



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

14.12.2010

B7-0729/2010

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 Bahatili Bill and discrimination against the LGBT population

Marie-Christine Vergiat, Eva-Britt Svensson, Cornelia Ernst, Rui Tavares, Marisa Matias, Ilda Figueiredo, João Ferreira
on behalf of the GUE/NGL Group

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

The European Parliament,

- having regard to its previous resolution on Uganda and the anti-homosexual draft legislation of 16 December 2009,
 - 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 international human rights obligations, including those contained in the UN Conventions on Human Rights and in the European Convention on Human Rights and Fundamental Freedoms, and the human rights clauses of the Cotonou Agreement,
 - 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, including within the EU Member States, where serious situations of discrimination, persecution, and violence still persist,
 - having regard to the Declaration by the High Representative, Catherine Ashton, on the Internal Day against homophobia, 17 May 2010,
 - having regard to the answer given by Commissioner Piebalgs to a parliamentary question on EU development aid for Uganda and death penalty for homosexuality of 18 June 2010,
 - having regard to EU commitments to work against the death penalty, especially as expressed in numerous reports and resolutions of the European Parliament,
 - having regard to Rule 122 of its Rules of Procedure,
- A. whereas homophobic laws are widespread in African states and exist in 37 out of 53 states in different forms and with various degrees of punishment, including death penalty in countries where sharia law is applied,
- B. whereas this situation is an integral part of the colonial heritage imposed under British rule and whereas homophobia is presently advocated largely by different Christian

congregations,

- C. whereas homophobia in Europe and globally is often propagated by similar actors, including some religious institutions and some state institutions,
 - D. whereas on 25 September 2009 David Bahati, MP tabled the "Anti Homosexuality Bill 2009" in the Ugandan Parliament, which was not put on the agenda until now as a result of international protests,
 - E. whereas the proposed law includes provisions to punish those alleged to be lesbian, gay or bisexual (LGBT) with life imprisonment or the death penalty,
 - F. whereas the draft bill includes a provision that could lead to the imprisonment for up to three years of anyone, including heterosexual people, who fails 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,
 - G. 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,
 - H. whereas the proposed law has been denounced by the European Union on various occasions and by many Non Governmental Organisations around the world and in Uganda itself,
 - I. whereas the author of the bill is campaigning in the media for its adoption and securing support for his views,
 - J. whereas the Ugandan newspaper "Rolling Stone" has twice in recent months published lists with more than hundred names and photos of Ugandan personalities, identifying them as gay and whereas these people were harassed and threatened afterwards,
 - K. whereas Human Rights Watch reports about other violations of basic human rights in Uganda, especially in the northern part of the country, where many women with disabilities face discrimination on the basis of gender, disability and poverty, whereas, according to UNHCR, 3098 persons with disabilities, most of them women, still live in camps under conditions of deprivation of access to information, health care and normal living conditions,
 - L. whereas it is of the utmost importance to increase the support of local civil society organisations, promoting human rights and fundamental freedoms, including organisations working to promote sexual health, rights and choice for all,
1. Strongly denounces the permanent threat and harassment to LGBT population in African states and especially Uganda, where a new law was prepared and the names and photos of gay people were published in a newspaper, which led afterwards to a wave of threats and harassment;
 2. Underlines that sexual orientation is a matter falling within the remit of the individual

right to privacy, guaranteed by international human rights law, 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", which is still pending in the Ugandan Parliament;

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, both governmental and non-governmental, would have to cease their activities in certain fields should the bill pass;
6. Calls for increased EU support for local organisations and associations working to ensure sexual health, rights, and choice and encourages the support for anti-homophobic partnerships between European and African sister organisations, based on equality, to support each other in developing actions and strategies to address homophobia in their respective contexts;
7. Strongly rejects any moves to introduce the use of the death penalty;
8. Calls on the Council and Commission to re-examine the cooperation with Uganda in the event that this law is passed in its current form and to suspend cooperation until it is made compatible with the international principles of non-discrimination on the basis of sexual orientation;
9. Calls on the Council and Commission to continue their efforts for the respect of LGBT rights in Uganda and to keep this question as a priority on the agenda for a dialogue with Uganda on human rights;
10. 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.