



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

11.3.2014

B7-0251/2014

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))

Charles Tannock
on behalf of the ECR 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 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 Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the African Charter on Human and Peoples' Rights,
- 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 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 Union and its Member States, of the other part (the Cotonou Agreement), and to the human rights and public health clauses and commitments contained therein, particularly Articles 8(4), 9, Article 31a (e) and Article 96,
- having regard to Articles 2, 3(5), 21, 24, 29 and 31 of the Treaty on European Union and Article 10 and 215 of the Treaty on the Functioning of the European Union, which commit the EU and its Member States, in their relations with the wider world, to upholding and promoting universal human rights and the protection of individuals, and adopting restrictive measures in case of grave human rights breaches,
- 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 the statement of 20 December 2013 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,
- having regard to the statement of 18 February 2014 by EU High Representative Catherine on anti-homosexuality legislation in Uganda
- having regard to the declaration of 4 March 2014 by the High Representative on behalf of the European Union concerning the Ugandan Anti-Homosexuality Act

- having regard to the statement from President Obama of 16th February 2014 on the adoption of the Anti- homosexuality Bill in Uganda; and his request for President Museveni not to sign the bill into law;
 - having regard to its previous resolution of 5 July 2012 on violence against lesbian women and the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in Africa, to its position of 13 June 2013 on the draft Council decision on the conclusion of the Agreement amending for the second time 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 2000, as first amended in Luxembourg on 25 June 2005, and to its resolution of 11 December 2013 on the Annual Report on Human Rights and Democracy in the World 2012 and the European Union's policy on the matter,
 - having regard to its previous resolutions 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 resolutions of 15 March 2012 and of 4 July 2013 on the situation in Nigeria,
 - having regard to its resolution of 16 January 2014 on recent moves to criminalise lesbian, gay, bisexual, transgender and intersex (LGBTI) people,
 - 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 Rule 122 of its Rules of Procedure,
- A. Whereas equality and freedom from discrimination applies to all persons universally; whereas all states have the obligation to prevent violence, discrimination and incitement of hatred based on individual characteristics, including sexual orientation;
 - B. Whereas as many as 76 countries continue to consider homosexuality a crime, with five countries foreseeing the death penalty for such crimes;
 - C. Whereas homosexuality is already punished with 14 years' imprisonment in Uganda under Section 145 of the Ugandan Penal Code and with 7 years' imprisonment in Nigeria under Section 214 of the Nigerian Criminal Code (or the death penalty in the 12 states under Sharia law);
 - D. Whereas on 20 December 2013 the Ugandan Parliament adopted the Anti-Homosexuality Bill, which punishes support for LGBTI people's rights with up to 7

years' imprisonment, persons keeping a house, room or rooms or place of any kind for the 'purpose of homosexuality' with 7 years' imprisonment, and 'repeat offenders' or HIV-positive offenders with life imprisonment; whereas the bill was signed into law by President Yoweri Museveni Kaguta of the Republic of Uganda on 24th February 2014;

- E. Whereas on 17 December 2013, the Nigerian Senate adopted the 'Same-Sex Marriage (Prohibition) Bill', which punishes people in a same-sex marriage with up to 14 years' imprisonment, and people witnessing same-sex marriages or running LGBTI bars, organisations or meetings with up to 10 years' imprisonment; whereas the bill was signed into law by President Goodluck Jonathan in January 2014;
 - F. Whereas numerous heads of states and government, United Nations leaders, government and parliamentary representatives, the EU (including the Council, the Parliament, the Commission and the High Representative) and numerous world figures have sternly condemned laws criminalising LGBTI people;
 - G. Whereas EU cooperation should support efforts of ACP States at developing supportive legal and policy frameworks and removing punitive laws, policies, practices, stigma and discrimination that undermine human rights;
 - H. Whereas further criminalising consensual activities between adults of the same sex prevents the achievement of the Millennium Development Goals and the future success of the post-2015 development framework;
 - I. Whereas a number of Member States, among which the Netherlands, Denmark and Sweden, as well as other countries such as the United States of America and Norway have decided to either withhold aid directed to Ugandan government or redirect aid, away from government support to civil society support;
1. Strongly condemns the introduction of these laws, and any actions which lead to cruel, inhumane, and degrading treatment, and calls all countries to immediately end the criminalisation of homosexuality;
 2. Strongly condemns the actions of any countries which violate a person's human rights, right to equality, right to privacy and a private life, and freedom of expression as guaranteed by international law and national constitutions; according to which equality and non-discrimination should be promoted, whilst freedom of expression should be guaranteed;
 3. Stresses that no Human Being shall be discriminated based on his/her gender or sexual orientation; urges therefore Uganda's and Nigeria's authorities to ensure that all citizens regardless of their gender or sexual orientation are treated equally with full respect to their right to access to public services, healthcare, legal representation, and public office;
 4. Firmly condemns the adoption of the 'Same-Sex Marriage (Prohibition) Act' in Nigeria and the 'Anti-Homosexuality Act' in Uganda; reiterates that these laws constitute grave threats to the universal rights to life, to freedom from torture, cruel, inhuman and degrading treatment and to freedom of expression and assembly;

5. Notes that such laws present a major obstacle in the fight against HIV, AIDS and contributes towards a climate of extreme homophobia and discrimination;
 6. Notes that by signing these anti-homosexuality Acts the Governments of Uganda and Nigeria failed to fulfil an obligation stemming from respect for human rights, democratic principles and the rule of law referred to in Article 9(2) of the Cotonou Agreement;
 7. Regrets that all possible options for dialogue under Article 8 of the Cotonou Agreement have been exhausted and notes that they have failed, due to the unilateral refusal on the ACP's side to discuss sexual orientation as a part of the dialogue;
 8. Calls on the European Commission to immediately and fully review the European Union's future relationship with Uganda and Nigeria with regard to the Cotonou Agreement;
 9. Urges the European Commission and Member States to review their development cooperation aid strategy with Uganda and Nigeria
 10. Calls on the Commission and the Council to include an explicit mention of non-discrimination based on sexual orientation in any future agreement coming in place of the Cotonou Agreement, as demanded on multiple occasions by Parliament;
 11. 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
 12. Calls on the Council, Commission, the External Action Service and Member States to make urgent representations to the authorities of Uganda and Nigeria, to express their opposition to these three laws in the strongest terms, and asks that the Commission, the External Action Service and Member States to lend all possible assistance to NGO's and human rights defenders;
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13. Instructs its President to forward this resolution to the Commission, the Council, the External Action Service, Member States, the national governments and parliaments of Uganda, Nigeria, the Democratic Republic of Congo and India, and the Presidents of Uganda and Nigeria.