

**BILLS SUPPLEMENT**

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**Bill No. 21**

*The Prevention and Prohibition of  
Human Sacrifice Bill*

**2020**

**THE PREVENTION AND PROHIBITION OF HUMAN  
SACRIFICE BILL, 2020**

**MEMORANDUM****POLICY AND PRINCIPLES**

The object of this Bill is to provide for the crime of human sacrifice; to provide for fines and penalties for the offence of human sacrifice and for related matters.

**DEFECTS IN EXISTING LAW**

Human sacrifice is a growing concern to law enforcement agencies, parents, child rights activists and the general public. Records from the Uganda Police Force show that human sacrifice cases have been steadily increasing for the last several years.

Human sacrifice involves beliefs or faith and dismembering of human body parts. It also targets the most vulnerable persons of society such as children and persons with disabilities. The general consensus of the various societies affected by the practice consider it worse than murder due to the gruesome way it is performed.

The reported cases indicate that whereas the perpetrators of human sacrifice are mostly witch doctors and traditional healers, the financiers of the practice are often wealthy individuals who are never prosecuted.

*The Prevention and Prohibition of  
Human Sacrifice Bill*

**Bill No. 21**

**2020**

It is necessary to punish the perpetrators as well as the accessories before and after the fact. This needs special rules that can be provided in a specific law on human sacrifice.

The current legal regime does not provide for the offence of human sacrifice. At present human sacrifice related cases are prosecuted as murder or related offences under the Penal Code Act. It is, therefore, not unusual for a person alleged to have sacrificed a person to be charged with murder, manslaughter, or some other offence against the person. A number of cases have been instituted in the courts of law against individuals accused under the Penal Code Act but only a few have been successfully prosecuted. The use of the Penal Code would be good enough if the majority of the cases were being successfully brought before the courts. This is not the case, however.

Several cases on human sacrifice which are tried either as murder or manslaughter cases meet severe legal challenges due to the legal rules that already exist especially the well-established rules of evidence in respect of those offences. For instance, the offence of human sacrifice has slightly different ingredients from the ordinary homicide because it involves mostly children and issues of trust and vulnerability. Secondly, whereas attempted murder is well defined and can be proved under the ingredients of murder, attempted human sacrifice is a very different category because it involves relatives, witchdoctors and children found in shrines without explanation.

It is clear that the current law is insufficient to prove attempted human sacrifice.

There is also need for a specific law on human sacrifice that takes cognizance of the unique nature of the offence and provides specific penalties to deal with the practice.

The Bill, therefore, provides for the offence of human sacrifice with specific ingredients as distinct from murder and related offences.

*The Prevention and Prohibition of  
Human Sacrifice Bill*

**Bill No. 21**

**2020**

**REMEDIES PROPOSED TO DEAL WITH DEFECTS IN EXISTING LAW.**

The remedies proposed in the Bill are to provide for the offence of human sacrifice with specific ingredients and to provide for deterrent penalties and fines and also provide for other preventive measures against the practice.

**PROVISIONS OF THE BILL**

The Bill consists of 13 clauses and a Schedule.

**Clause 1** provides for interpretation of words used in the Bill.

**Clauses 2 and 3** create offences of human sacrifice including the financing of another person to commit human sacrifice and attempted human sacrifice.

**Clause 4** provides for attempts to commit the offence of human sacrifice and financing human sacrifice.

**Clause 5** provides for prohibition of certain harmful practices related to human sacrifice.

**Clause 6** provides for an offence for the possession of human body parts and instruments of human sacrifice.

**Clause 7** - Application of Part IV of Penal Code Act. The provisions of Part IV of the Penal Code are applicable to all parties to, and persons inciting the commission of, any offence under this Act, and such persons shall be charged accordingly.

**Clause 8** provides for admissibility of accomplice evidence, that is to say, where a person is charged with an offence under this Act, the evidence of an accomplice of the person charged with the offence shall be admissible against the person charged without the need for

corroboration of the accomplice as a matter of law or practice and the admissibility of the evidence of the accomplice shall not be dependent on whether the accomplice is charged with the same offence as the person charged

**Clause 9** provides for psychosocial support to victims of human sacrifice or attempted human sacrifice

**Clause 10** provides that compensation, rehabilitation or restitution may be made by a court in certain cases in addition to the general penalties and fines that are provided in the Act.

**Clause 11** provides for the powers of the Minister to make regulations for carrying into effect the provisions of the Act.

**Clause 12** makes provision for the amendment of the Schedule. The Schedule provides that the Minister may, by statutory instrument, and with the approval of the Cabinet, amend the Schedule to this Act

**SCHEDULE** - Currency point.

HON. BENARD ATIKU,  
*MP, Ayivu County.*

THE PREVENTION AND PROHIBITION OF HUMAN  
SACRIFICE BILL, 2020

ARRANGEMENT OF CLAUSES

*Clause*

1. Interpretation.
2. Offence of human sacrifice.
3. Offence of financing human sacrifice.
4. Attempt to commit offence of human sacrifice and financing human sacrifice.
5. Prohibition of certain harmful practices relating to human sacrifice.
6. Possession of human body parts and instruments of human sacrifice.
7. Application of Part IV of Penal Code Act
8. Admissibility of accomplice evidence
9. Psychosocial support to survivors of human sacrifice or attempted human sacrifice
10. Compensation, rehabilitation or restitution to be made by court in certain cases
11. Duty to report acts of human sacrifice
12. Regulations
13. Amendment of Schedule

A Bill for an Act

ENTITLED

**THE PREVENTION AND PROHIBITION OF HUMAN  
SACRIFICE BILL, 2020.**

**The object of this Bill is to provide for the crime of human sacrifice; to provide for fines and penalties for the offence of human sacrifice and for related matters.**

**BE IT ENACTED** by Parliament as follows:

**1. Interpretation**

In this Act, unless the context otherwise requires—

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

“currency point” has the value assigned to it in the Schedule;

“human sacrifice” means the killing, mutilation, removal of organs or body parts of a person for sale or for purpose of witchcraft, rituals or any harmful human practices;

“Minister” means the Minister responsible for gender, labour and social development.

**2. Offence of human sacrifice.**

(1) A person who mutilates, or causes the death of another person, for the purpose of performing or furthering a ritual, commits the offence of human sacrifice.

*The Prevention and Prohibition of  
Human Sacrifice Bill*

**Bill No. 21**

**2020**

(2) For the purpose of subsection (1), ritual means a religious, traditional or cultural ceremony performed for the purpose of satisfying a belief.

(3) A person who contravenes subsection (1) commits the offence of human sacrifice and is liable, on conviction, to suffer death.

**3. Offence of financing human sacrifice.**

(1) A person shall not finance another person, whether directly or indirectly, to commit the offence of human sacrifice.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to suffer death.

**4. Attempt to commit offence of human sacrifice and financing human sacrifice.**

(1) A person who attempts to commit the offence of human sacrifice or the offence of financing human sacrifice specified in sections 2 and 3 is liable, on conviction, to imprisonment for life.

(2) For the purposes of subsection (1), a person is taken to attempt to commit the offence of human sacrifice or the financing of human sacrifice where the person begins to put his or her intention into execution, and manifests his or her intention by some overt act, but does not fulfil his or her intention to such an extent as to commit the offence of human sacrifice or financing of human sacrifice.

**5. Prohibition of certain harmful practices relating to human sacrifice.**

A person who—

- (a) spreads belief in human sacrifice for financial reward or gain;
- (b) professes to practice human sacrifice;

*The Prevention and Prohibition of  
Human Sacrifice Bill*

**Bill No. 21**

**2020**

- (c) encourages or advises any person to use human body parts in any ritual;
- (d) encourages or advises any person to use human body parts in any treatment or other form of healing;
- (e) encourages or advises a person to sacrifice a human being; or
- (f) encourages or advises another person to do any act which is prohibited under this Act,

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

**6. Possession of human body parts and instruments of human sacrifice.**

A person who—

- (a) unlawfully has in his or her possession human body parts;
- (b) unlawfully uses human body parts in medicine or concoction, whether for sale, personal use or any other purpose; or
- (c) makes or uses or assists in the making or using, or has in his or her possession an instrument used for or associated with human sacrifice,

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

**7. Application of Part IV of Penal Code Act.**

Without prejudice to any provision of this Act, the provisions of Part IV of the Penal Code are applicable to all parties to, and persons inciting the commission of, any offence under this Act, and such persons shall be charged accordingly.

**8. Admissibility of accomplice evidence.**

Where a person is charged with an offence under this Act, the evidence of any accomplice of the person charged with the offence shall be admissible against the person charged without the need for corroboration of the evidence of the accomplice as a matter of law or practice and the admissibility of the evidence of the accomplice shall not be dependent on whether the accomplice is charged with the same offence as the person charged.

**9. Psychosocial support to survivors of human sacrifice or attempted human sacrifice.**

(1) A person who survives human sacrifice or attempted human sacrifice shall be accorded psychosocial support.

(2) Where a child survives human sacrifice or attempted human sacrifice, and the parent or guardian of that child cannot be located, the child shall be handed over to the relevant probation and social welfare officer.

(3) For the purposes of subsection (1), psychosocial support services shall include medical services, counselling services, social support services, spiritual support services and any other such services.

**10. Compensation, rehabilitation or restitution to be made by court in certain cases.**

(1) The court may, in addition to any other penalty under this Act, order for reparations, which may include—

- (a) restitution of the survivor of the offence, his or her family or dependents to the greatest extent possible and such restitution may include—
  - (i) the return of any property confiscated;
  - (ii) payment for harm or loss suffered;

- (iii) payment for the provision of services and restoration of rights; or
  - (iv) reimbursement of expenses incurred as a result of victimization;
- (b) compensation for any economically assessable damage resulting from the offence such as—
- (i) physical or mental harm, including pain, suffering and emotional distress;
  - (ii) lost opportunities, including employment, education and social benefits;
  - (iii) material damage and loss of earnings;
- (c) rehabilitation including—
- (i) medical and psychological care;
  - (ii) legal and psycho-social services to the affected persons in case of trauma;
  - (iii) restitution, compensation, rehabilitation or any payment ordered by the court under subsection (1) may be satisfied by the property of the person convicted of the offence.

### **11. Duty to report acts of human sacrifice**

A person who reasonably suspects that an act of human sacrifice or attempted sacrifice has been committed or is about to be committed shall report the matter to the police or local council.

### **12. Regulations.**

(1) The Minister may, by statutory instrument, make regulations generally for giving effect to the provisions of this Act.

(2) Without limiting the general effect of subsection (1), the Minister may make regulations relating to—

- (a) the manner of investigating offences under this Act;
- (b) the time periods within which cases under this Act can be handled by the Police;
- (c) the provision of psychosocial support.

(3) Notwithstanding the Interpretation Act, the Minister may, while exercising his or her powers under subsection (1), by statutory instrument, prescribe such fines and imprisonment as may be appropriate in the circumstances which may be in excess of the penalties prescribed by section 38 of the Interpretation Act

### **13. Amendment of Schedule.**

The Minister may, by statutory instrument, and with the approval of the Cabinet, amend the Schedule to this Act.

**SCHEDULE**

*Section 1*

Currency point.

A currency point is equivalent to twenty thousand shillings.