

# Uganda Penal Code Act 1950

## CHAPTER XIV—OFFENCES AGAINST MORALITY.

### **123. Definition of rape.**

Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband, commits the felony termed rape.

### **124. Punishment for rape.**

A person convicted of rape is liable to suffer death.

### **125. Attempt to commit rape.**

Any person who attempts to commit rape commits a felony and is liable to imprisonment for life with or without corporal punishment.

### **126. Abduction.**

Any person, whether male or female, who—

with intent to marry or be married to or to have sexual intercourse with another person or to cause that person to marry, be married or have sexual intercourse, takes that other person away or detains him or her against his or her will; or

unlawfully takes another person under the age of eighteen years out of the custody of any of the parents or of any other person having lawful care or charge over that person, commits an offence and is liable to imprisonment for seven years.

### **127. Elopement.**

(1) Any person who elopes with a married woman or entices or causes a married woman to elope with him commits an offence and is liable on conviction to imprisonment for a term not exceeding twelve months or to a fine not exceeding two hundred shillings; and, in addition, the court shall order any such person on first conviction to pay the aggrieved party compensation of six hundred shillings, and on a subsequent conviction compensation not exceeding twelve hundred shillings.

Any female who elopes with a married man or entices or causes a married man to elope commits an offence and is liable on first conviction to imprisonment for a term not exceeding twelve months or to a fine not exceeding two hundred shillings; and, in addition, the court shall order any such person on first conviction to pay the aggrieved party compensation of six hundred shillings, and on a subsequent conviction compensation not exceeding twelve hundred shillings.

Any person who agrees to elope with another person commits an offence and is liable on first conviction to a caution by the court and on a subsequent conviction to imprisonment for a term not exceeding six months or to a fine not exceeding six hundred shillings.

### **128. Indecent assaults, etc.**

Any person who unlawfully and indecently assaults any woman or girl commits a felony and is liable to imprisonment for fourteen years, with or without corporal punishment.

It shall be no defence to a charge for an indecent assault on a girl under the age of eighteen years to prove that she consented to the act of indecency.

Any person who, intending to insult the modesty of any woman or girl, utters any word, makes any sound or gesture or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman or girl, or intrudes upon the privacy of such woman or girl, commits a misdemeanour and is liable to imprisonment for one year.

### **129. Defilement of girl under the age of eighteen.**

(1) Any person who unlawfully has sexual intercourse with a girl under the age of eighteen years commits an offence and is liable to suffer death.

(2) Any person who attempts to have unlawful sexual intercourse with a girl under the age of eighteen years commits an offence and is liable to imprisonment for eighteen years, with or without corporal punishment.

### **130. Defilement of idiots or imbeciles.**

Any person who, knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her under circumstances not amounting to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile, commits a felony and is liable to imprisonment for fourteen years.

### **131. Procuration.**

(1) Any person who—

procures or attempts to procure any girl or woman under the age of twenty-one years to have unlawful carnal connection, either in Uganda or elsewhere, with any other person or persons;

procures or attempts to procure any woman or girl to become, either in Uganda or elsewhere, a common prostitute;

procures or attempts to procure any woman or girl to leave Uganda, with intent that she may become an inmate of or frequent a brothel elsewhere; or

procures or attempts to procure any woman or girl to leave her usual place of abode in Uganda, such place not being a brothel, with intent that she may, for the purposes of prostitution, become

an inmate of or frequent a brothel either in Uganda or elsewhere, commits an offence and is liable to imprisonment for seven years.

(2) No person shall be convicted of any offence under this section upon the evidence of one witness only, unless that witness is corroborated in some material particular by evidence implicating the accused.

### **132. Procuring defilement of women by threats, etc.**

(1) Any person who—

by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either in Uganda or elsewhere;

by false pretences or false representations procures any woman or girl to have any unlawful carnal connection, either in Uganda or elsewhere; or (c) applies, administers to or causes to be taken by any woman or girl any drug, matter or thing with intent to stupefy or overpower her so as to thereby enable any person to have unlawful carnal connection with that woman or girl, commits a misdemeanour.

(2) No person shall be convicted of an offence under this section upon the evidence of one witness only, unless that witness is corroborated in some material particular by evidence implicating the accused.

### **133. Householder, etc. permitting defilement of girl under the age of eighteen.**

Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control of the premises, induces or knowingly suffers any girl under the age of eighteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, commits a felony and is liable to imprisonment for five years.

### **134. Detention with sexual intent.**

Any person who unlawfully detains another person for the purpose of sexual intercourse commits an offence.

Where a person is in any place or in a brothel for the purpose of having unlawful sexual intercourse, a person shall be deemed to have unlawfully detained that person if, with intent to induce him or her to remain in that place or brothel, such person withholds from the person detained any wearing apparel or other property belonging to the person detained or where wearing apparel has been lent or supplied by that person, such person in any manner threatens that other person if he or she takes away the wearing apparel.

No legal proceedings, whether civil or criminal, shall be taken against any person unlawfully detained under this section for taking away or being found in possession of any wearing apparel as was necessary to enable that person to leave the place or brothel where the detention occurred.

A person convicted of an offence under subsection (1) or (3) is liable to imprisonment for seven years.

Where a person is detained in custody, any person having authority to detain or keep that person in custody and any inmate or other person who procures, participates in, compels, facilitates or has unlawful sexual intercourse with the person detained commits an offence and is liable to suffer death.

### **135. Power of search.**

If it appears to a magistrate, on information made before him or her on oath by any person who, in the opinion of the magistrate, is acting bona fide in the interests of any other person, that there is reasonable cause to suspect that that person is unlawfully detained for immoral purposes in any place within the jurisdiction of that magistrate, the magistrate may issue a warrant authorising the person named in it to search for, and, when found, to keep in a place of safety the person unlawfully detained until he or she can be brought before a magistrate; and the magistrate before whom a person unlawfully detained is brought may cause that person to be delivered up to the parents or guardian or otherwise dealt with as the circumstances may permit and require.

A magistrate issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such person to be apprehended and brought before a magistrate and proceedings to be taken for punishing that person according to law.

A person shall be deemed to be unlawfully detained for immoral purposes if he or she is so detained for the purpose of sexual intercourse or other sexual gratification with any particular person or generally.

Any person authorised by warrant under this section to search for a person unlawfully detained for immoral purposes may enter, if need be by force, any house, building or other place mentioned in the warrant, and may remove that person from it.

### **136. Person living on earnings of prostitution.**

(1) Every person who knowingly lives wholly or in part on the earnings of prostitution and every person who in any place solicits or importunes for immoral purposes commits an offence and is liable to imprisonment for seven years.

(2) Where a person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he or she is aiding, abetting or compelling his or her prostitution with any other person, or generally, that person shall, unless he or she shall satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

**137. Brothels.**

Any person who keeps a house, room, set of rooms or place of any kind for purposes of prostitution commits an offence and is liable to imprisonment for seven years.

**138. Definition of prostitute and prostitution.**

In this Code, “prostitute” means a person who, in public or elsewhere, regularly or habitually holds himself or herself out as available for sexual intercourse or other sexual gratification for monetary or other material gain, and “prostitution” shall be construed accordingly.

**139. Prohibition of prostitution.**

Any person who practises or engages in prostitution commits an offence and is liable to imprisonment for seven years.

**140. Conspiracy to defile.**

Any person who conspires with another to induce any woman or girl, by means of any false pretence or other fraudulent means, to permit any man to have unlawful carnal knowledge of her commits a felony and is liable to imprisonment for three years.

**141. Attempts to procure abortion.**

Any person who, with intent to procure the miscarriage of a woman whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means, commits a felony and is liable to imprisonment for fourteen years.

**142. Procuring miscarriage.**

Any woman who, being with child, with intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means, or permits any such things or means to be administered to or used on her, commits a felony and is liable to imprisonment for seven years.

**143. Supplying drugs, etc. to procure abortion.**

Any person who unlawfully supplies to or procures for any person any thing, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, commits a felony and is liable to imprisonment for three years.

#### **144. Knowledge of age of female immaterial.**

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

#### **145. Unnatural offences.**

Any person who—

has carnal knowledge of any person against the order of nature;

has carnal knowledge of an animal; or

permits a male person to have carnal knowledge of him or her against the order of nature, commits an offence and is liable to imprisonment for life.

#### **146. Attempt to commit unnatural offences.**

Any person who attempts to commit any of the offences specified in section 145 commits a felony and is liable to imprisonment for seven years.

#### **147. Indecent assaults on boys under eighteen.**

Any person who unlawfully and indecently assaults a boy under the age of eighteen years commits a felony and is liable to imprisonment for fourteen years, with or without corporal punishment.

#### **148. Indecent practices.**

Any person who, whether in public or in private, commits any act of gross indecency with another person or procures another person to commit any act of gross indecency with him or her or attempts to procure the commission of any such act by any person with himself or herself or with another person, whether in public or in private, commits an offence and is liable to imprisonment for seven years.

#### **149. Incest.**

(1) Any person who has sexual intercourse with another person with whom, to his or her knowledge, any of the following relationships exists—  
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 to imprisonment for seven years or, if that other person  
is under the age of eighteen years of age, to imprisonment for life.

It is immaterial that sexual intercourse took place with the consent of the other person.

Where a person is convicted of an offence under this section in relation to a person under the age of twenty-one years, the court may divest the offender of all authority over that person, and if the offender is the guardian of such person the court may order the termination of the guardianship and appoint another person as guardian.

The High Court may, at any time, vary or rescind an order made under subsection (3) by the appointment of any other person as a guardian or in any other respect.

**150. Test of relationship.**

In section 149, 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.

**151. Consent to prosecution.**

No prosecution for an offence under section 149 shall be commenced without the sanction of the Director of Public Prosecutions.