



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

11.3.2014

B7-0257/2014

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 122 of the Rules of Procedure

on launching consultations to suspend Uganda and Nigeria from the Cotonou Agreement in view of recent legislation further criminalising homosexuality (2014/2634(RSP))

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on behalf of the PPE Group

**European Parliament resolution on launching consultations to suspend Uganda and Nigeria from the Cotonou Agreement in view of recent legislation further criminalising homosexuality
(2014/2634(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), the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW),
- having regard to UN Human Rights Council resolution A/HRC/17/19 of 17 June 2011 on Human rights, sexual orientation and gender identity,
- having regard to the UN Human Rights Council discussions on the global rights of the LGBT world-citizens and sexual orientation-based discrimination and violence,
- having regard to the Statements by UN High Commissioner for Human Rights Navi Pillay to the Panel on ending violence and discrimination against individuals on the basis of their sexual orientation and gender identity,
- having regard to the second revision of 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 (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 EU and its Member States to upholding and promoting universal human rights and the protection of individuals in its relations with the wider world,
- having regards to the statement of 15 January 2014 by Ban Ki-moon expressing deep concern at a new Nigerian law that criminalizes same-sex relationships,
- having regard to the statement of 25 February 2014 by Ban Ki-moon urging Ugandan authorities to revise or repeal the country's Anti-Homosexuality Bill;
- having regard to the statement of 20 December 2013 and of 18 February 2014 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the adoption of the Anti-Homosexuality Bill in Uganda, and of 24 February 2014 condemning the President of Uganda for signing the country's Anti-Homosexuality Bill into law;

- having regard to Catherine Ashton’s statement of 15 January 2014 expressing her concern about the signing into law in Nigeria of the Same-Sex Marriage (Prohibition) Bill
 - having regard to its previous resolution of 17 December 2009 on Uganda: anti-homosexual draft legislation, of 16 December 2010 on Uganda: the so-called ‘Bahati bill’ and discrimination against the LGBT population and of 17 February 2011 on Uganda: the killing of David Kato,
 - having regard to its previous resolution of 28 September 2011 on human rights, sexual orientation and gender identity at the United Nations,
 - having regard to its previous resolution of 5 July 2012 on violence against lesbians and LGBT rights in Africa, and of 16 January 2014 on recent move to criminalise LGBTI people,
 - having regard to Rule 122 of its Rules of Procedure,
- A. whereas all human beings are born free and equal in dignity and rights; whereas all States have the obligation to prevent violence and stigmatisation based on sexual orientation, gender identity and gender expression,
 - B. whereas the rights of LGBT people are the same human rights as those of all women and all men, which must be protected regardless of their sexual orientation, gender identity or gender expression,
 - C. whereas on 20 December 2013, the Ugandan Parliament adopted the ‘Anti-Homosexuality Bill’, and the President signed it into law on 24 February 2014; whereas this Bill punishes homosexuality with life imprisonment, support for LGBT people’s rights with up to 7 years’ imprisonment, the non-denunciation of LGBT people with up to 3 years’ imprisonment, and ‘repeat offenders’ or HIV positive offenders with life in prison, and consensual same-sex conduct is criminalized under section 145 of the Ugandan Penal Code,
 - D. whereas Uganda's President Museveni stated that his decision to sign the bill was based on a report by "medical experts" who say "homosexuality is not genetic but a social behavior",
 - E. whereas Information Minister and Uganda government Spokesperson, Ms Rose Namayanja, said on 6 March 2014 that Uganda will not repeal the law simply because development partners don’t like it;
 - F. whereas on 17 December 2013, the Nigerian Senate adopted the ‘Same-Sex Marriage (Prohibition) Bill’, and the President signed into law on 13 January 2014; whereas this Bill punishes people in a same-sex relation with up to 14 years’ imprisonment, and people witnessing same-sex relations or running LGBT bars, organizations or meetings with up to 10 years’ imprisonment, and consensual same-sex conduct is criminalized under section 214 and 217 of the Nigerian Penal Code;

- G. whereas the Special Adviser to the Nigerian President on Ethics and Values Ms. Sarah Jibril Nigeria said on 6 March 2014 that Nigeria has all it takes to resist the pressure to embrace same-sex marriage;
- H. whereas further stigmatization of LGBT people in Uganda and Nigeria fuels prejudice and encourages harassment and violence;
- I. whereas Norway, Denmark, The Netherlands, the World Bank and lately Sweden individually froze aid to Uganda; whereas US has begun a broad review of its assistance and engagement with Kampala;
1. Calls on the European Commission, the European External Action Service and Member States to pay attention to the human rights of all human beings in their relations with third countries and denounce any discriminatory legislation;
 2. Denounces incitements to hatred and violence on grounds of sexual orientation, gender identity or gender expression; calls on Nigeria and Uganda to effectively uphold LGBT people's right to life and dignity, and condemn all acts of violence, stigmatisation and humiliation against them;
 3. Deplores the adoption of the Anti-Homosexuality Act by Uganda and calls on the President of Uganda to repeal it, as well as section 145 of the Ugandan Penal Code as they violate international human rights obligations;
 4. Deplores the adoption of the 'Same-Sex Marriage (Prohibition) Bill and calls on the President of Nigeria to repeal it, as well as section 214 and 217 of the Nigerian Penal Code as they violate international human rights obligations;
 5. Calls on the EU to strengthen its engagement and enhance political dialogue leading to credible commitments from Uganda and Nigeria under Art. 8 of the Cotonou Agreement on the protection of the human rights of LGBTs; should this enhanced political dialogue bring no results, calls on the EU to consider launching consultations to suspend aid for Uganda and Nigeria under Art. 96 of the Cotonou Agreement;
 6. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission, the Governments and Parliaments of the EU Member States, and the Presidents and Parliaments of Uganda and Nigeria.