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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 killing of David Kato

Michael Cashman, Richard Howitt, Corina Crețu, Ana Gomes
on behalf of the S&D Group

European Parliament resolution on Uganda: the killing of David Kato

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 2001 and revised in Ouagadougou on 23 June 2010 (the Cotonou Agreement) and the human rights clauses contained therein, in particular Article 8,
- having regard to Articles 6, 7 and 21 of the Treaty on European Union (TEU), 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 and in the European Union's external action,
- 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 anti-discrimination policies,
- having regard to Declarations by the High Representative, Catherine Ashton, and President of the European Parliament Jerzy Buzek on the International Day Against Homophobia, 17 May 2010,
- having regard to its resolutions of 17 December 2009 on Uganda: anti-homosexual draft legislation and of 16 December 2010 on Uganda: the so-called 'Bahati bill' and discrimination against the LGBT population,
- 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 on 26 January 2011 David Kato Kisule, human rights activist and leading figure of the human rights group Sexual Minorities Uganda and of the Ugandan LGBT community at large, was brutally killed,
 - B. whereas David Kato previously sued and won the process against the local tabloid *Rolling Stone*, which on 9 October and 15 November 2010 listed the names, personal details and photographs of several people alleged to be homosexual, including David Kato, inciting readers to harm or hang them,
 - C. whereas on 3 January 2011, the Uganda High Court ruled that the *Rolling Stone* tabloid violated the fundamental constitutional rights of all citizens to dignity and privacy, specifying that even current Ugandan anti-homosexuality legislation cannot be understood to condone violence towards or killings of homosexual people,
 - D. whereas the Co-President of the European Union-Africa Caribbean Pacific Joint Parliamentary Assembly; the Chair of the Subcommittee on Human Rights; the President of the European Parliament; the EU Heads of Mission in Kampala; the Secretary of State and President of the United States; the United Nations' High Commissioner for Human Rights and other leaders of the international community paid tribute to David Kato as a human rights defender and called on Ugandan authorities to bring the perpetrator(s) to justice,
 - E. whereas the European Parliament, as well as international non-governmental organisations and US and EU government representatives had repeatedly expressed their concern regarding the situation of LGBT persons in Uganda, ongoing discrimination and persecution, as well as incitement to hatred against LGBT persons by public and private figures and organisations in Uganda,
 - F. whereas the Anti-Homosexuality Bill tabled by private Member David Bahati MP on 25 September 2009 before the Ugandan Parliament foresees the punishment of homosexual acts by imprisonment between seven years and life 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,
 - G. whereas LGBT people in Uganda, as well as those persons whose pictures and details appeared in *Rolling Stone* and were subsequently read out on radio and television, are now in genuine danger of being persecuted, and in most cases are now homeless, unemployed, forced to avoid public places, and must hide from public view,
 - H. 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. Strongly condemns the violent murder of David Kato Kisule;

2. Calls on Ugandan authorities to carry an in-depth, impartial, active and vigorous investigation into the killing and bring the perpetrators to justice, and so for any act of persecution, discrimination and violence against LGBT people; calls on Ugandan authorities to investigate individuals who publicly called for the killing of David Kato, their organisations, role and funding;
3. Calls on the Ugandan government to ensure LGBT people in Uganda are adequately protected from violence, and to take prompt action against all threats or hate speech likely to incite violence, discrimination, or hostility toward them;
4. Calls on the Ugandan Parliament to decriminalize homosexuality and reject the use of the death penalty under any circumstances; joins the 10 December 2010 appeal of UN Secretary-General Ban Ki-moon for the universal decriminalization of homosexuality;
5. Denounces any attempt to incite hatred and advocate violence towards any minority group, including on grounds of sex or sexual orientation; joins the call of David Kato's organisation (SMUG) as well as other organisations for authorities, political and religious leaders, as well as the media, to stop demonizing sexual minorities and creating a climate of violence against LGBT people,
6. 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;
7. Calls on the European 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, provide full protection to LGBT activists in Uganda, and support their activities; calls on the Commission to include the use of the *Toolkit* in a future EU Roadmap against homophobia and for LGBT equality;
8. Urges the European Commission and Member States to include LGBT activists in their human rights defender support programmes; calls on all non-governmental organisations in Uganda to work together with the Ugandan Human Rights Coalition, including with LGBT organisations;
9. Calls on Member States to ensure that refugee status is granted to persons who are persecuted on the basis of their sexual orientation;
10. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for Foreign Affairs, the President of the Republic of Uganda, the Speaker of the Ugandan Parliament, the East African Legislative Assembly and the African Union Commission.