-line platform, intentionally displays or exposes his or her or any other person's bare sexual organ, breasts or buttocks to any other person;

(c) unlawfully intrudes on the privacy of a person by intentionally—

(i) exposing or displaying that person's bare sexual organ, breasts or buttocks to any other person; or

(ii) exposing or displaying his or her bare sexual organ, breasts or buttocks to that person or any other person,

commits an offence and is liable, on conviction, to imprisonment for three years.

(2) For purposes of sub section (1), a person commits an offence even if the sexual organs, breasts or buttocks are generated electronically by use of artificial intelligence or through the use of video, imagery, photograph, drawing, caricature, or other visual presentation.

(3) The consent of a child to any of the acts constituting indecent exposure shall not be a defence to a charge under this section.

(4) A person who commits the offence of indecent exposure in the presence of a person's spouse, family member or child commits an offence and is liable, on conviction, to imprisonment for five years.

(5) The public exposure of a person's bare sexual organ, breasts or buttocks does not constitute an offence under this Act if—

- (a) the person's bare sexual organ, breasts or buttocks are exposed,—
 - (i) while participating in a cultural or customary event or ceremony;
 - (ii) unintentionally, while participating in recreational sport; or
 - (iii) by a medical professional, for sound medical purposes; or
- (b) the public exposure of a person's bare sexual organ, breasts or buttocks is permitted under the culture or custom of an indigenous community in Uganda to which the person belongs; or
- (c) the person's breasts are exposed while feeding an infant directly from the breast.

7. **Indecent communication**

- (1) A person who—
 - (a) physically, electronically or through the use of an on-line platform, transmits, transfers, sends or forwards to another person, unsolicited material of a sexual nature;

- (b) without consent, records or takes a picture of another person who is—
 - (i) in a state of nudity; or
 - (ii) engaging in a sexual act; or
- (c) prints, publishes or distributes a picture or video recording of—
 - (i) a person in a state of nudity;
 - (ii) a person who is engaging in a sexual act;
 - (iii) a person's bare sexual organs, breasts or buttocks;
- (d) by use of artificial intelligence or through the use of video, imagery, photograph, drawing, caricature, or other visual presentation, generates a video, drawing or picture showing or depicting—
 - (i) a person in a state of nudity;
 - (ii) a person who is engaging in a sexual act; or
 - (iii) a person's sexual organ, breasts or buttocks,commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or to imprisonment for a period not exceeding five years, or both.

(2) Where the offence under sub section (1) is committed—

- (a) against another person with whom the person who committed the offence is married to or was married to or is or was in a sexual or romantic relationship with;

- (b) with intent to incite violence or hatred against a person or as a means of blackmailing, harassing, harming, intimidating, threatening, coercing or causing emotional distress or suffering to the victim of the offence;
- (c) for gain, by the person who committed the offence or any other person; or
- (d) against a child,

the person convicted of the offence shall, instead of the punishment referred to in subsection (1), be liable to imprisonment for a period not exceeding ten years.

(3) For purposes of subsection (1)(a), “material of a sexual nature” includes conversations, texts, pictures, videos, objects or written materials showing or depicting—

- (a) a person in a state of nudity;
- (b) a person engaging in a sexual act; or
- (c) a person’s sexual organ, breasts or buttocks.

8. Sexual harassment

- (1) A person who intentionally—
- (a) makes direct or indirect sexual advances or sexual requests whether verbal or written to;
 - (b) displays sexually suggestive pictures, objects, written materials or gestures to;
 - (c) engages in unwelcome or unsolicited physical contact with; or

- (d) makes sexually oriented comments, jokes, obscene expressions or offensive flirtations to,

an employee, prospecting employee, student, patient or other person under his or her trust or authority as a pre-condition or in return for the grant of employment, spiritual healing, access to any social service or preferential treatment in employment, promotion, recommendation, academic progress, healing or other favour, commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding ten years, or both.

- (2) It is immaterial to a charge under subsection (1) that—

- (a) the victim consented to the acts that constitute sexual harassment;
- (b) the victim welcomed the acts that constitute sexual harassment; or
- (c) the acts constituting sexual harassment did not have a detrimental effect on the victim.

- (3) Where—

- (a) the victim is a child, the convicted person shall be liable to imprisonment for eighteen years; or
- (b) the perpetrator of the offence is a public officer, the public officer shall, in addition to the penalty prescribed in subsection (1), be removed from office.

- (4) In this section—

- (a) “sexual advance or sexual request” means a proposal made by a person to another person to engage in a sexual act;

- (b) “sexually oriented comments, jokes, obscene expressions or offensive flirtations” includes conversations, texts, pictures, videos, objects or written materials showing or depicting—
 - (i) a person in a state of nudity;
 - (ii) a person engaging in a sexual act; or
 - (iii) a person’s sexual organ, breasts, thighs or buttocks.

9. Detention with sexual intent

(1) A person who detains another person with the intention of performing a sexual act on that person commits an offence and is liable, on conviction, to a fine not exceeding one hundred sixty eight currency points or to imprisonment for a term not exceeding seven years.

(2) In this section, a person shall be deemed to have detained another person where the person—

- (a) compels, induces, restrains or prevents the other person, by any means, from leaving the premise, vehicle, vessel or any other place;
- (b) with the intent to compel or induce the other person to remain in or upon the premises, vehicle, vessel or any other place, does any act which prevents that person from leaving such premises, vehicle, vessel or place; or
- (c) with the intent to compel or induce the other person to remain in or upon the premises, vehicle, vessel or any other place, that person withholds from the other person any clothing apparel or other property belonging to the detained person.

(3) The consent of a person to a sexual act while in detention shall not be a defence to a charge under subsection (1).

10. Sexual act with person in custody

(1) A person who, being an officer, employee or an inmate in a detention facility—

- (a) performs a sexual act with a person held in custody in the detention facility; or
- (b) procures, authorises, facilitates, compels or induces another person to perform a sexual act with a person held in custody in the detention facility,

commits an offence and is liable, on conviction, to imprisonment for life.

(2) For the avoidance of doubt, the consent of the person held in custody to the sexual act shall not be a defence to a charge under subsection (1).

(3) In this section, “detention facility” includes a prison, police station or any other place gazetted or ordinarily used to lawfully detain people.

11. Sexual exploitation

(1) A person who obtains financial or other benefits for himself, herself or any other person by—

- (a) involving another person in prostitution or the production of pornographic materials;
- (b) causing, encouraging or inducing another person to engage in prostitution, or participate in pornographic acts or the production of pornographic materials;

- (c) using a person's image or other personal attributes in the production, distribution of pornographic material;
- (d) controlling any of the activities of another person who engages in acts that amount to sexual exploitation,

commits an offence and is liable, on conviction, to imprisonment for a term not exceeding fifteen years.

(2) A victim of sexual exploitation shall not be penalized for practicing or engaging in acts constituting sexual exploitation.

(3) Where the victim is a child, the person charged with the offence of sexual exploitation shall, on conviction, be liable to imprisonment for life.

(4) The consent of the victim to the sexual exploitation shall not be a defense to a charge under subsection (1).

(5) For the purpose of this section—

- (a) “pornographic act” means the act of a person engaging in a sexual act; and
- (b) “pornographic material” means a video, image, words or sounds represented in print, audio-visual or other media showing or depicting—
 - (i) a person in a state of nudity;
 - (ii) a person engaging in a sexual act; or
 - (iii) a person's sexual organ, breasts or buttocks.

12. Brothels

A person who knowingly keeps a house, room or place of any kind for purposes of facilitating the commission of an offence under this Act commits an offence and is liable, on conviction, to imprisonment for seven years.

13. Prohibition of prostitution

A person who practices or engages in prostitution commits an offence and is liable, on conviction, to imprisonment for two years.

14. Prohibition of sexual act with a prostitute

A person who engages in a sexual act with a prostitute commits an offence and is liable, on conviction, to imprisonment for two years.

15. Incest

(1) A person who performs a sexual act with another person who, to his or her knowledge, is related to him or her as a—

mother	father;
mother’s daughter	father’s son;
daughter	son;
father’s mother	father’s father;
mother’s mother	mother’s father;
son’s daughter	son’s son;
daughter’s daughter	daughter’s son;
sister	brother;
wife’s mother	husband’s father;
wife’s daughter	husband’s son;
father’s sister	father’s brother;
mother’s sister	mother’s brother;
brother’s daughter	brother’s son;
sister’s daughter	sister’s son;

father's brother's daughter	father's brother's son;
mother's sister's daughter	mother's sister's son;
son's wife	daughter's husband;
father's wife	mother's husband,

commits an offence and is liable, on conviction, to imprisonment for life.

(2) It is immaterial that sexual act took place with the consent of the other person.

(3) A sexual act performed between persons listed in subsection (1) shall not constitute an offence under this section if the sexual act is permitted under the culture or custom of an indigenous community in Uganda.

(4) In this section, the expressions "brother" and "sister" respectively include half-brother and half-sister, and the section shall apply whether the relationship between the person charged with an offence and the person with whom the offence is alleged to have been committed is or is not traced through lawful wedlock.

PART III—SEXUAL OFFENCES AGAINST CHILDREN

16. Defilement

(1) A person who performs a sexual act with a child commits an offence and is liable, on conviction, to imprisonment for eighteen years.

(2) A person who attempts to perform a sexual act with a child commits an offence and is liable, on conviction, to imprisonment for fifteen years.

17. Aggravated defilement

(1) A person who performs a sexual act with a child and at the time of performing the sexual act, the—

- (a) child is below the age of fourteen years;
- (b) child is a person with a disability;
- (c) the offender is infected with the Human Immunodeficiency Virus (HIV) or any other sexually transmitted disease;
- (d) offender is a parent, guardian, foster parent or a person in authority or position of trust over the child;
- (e) offender is a serial offender;
- (f) offence was committed by two or more persons
- (g) the offender uses or threatens to use force or violence against the child; or
- (h) offender is a relative of the child,

commits an offence and is liable, on conviction, to suffer death.

(5) A person who attempts to perform a sexual act with a child in circumstances referred to in subsection (1) commits an offence and is liable, on conviction, to imprisonment for eighteen years.

(6) Where a person is charged with the offence under this section, that person shall undergo a medical examination as to his or her Human Immuno Deficiency Virus (HIV) Status.

(7) For the purposes of subsection (1) (f), a “relative” means a person related to the child by blood or marriage, including where the relationship arises from adoption, fostering, guardianship or any other parental responsibility over a child.

18. Procuring defilement

A person who—

- (a) procures or attempts to procure a child to perform a sexual act with another person within or outside Uganda;
- (b) procures or attempts to procure a child to leave Uganda, with intent that the child may engage in a sexual act with any person commits an offence and is liable, on conviction, to imprisonment for ten years.

19. Sexual offences by children

(1) Where an offence under this Act is committed by a child under the age of twelve years, against another child who is below the age of twelve years, the provisions of Part VI of the Children Act shall apply.

(2) Where an offence under this Act is committed by a child above the age of twelve years against another child who is above the age of twelve years, the provisions of Part XII of the Children Act shall apply.

(3) Where an offence under this Act is committed by a child above the age of fourteen years against another child who is below the age of fourteen years, the provisions of Part XII of the Children Act shall apply.

(4) Where an offence is committed by a child against another child where both children are below or above the age of twelve years, the children involved in the offence shall both be treated as victims of the offence and shall be given equal treatment in making decisions relating to the prosecution of the offence in which the children participated in.

20. Householder permitting defilement

A person who, being the owner or occupier of premises or having control or acting or assisting in the management or control of the premises, induces or knowingly makes a child to resort to or be on such premises for the purpose of a sexual act being performed upon him or her, commits an offence and is liable on conviction, to imprisonment for five years.

21. Supply of sexual content and material to a child

(1) A person who unlawfully gives, displays, distributes or supplies, to a child, material—

- (a) of a sexual nature;
- (b) demonstrating, depicting or illustrating a sexual act;
- (c) whose common usage is for the performance of a sexual act; or
- (d) mimicking a sexual organ,

commits an offence and is liable, on conviction, to imprisonment for ten years.

(2) For the avoidance of doubt, subsection (1) shall not apply to the material given, displayed, distributed or supplied to a child for the purposes of sex education or reproductive health as part of the curriculum of an approved institution of learning.

22. Child prostitution

A person who—

- (a) knowingly permits a child to remain in any premises, for the purposes of prostitution;
- (b) procures or attempts to procure a child to become a prostitute, within or outside Uganda;

- (c) procures or attempts to procure a child to leave Uganda, with the intent that the child may become an inmate of or frequent a brothel in any other country other than Uganda;
- (c) procures or attempts to procure a child to leave his or her usual place of abode in Uganda, with intent that the child may, for the purposes of prostitution, become an inmate of or frequent a brothel;
- (e) induces a person to be a client of a child for performance of a sexual act, for any form of sexual abuse or indecent exhibition or show;
- (f) takes advantage of his or her influence over, or relationship to a child, to encourage, entice or cause a child to engage in prostitution;
- (g) threatens, intimidates or forces a child into prostitution; or
- (h) owns, leases, rents, manages, occupies or has control of any movable or immovable property for purposes of prostitution involving children,

commits an offence and is liable, on conviction, to imprisonment for a period not exceeding ten years.

23. Child sex tourism

A person who—

- (a) makes or organises travel arrangements for himself or herself, or on behalf of another person resident within or outside Uganda, with the intention of facilitating any sexual activity with a child; or
- (b) prints or publishes, in any manner, information that is intended to promote or facilitate arrangements for sexual acts with a child,

commits an offence and is liable, on conviction, to a fine of two thousand currency points or imprisonment for a period not exceeding ten years or both.

24. Sexual act in presence of a child

A person who intentionally—

(a) performs a sexual act; or

(b) causes another person to engage in a sexual act, in the presence of a child or in a place where he or she can be observed by a child, commits an offence and is liable, on conviction, to imprisonment for ten years.

25. Child grooming

(1) A person commits the offence of child grooming where that person—

(a) for the purpose of obtaining sexual gratification from a child, communicates with a child;

(b) does any act or omission intended to secure the trust and cooperation of a child for purpose of engaging in a sexual act with a child; or

(c) requests, sends or receives from a child, materials of a sexual nature or demonstrating, depicting or illustrating a sexual act.

(2) A person who commits the offence of child grooming is liable, on conviction, to imprisonment for five years.

(3) The consent of the child or parent, guardian or any other person with parental responsibility of the child to the acts or omissions that constitute child grooming shall not be a defense to a charge under subsection (1).

(4) In this section, “material of a sexual nature” includes sexually suggestive conversations, texts, pictures, videos, objects or written materials.

PART IV—COURT POWERS

26. Payment of compensation

(1) Where a person is convicted of an offence under this Act, court may, in addition to any sentence imposed under this Act, order the convicted person to pay compensation to the victim.

(2) Court may in addition to the orders made under subsection (1), order for the—

- (a) rehabilitation of the victim including the provision of medical and psychological care;
- (b) satisfaction of the victim, which shall include—
 - (i) verification of the facts and full public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim’s relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
 - (ii) restoring the dignity, reputation and the rights of the victim and of persons closely connected with the victim;
 - (iii) public apology, including acknowledgment of the facts and acceptance of responsibility;
 - (iv) criminal and other judicial and administrative sanctions against persons liable for the violations.

(3) The damages ordered by the court under this section shall be a civil debt.

(4) The victim under this Act shall have priority over any person or authority in recovering any debt arising from an order of court made against a person convicted of an offence under this Act.

(5) The failure by the prosecution or any other person to apply for damages shall not bar court from granting damages to the victim.

(6) Where court does not order for payment for damages, the person presiding over the trial shall give reasons for the decision.

27. Proceedings held in camera

(1) In proceedings under this Act, court may, upon application or on its own volition,—

- (a) hold all or any part of the proceedings in camera; or
- (b) remove or direct the removal from court or court premises, a person or group of persons who is present at such proceedings, unless the complainant or the accused person otherwise requests.

(2) Where the victim is a child, the court shall take into consideration and act in the best interest of the child.

28. Prohibition of publication

(1) A person shall not, except with leave of court—

- (a) reveal the name, address or any particulars leading to the identification of the victim, witness or complainant;
- (b) publish in print or electronic media, or broadcast or include in a broadcast or programme, information intended to lead to the identification of the victim, a witness or complainant; or

(c) take a picture of the victim, a witness or complainant.

(2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or imprisonment for a period not exceeding one year, or both.

29. Evidence of character and previous sexual history

A victim shall not be cross examined on his or her previous sexual experience, except with leave of court.

30. Uncorroborated evidence of a victim

(1) Court may require the corroboration of evidence tendered in proof of an offence under this Act.

(2) Notwithstanding subsection (1), a person may be convicted of an offence under this Act based solely on the testimony of the victim or a single witness, where the testimony of the victim or the witness as the case may be, is, in the opinion of the person presiding over the trial, truthful and reliable.

PART V—SEX OFFENDERS' REGISTER

31. Establishment of a sex offenders' register

(1) There is established a sex offenders' register.

(2) The register shall be managed and maintained in electronic or other form by the National Identification and Registration Authority.

32. Registration of sexual offenders

(1) A person convicted of an offence under this Act shall have his or her particulars entered in the register.

(2) Where a person is convicted of an offence under this Act, court shall, within ten days of the judgment, forward particulars and

a certified copy of the judgment to the National Identification and Registration Authority.

(3) The National Identification and Registration Authority shall upon receipt of the particulars and judgment referred to in subsection (2), enter the particulars of the conviction in the register.

(4) For the avoidance of doubt, an appeal lodged by the convicted person shall not act as a bar to the registration of the convicted person in the register.

(5) Where a conviction is quashed or overturned, the court shall, within ten days of that judgment, forward particulars and a certified copy of the judgment to the National Identification and Registration Authority for rectification of the register.

33. Content of the register

(1) The register shall contain such information as may be prescribed by the Minister, by regulation.

(2) The register shall contain the following information—

- (a) the sex offender's name and date of birth;
- (b) the sex offender's national identification number;
- (c) the sex offender's address;
- (d) the offence for which the sex offender was convicted of;
- (e) a sample of the offender's finger prints and any other unique identifying features;
- (f) a photograph of the sex offender, and

(g) any other information that the Minister may prescribe by regulations.

(3) A person registered on the register shall, within seven days of changes in any of the registered information on the register, notify, in writing, the National Identification and Registration Authority.

(4) The National Identification and Registration Authority shall, upon receipt of the notification in subsection (3), update the register or do any other act as it deems necessary.

(5) A person who contravenes subsection (3) commits an offence and is liable, on conviction, to imprisonment for a period not exceeding three years.

34. Access to the register

(1) The information contained in the register shall be accessed by any person in accordance with the procedure and conditions prescribed by the Minister, by regulations.

(2) Notwithstanding subsection (1), a ministry, department or agency of Government may, in the course of performing its functions, access and use the information contained in the register.

35. Duration of registration

The registration of a person in the register shall, unless the conviction is successfully appealed against, be for the natural life of the offender.

36. Disclosure of sexual offences record

(1) A person who has been convicted of an offence under this Act shall disclose the conviction when applying for employment which places him or her—

(a) in a position of authority or care of children or any other vulnerable person; or

- (b) when offering or agreeing to take care of or supervise children or any other vulnerable person.

(2) A prospecting employer shall, before employing a person in any employment position which places or is likely to place the prospecting employee in a position of authority or care of children or any other vulnerable person, verify that person to be employed is not registered on the register.

(3) A person who does not comply with subsections (1) or (2) commits an offence and is liable, on conviction, to imprisonment for a period not exceeding seven years.

37. Requirement to report presence

(1) A person registered on the register shall, upon arrival in a district where he or she is not ordinarily resident, give notification of his or her presence to a local authority in the area.

(2) A person who contravenes this section commits an offence and is liable, on conviction, to imprisonment for five years.

PART VI—MISCELLANEOUS PROVISIONS

38. Attempts to commit sexual offence

Except as otherwise provided in this Act, a person who attempts to commit an offence under this Act commits an offence and is liable, on conviction, to imprisonment for one year.

39. Conspiracy to defeat justice and interference with witnesses

(1) A person who does any act to obstruct, prevent, pervert or defeat the course of justice commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years.

(2) In this section, a person shall be taken to have obstructed, prevented, perverted or defeated the course justice if that person—

- (a) subjects the victim or any other person to intimidation, harassment, fear, distress or harm as a means of preventing the—
 - (i) reporting of an offence under this Act; or
 - (ii) victim or any other person from participating in the prosecution of an offence under this Act;
- (b) dissuades, hinders or prevents a person from reporting the commission of an offence under this Act; or
- (c) dissuades, hinders or prevents a person lawfully bound to appear and give evidence as a witness from appearing or giving evidence.

40. Extra – territorial jurisdiction

- (1) This Act shall apply to offences committed outside Uganda where—
 - (a) a person who, while being a citizen of Uganda or permanently residing in Uganda, commits an act outside Uganda, which act would constitute an offence had it been committed in Uganda;
 - (b) the victim was a citizen of Uganda at the time of commission of the offence;
 - (c) the offence was committed partly inside and partly outside Uganda;
 - (d) the offence is committed against a stateless person who has his or her habitual residence in Uganda; or
 - (e) a substantial proportion of the effects of the offence have occurred or taken place within the territory of Uganda.

- (2) Notwithstanding subsection (1)—
- (a) proceedings shall not be instituted under this section without the written consent of the Attorney General; and
 - (b) a person shall not be tried for an offence under this section if that person has been acquitted or convicted of the same offence in another country.

(3) Where the consent of the Attorney General is received under subsection (2)(a), proceedings may be instituted in any appropriate court and such court shall have jurisdiction to try the matter as if the offence or offences had been committed within its jurisdiction.

(4) Notwithstanding subsection (3), where the offence is committed outside Uganda, the offence shall be tried as may be determined by the Director of Public Prosecutions.

41. Discontinuation of investigations

An investigation into a sexual allegation or complaint shall not be discontinued except with the written consent of the Director of Public Prosecutions.

42. Amicable settlement of sexual offence

(1) A person who enters into settlement or compromise with a person suspected to have committed a sexual offence or the relative of a person suspected to have committed a sexual offence, commits an offence and is liable, on conviction, to imprisonment for ten years.

(2) Sub section (1) applies to person suspected to have committed—

- (a) the offence of rape or aggravated rape;
- (b) the offence of defilement or aggravated defilement; or
- (c) any other offence where the victim is a child.

(3) This section does not apply to a settlement or compromise entered into between the Director of Public Prosecution and the person suspected to have committed a sexual offence.

43. Failure to report sexual offence

A person being a parent, guardian or relative of the victim or a person in authority or trust, who fails to report or who threatens, intimidates, coerces or forces a victim not to report any offence under this Act commits an offence and is liable, on conviction, to imprisonment for three years.

44. Knowledge of age of child immaterial

Except as otherwise expressly stated, it is immaterial in the case of any of the offences committed against a child under a specified age that the accused person did not know that the child was under that age, or believed that she was not under that age.

45. Regulations

The Minister may, by statutory instrument, make regulations for—

- (a) any matter that requires to be prescribed under this Act;
- (b) administrative or procedural matters which are necessary to give effect to this Act; or
- (c) the code of conduct for persons registered in the register.

46. Repeal and savings

Sections 110, 111, 112, 116, 117, 119, 120, 121, 122, 123, 125, 126, 127, 128, 129, 136, 137, 138, 139, and 140 of the Penal Code Act are repealed.

47. Transitional provisions

Where at the commencement of this Act, any proceedings are pending before court for the prosecution of the offences under sections 110, 111, 112, 116, 117, 119, 120, 121, 122, 123, 125, 126, 127, 128, 129, 136, 137, 138, 139, and 140 of the Penal Code Act any such proceedings shall be transferred to the appropriate court if trial has not commenced.

SCHEDULE

Section 1

CURRENCY POINT

A currency point is equal to twenty thousand shillings.

Cross References

Penal Code Act, Cap. 128

Prevention of Trafficking in Persons Act, Cap. 131

Domestic Violence Act, Cap. 123

Children Act, Cap. 62

Computer Misuse Act, Cap. 96

Persons with Disabilities Act, Cap. 115

