



EUROPEAN PARLIAMENT

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Plenary sitting

14.12.2010

B7-0711/2010

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on Uganda: the Bahati Bill and discrimination against the LGTB population

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on behalf of the ALDE Group

European Parliament resolution on Uganda: the Bahati Bill and discrimination against the LGTB population

The European Parliament,

- having regard to the international human rights obligations and instruments, including those contained in the UN Conventions on Human Rights and in the European Convention for the Protection of Human Rights and Fundamental Freedoms, guaranteeing human rights and fundamental freedoms and prohibiting discrimination,
- having regard to the Partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement) and the human rights clauses contained therein, in particular Article 9,
- having regard to Articles 6 and 7 of the Treaty on European Union (TEU) and Article 19 of the Treaty on the Functioning of the European Union (TFEU), which commit the European Union and the Member States to upholding human rights and fundamental freedoms and provide means to fight discrimination and human rights violations at EU level,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 21 thereof, which prohibits discrimination on grounds of sexual orientation,
- having regard to all EU activities that relate to fighting homophobia and discrimination on grounds of sexual orientation,
- having regard to its previous resolutions on homophobia, protection of minorities and antidiscrimination policies,
- having regard to its previous resolution of 16 December 2009 on Uganda: anti-homosexual draft legislation,
- having regard to the meeting of the Committee on Political Affairs of the ACP-EU Joint Parliamentary Assembly (JPA) held in Luanda on 28 November 2009,
- having regard to the 28 September 2010 Declaration of the 21st session of the ACP-EU Joint Parliamentary Assembly on the peaceful co-existence of religions and the importance given to the phenomenon of homosexuality in the ACP-EU partnership,
- having regard to the 6 December 2010 statement made in response to the ACP-EU Declaration by EU Members of the ACP-EU Joint Parliamentary Assembly from the EPP, S&D, ALDE, Greens and GUE groups of the European Parliament,
- having regard to the ACP-EU JPA resolution of 3 December 2009 on social and

cultural integration and participation of young people,

- having regard to Rule 122 of its Rules of Procedure,
- A. whereas the Anti-Homosexuality Bill tabled by private Member David Bahati MP on 25 September 2009 in the Ugandan Parliament foresees the punishment of homosexual acts by terms of imprisonment between seven years and a lifetime as well as the death penalty, whereas the Bill foresees the punishment of a failure to disclose a child's or patient's homosexuality by up to three years' imprisonment; whereas the Bill is still under consideration despite repeated condemnations by the international community,
- B. whereas on 9 October and 15 November 2010 the local newspaper "Rolling Stone" listed the names and personal details of people alleged to be homosexual, inciting readers to harm or hang them, whereas the Ugandan High Court temporarily ordered the newspaper to cease publication,
- C. whereas in Africa homosexuality is legal in only 13 countries and a criminal offence in 38 countries, whereas Mauritania, Sudan and northern Nigeria punish homosexuality by death,
 1. Reiterates the fact that sexual orientation is a matter falling within the remit of the individual right to privacy as guaranteed by international human rights law, according to which equality and non-discrimination should be promoted, whilst freedom of expression should be guaranteed;
 2. Reminds the Ugandan authorities of their obligations under international law and under the Cotonou Agreement, which call for universal human rights to be respected;
 3. Consequently calls on the Ugandan authorities not to approve the Bill and to review their laws so as to decriminalise homosexuality; underlines that such a law would be extremely detrimental in the fight against HIV/AIDS;
 4. Denounces any attempt to incite hatred and advocate violence towards any minority group, including on grounds of sex or sexual orientation;
 5. Welcomes the fact that the Ugandan High Court ordered the newspaper to cease publication; nevertheless, remains concerned that many Ugandans have been attacked as a direct result of the article, with many still fearing attacks, and calls on the authorities to provide them with protection;
 6. Endorses the 6 December 2010 statement in response to the ACP-EU Declaration by EU Members of the ACP-EU Joint Parliamentary Assembly from the EPP, S&D, ALDE, Greens and GUE groups of the European Parliament in response to the ACP-EU Declaration of 28 September 2010 and reiterates its commitment to universal human rights, inter-religious tolerance and the peaceful co-existence and mutual respect among all religious and LGBT communities; notes, in this regard, that the defence of LGBT rights cannot be qualified as the imposing of European values, but rather as the defence and promotion of shared universal human rights, which is one of the EU's objectives in all its external activities;

7. Calls on the Commission, the Council and the European External Action Service to make full use of the Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People in their dealings with Uganda;
8. Calls on EU institutions and Member States to promote at the international and bilateral level the abolition of the death penalty in the world, the decriminalization of homosexuality and the fight against persecution of persons on the basis of their sexual orientation, which must be one of the pillars of a EU Roadmap against homophobia and for the protection of the rights of LGBT people;
9. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for Foreign Affairs and the President of the Republic of Uganda.