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Uganda: Petitioners file application to stop enforcement of the Anti-Homosexuality Act, Attorney General responds to Petition Number 014 of 2023

(June 13, 2023 / Kampala) Hon. Fox Odoi-Oywelowo and 7 others have filed a Notice of Motion in the Constitutional Court seeking to stop the enforcement of the Anti-Homosexuality Act 2023, pending the determination of the petition challenging the law. The application for a temporary injunction is supported by several grounds detailed in the supporting affidavits of Hon. Fox Odoi-Oywelowo, Dr Frank Mugisha and Pepe Onziema.

The applicants contend, among others, that there is a high likelihood of success of the petition and that there is an urgent need to stop the enforcement of the law to end the spike in the number of homophobic attacks against LGBTQI+ persons. Following the enactment of the law, the number of LGBTQI+ individuals reporting forced evictions and increased threats of their human dignity, privacy, personal liberty, among others, is on the rise.

Hon. Fox and 7 others contend that the balance of convenience lies in favour of stopping the enforcement of the law. The applicants further contend that if the Court does not stay the enforcement of the law, fundamental rights and freedoms of LGBTQI+ persons will be violated in an irreparable manner.

On a related development, the Attorney General has responded to Petition Number 014 of 2023. The response is supported by an affidavit of Hon. Asuman Basalirwa.

Briefly, the Attorney General argues that the provisions of the Anti-Homosexuality Act, 2023 are not inconsistent with and/or in contravention with the provisions of the Constitution of Uganda and obligations under international and regional human rights instruments.

The Attorney General further contends that the Anti-Homosexuality Act, 2023 was passed after “wide consultation” with the public, that no one can consent to an illegality, that the law is “very clear, unambiguous and purposeful and the offences are well defined,” and that “sexual practices between persons of the same sex are not and have never been part of the cultural values in Uganda.”

Hon. Fox and the legal team are reviewing the Attorney General’s response and where necessary, will file rejoinder affidavits to respond to any new facts raised through Hon. Basalirwa’s affidavit.

The Convening For Equality will continue to share periodic updates on the legal process of [the petitions](#) in Court as we work together to challenge the Anti-Homosexuality Act, 2023.