



Plenary sitting

B9-0137/2019

22.10.2019

MOTION FOR A RESOLUTION

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

pursuant to Rule 144 of the Rules of Procedure

on the situation of LGBTI people in Uganda
(2019/2879(RSP))

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on behalf of the Renew Group

**European Parliament resolution on the situation of LGBTI people in Uganda
(2019/2879(RSP))**

The European Parliament,

- having regard to the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the African Charter on Human and Peoples' Rights (ACHPR),
 - having regard to the United Nations Human Rights Council's Universal Periodic Review of Uganda;
 - having regard to 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 (the Cotonou Agreement), and the human rights clauses contained therein, in particular Articles 8(4) and 9,
 - having regard to Articles 2, 3(5) and 21 of the Treaty on European Union and Article 10 of the Treaty on the Functioning of the European Union, which commit the European Union and its Member States to upholding and promoting universal human rights and the protection of individuals in its relations with the wider world,
 - having regard to the Charter of Fundamental Rights of the European Union, in particular Article 21 thereof, which, prohibits discrimination based on sexual orientation,
 - having regard to the EU Guidelines on the death penalty,
 - having regard to the EU Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons,
 - having regard to all EU activities to fight homophobia and discrimination based on sexual orientation, including within the EU Member States, where serious situations of discrimination, persecution, and violence still persist,
 - having regard to the Council of the European Union's Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender People (the LGBTI Toolkit),
 - having regard to the International Covenant on Civil and Political Rights of 1966 (ICCPR), to which Uganda is a party since 1995,
 - having regard to its previous resolution on Uganda;
 - having regard to its previous resolutions on homophobia, protection of LGBTI, of minorities, and on anti-discrimination policies;
 - having regard to Rule 144 of its Rules of Procedure,
- A. Whereas on 11 October the Government of Uganda outlined a plan to reintroduce legislation that would impose the death penalty for same-sex activity; whereas Simon Lokodo, Uganda's State Minister for Ethics and Integrity, stated the bill had his personal backing and defended it by using extremely homophobic rhetoric;
- B. Whereas various Members of the Parliament of Uganda are also advocating the new law to make homosexual acts punishable by death; whereas the Parliament of Uganda is currently in recess but those backing new legislation will seek permission to introduce a bill when lawmakers next meet at the end of the October;

- C. Whereas in May 2014, the Parliament of Uganda adopted similar legislation, the Anti-Homosexuality Act (AHA), which led to tenfold rise in attacks on LGBTI people; whereas a few months later the Constitutional Court then declared the law null and void on procedural grounds;
- D. Whereas on 12 October, a government spokesperson, Ofwono Opondo, stated that the government does not intend to introduce any new law with regards to regulation of LGBTI activities in Uganda; Whereas, in 2014, before President Museveni signed the Anti-Homosexuality Act, the government also put out conflicting messages around its support for the envisaged legislation;
- E. Whereas current provisions in the penal code violates human rights and criminalise homosexuality; Whereas penalties for same-sex conduct remain very much enshrined in Uganda's existing penal code, and range up to life-imprisonment;
- F. Whereas the proposed legislation serves as a tool of terror, which resurrects several times a year; Whereas Minister Lokodo's advocacy of the death penalty is in itself horrific and incites the public to carry out acts of violence against LGBTI people;
- G. Whereas on 5 October, Brian Wassa, a gay paralegal, succumbed to brain haemorrhage after been hacked in the head by unknown persons the previous day at his home in Jinja; Whereas a transgender woman from Gomba district, a gay man in Kayunga district and another in Jinja had been killed in Uganda in recent months, in the wake of heightened anti-LGBTI sentiments from political leaders;
- H. Whereas hundreds of LGBTI people have been forced to leave the county as refugees and more will follow if the law is enacted;
- I. Whereas according to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), 32 African countries out of a total of 54 nations criminalize same sex relations;
- J. Whereas laws promoting homophobia are used to persecute and discriminate against LGBTI who face prejudice in having access to medical care and health service, employment, housing and education;
- K. Whereas the European Union has committed and invested, through the European Development Fund, €578 million between 2014-2020, namely to encourage and foster sustainable development through improved governance and strengthened economic growth; Whereas there is strict conditionality for the beneficiaries of the European Development Fund to respect, namely regarding human rights, rule of law, freedom of religion, protection of minorities;
- L. Whereas in May, in accordance with Article 8 of the Cotonou Partnership Agreement, Uganda and the European Union reaffirmed their close partnership in a Political Dialogue;
- M. Whereas, despite the progress over the past decade, same-sex sexual activity is still a crime in 70 countries, and can result in a death sentence in nine countries;
 - 1. Underlines that the right to sexuality, which incorporates the right to express one's sexuality and freedom from discrimination, is based on the universality of human rights and guaranteed by international human rights law;
 - 2. Condemns any version of the envisaged bill; Calls, therefore, on the Ugandan authorities not to approve the bill and to immediately revoke their current legislation that violates human rights so as to decriminalise homosexuality;
 - 3. Rejects firmly any moves to introduce the death penalty;
 - 4. Reminds the Ugandan Government of its obligations under international law and under the Cotonou Agreement, which calls for universal human rights to be respected;

5. Calls on the President of Uganda to take action against State minister Simon Lokodo for fear-mongering by publicly advocating the death penalty for same-sex acts and promoting hate;
6. Recalls statements by the African Commission on Human and Peoples' Rights and the UN Human Rights Committee that a State cannot, through its domestic law, negate its international human rights obligations;
7. Reiterates its deep concern over the adoption and discussion of legislation criminalising homosexuality in Uganda and in most of African countries; calls for reinforcement of the principle of non-negotiable human rights clauses with regard to discrimination based on sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation or gender identity and against people living with HIV/AIDS;
8. Is extremely concerned that international donors, non-governmental organisations and humanitarian organisations would have to reconsider or cease their activities in certain fields should the bill pass into law;
9. Calls on the Commission and the Council to include an explicit mention of non-discrimination based on sexual orientation in any future agreement taking the place of the Cotonou Agreement, as demanded on many occasions by Parliament;
10. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to make an urgent appeal to the Ugandan authorities not to proceed with the bill;
11. Urges the EU and its Member States to make full use of the LGBT Toolkit to encourage third countries to decriminalise homosexuality, help reduce violence and discrimination and protect LGBTI human rights defenders;
12. Calls for the EU to continue to closely monitor the human rights situation in Uganda, particularly through regular reporting by its delegation; calls on the European Union Delegation and Member States to do all they can to provide emergency protection and support to LGBTI people at risk;
13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the President of the Republic of Uganda, the Speaker of the Ugandan Parliament and to the African Union.