



EUROPEAN PARLIAMENT

2009 - 2014

---

*Session document*

---

15.12.2009

B7-0261/2009

## **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: anti-homosexual draft legislation

**Charles Tannock**  
on behalf of the ECR Group

**European Parliament resolution on Uganda: anti-homosexual draft legislation**

*The European Parliament,*

– having regard to international human rights obligations and instruments, including those contained in the UN conventions on human rights and in the European Convention on Human Rights and Fundamental Freedoms, guaranteeing human rights and fundamental freedoms and prohibiting discrimination,

- having regard to the Cotonou Agreement and human rights clauses contained therein and more particularly Article 9 thereof,

– having regard to Articles 6 and 7 of the Treaty on European Union (TEU) and Article 13 of the EC Treaty, which commit the EU, as well as the Member States, to uphold human rights and fundamental freedoms and which provide means at European level to fight discrimination and human rights violations,

– 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 all EU activities to fight homophobia and discrimination based on sexual orientation,

– having regard to its previous resolutions on homophobia, protection of minorities and anti-discrimination policies and notably to those of 18 January 2006 on homophobia in Europe and of 15 June 2006 on the increase in racist and homophobic violence in Europe resolution of 26 April 2007 on homophobia in Europe,

- having regard to the ACP-EU JPA committee on political affairs meeting in Luanda on 28 November 2009,

- having regard to the ACP-EU resolution of 3 December 2009 on social and cultural integration and participation of young people,

– having regard to Rule 122(5) of its Rules of Procedure,

A. whereas on 25 September 2009 David Bahati MP tabled the "Anti-Homosexuality Bill 2009" before the Ugandan Parliament,

B. whereas the proposed law foresees the introduction of harsher penalties to criminalize homosexuality and punish those alleged to be lesbian, gay or bisexual (LGBT) with life imprisonment or the death penalty,

C. whereas the draft bill includes a provision that could lead to the imprisonment for up to three years of anyone, including heterosexual people, who fail to report within 24 hours the identities of everyone they know who is lesbian, gay, bisexual, or transgender, or who supports human rights for people who are,

D. whereas the bill provides for Uganda to nullify any of its international or regional commitments that it deems in contradiction to the provisions of the proposed bill,

E. whereas the bill has already been condemned by President Obama, the Chair and Vice-chair of the US House of Representatives' Committee on Foreign Affairs, Commissioner De Gucht as well as the British, French and Swedish Governments,

F. whereas the proposed law has been denounced by non-governmental organisations around the world and in Uganda itself as a major obstacle in fighting HIV/AIDS as it will engineer a climate of extreme homophobia,

G. whereas in Africa homosexuality is legal only in 13 countries, while it is punished in 38 countries, with Mauritania, Sudan, and northern Nigeria foreseeing also the death penalty, and the approval of such law in Uganda could have spill-over effects on other African countries, where persons are or could be persecuted because of their sexual orientation,

1. Underlines that sexual orientation is a matter falling within the remit of the individual right to private life, according to which equality and non-discrimination should be promoted, whilst freedom of expression should be guaranteed; in this context, condemns the "anti-homosexuality bill 2009";
2. Consequently calls the Ugandan authorities not to approve the bill and to review their laws so to decriminalize homosexuality;
3. Reminds the Ugandan Government of its obligations under international law and under the Cotonou Agreement, which calls for universal human rights to be respected;
4. Recalls statements by the African Commission and the UN Human Rights Committee that a state cannot, through its domestic law, negate its international human rights obligations;
5. Is extremely concerned that international donors, international organisations and non-governmental organisations, humanitarian organisations and doctors would have to reconsider or cease their activities in certain fields should the bill pass;
6. Strongly rejects any moves to introduce the use of the death penalty for crimes which relate to sexual orientation;
7. Calls on the Council and Commission and the Member States to make urgent representations to the Ugandan authorities and, should the criminalization of homosexuality stay and breaches of international human rights law take place, reconsider their engagement with Uganda;
8. Instructs its President to forward this resolution to the Commission, the Council, the President of the Republic of Uganda and the speaker of the Ugandan Parliament.