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*Plenary sitting*

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**B9-0134/2019**

22.10.2019

## **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 144 of the Rules of Procedure

on Uganda, notably the proposed bill to impose capital punishment of homosexual acts  
(2019/2879(RSP))

**Ellie Chowns, Hannah Neumann, Alice Kuhnke, Henrike Hahn, Alexandra Louise Rosenfield Phillips, Marie Toussaint, Gwendoline Delbos-Corfield, Grace O'Sullivan, Petra De Sutter, Katrin Langensiepen, Saskia Bricmont, Kim Van Sparrentak, Rasmus Andresen, Jutta Paulus, Mounir Satouri, Sergey Lagodinsky, Niklas Nienaß, Erik Marquardt, David Cormand, Gina Dowding, Yannick Jadot, Michèle Rivasi, Ciarán Cuffe**

on behalf of the Verts/ALE Group

**Piernicola Pedicini, Fabio Massimo Castaldo, Rosa D'Amato, Laura Ferrara, Ignazio Corrao**

**B9-0134/2019**

**European Parliament resolution on Uganda, notably the proposed bill to impose capital punishment of homosexual acts (2019/2879(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Uganda, notably its Resolution of 11 March 2014 on “launching consultations to suspend Uganda and Nigeria from the Cotonou Agreement in view of recent legislation further criminalising homosexuality; of 17 December 2009 on ‘Uganda: anti-homosexual draft legislation’<sup>1</sup>, of 16 December 2010 on ‘Uganda: the so-called ‘Bahati Bill’ and discrimination against the LGBT population’<sup>2</sup>, and of 17 February 2011 on ‘Uganda: the killing of David Kato’<sup>3</sup>,
- having regard to the Universal Declaration of Human Rights of 10 December 1948, to which Uganda is a signatory,
- having regard to the African Charter on Human Rights,
- having regard to the ACP-EU Partnership Agreement (‘Cotonou Agreement’)
- 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 the EU human rights guidelines on non-discrimination in external action, adopted by the European Council on 18 March 2019,
- Having regard to the Declaration by the High Representative, Federica Mogherini, on behalf of the EU on the occasion of the International Day Against Homophobia, Transphobia and Biphobia, 17 May 2019,
- having regard to the EU Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons adopted in 2013,
- Having regard to the EU Annual Report on Human Rights and Democracy in the World 2018 – Uganda, adopted by the European Council on 13 May 2019,
- having regard to the Yogyakarta Principles and the 10 complementary principles
- having regard to its resolution of 14 February 2018 on the future of the LGBTI List of Actions (2019-2024) (2019/2573(RSP))

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<sup>1</sup> OJ C 286 E, 22.10.2010, p. 25.

<sup>2</sup> OJ C 169 E, 15.6.2012, p. 134.

<sup>3</sup> OJ C 188 E, 28.6.2012, p. 62.

- having regard to the Constitution of the Republic of Uganda,
  - having regard to Rule 122 of its Rules of Procedure,
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- A. Whereas Uganda has experienced a rise in homophobic rhetoric from the government at high levels in recent weeks;
  - B. Whereas Ethics and Integrity Minister Simon Lokodo announced that parliament planned to introduce a bill that would criminalize so-called “promotion and recruitment” by gay people, and would include the death penalty for “grave” consensual same-sex acts;
  - C. Whereas the proposed measure echoes Uganda’s 2014 Anti-Homosexuality Act, which was signed into law by President Yoweri Museveni Kaguta of the Republic of Uganda on 24th February 2014, but subsequently nullified by the Constitutional Court on procedural grounds,
  - D. Whereas the government has meanwhile stated that that it does not intend to introduce any new law with regards to the regulation of lesbian, gay, bisexual, transgender and intersex (LGBTI) activities in Uganda because the current provisions in the Penal Code are sufficient;
  - E. Whereas same-sex sexual acts are illegal under the Penal Code and punishable with up to life imprisonment; and whereas Article 145 of the Penal Code leaves Uganda's LGBTI people without access to effective remedies to abuse in the face of homophobic mobs;
  - F. Whereas hate crimes against gay people, including physical and sexual assault, blackmail and extortion, are common in Uganda but most victims are too fearful to go to the police; whereas existing laws are also used to discriminate against LGBTI people, making it harder for them to get a job or promotion, rent housing or access health and education services;
  - G. whereas serious and credible allegations have been made, inter alia by Human Rights Watch, Amnesty International, Sexual Minorities Uganda, stating that Uganda has suffered an alarming rise in attacks on LGBTI people,
  - H. Whereas on 4 October, Brian Wasswa, an activist for LGBTI people was brutally killed, while three other gay and transgender people had been killed in Uganda in recent months,
  - I. Whereas violations of freedom of association, assembly, and expression continue in Uganda,

- J. Whereas on 9 October 2019, woman human rights defender Nana Mwafrika Mbarikiwa was violently arrested at a peaceful protest against police brutality and human rights abuses in the country,
- K. Whereas LGBTI equality is an undeniable element of fundamental human rights,
- L. Whereas all human beings are born free and equal in dignity and rights; whereas all states have an obligation to prevent violence, incitement to hatred and stigmatisation based on individual characteristics, including sexual orientation, gender identity and gender expression,
- M. 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;
- N. Whereas the European Union's Common Foreign and Security Policy (CFSP) aims to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms,
- O. 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,
1. Is deeply worried about the generalised deterioration of human rights of the LGBTI people in Uganda, including the increasing violations of social rights, freedom of expression, association and assembly;
  2. Deplores the increasingly hostile statements by political leaders around LGBTI rights and the virulently homophobic atmosphere this has engendered, which has given permission to a culture of extreme and violent homophobia whereby both state and non-state actors are free to persecute Uganda's LGBTI people with impunity;
  3. Calls on political leaders to refrain from any rhetoric that might encourage violence against LGBTI people and calls on the government of Uganda to condemn such violence and make it clear that those crimes will be investigated and prosecuted;
  4. In particular, urges the Ugandan authorities to thoroughly investigate the fatal attack of Brian Wasswa of 4 October 2019, and to carry out an immediate, thorough and impartial investigation into the attack against Nana Mwafrika Mbarikiwa with a view to bringing those responsible to justice in accordance with international standards; likewise, urges the Ugandan authorities to take all necessary measures to guarantee her physical and psychological integrity and security, and to guarantee in all circumstances that all

human right defenders in Uganda are able to pursue their legitimate activities without fear of reprisals and free from all restrictions;

5. Firmly condemns any possible attempt from the Ugandan government to reintroduce legislation that would impose the death penalty for homosexuality, which will run counter to Uganda's obligation stemming from respect for human rights, democratic principles and the rule of law referred to in Article 9(2) of the Cotonou Agreement; notes, however, that the government has backed away from supporting any change to the law after major aid donors expressed their concerns; calls on Parliamentarians to refrain from adopting any draconian bill;
6. Notes with concern that the Anti-Homosexuality Bill law's nullification in 2014 did not protect LGBTI people from ongoing discrimination in all spheres of life, arrest, and prosecution, as penalties for same-sex conduct remain enshrined in Uganda's existing penal code.
7. Stresses that discrimination against LGBTI persons undermines the most basic human rights principles enshrined in the Universal Declaration of Human Rights; reiterates that sexual orientation and gender identity are matters falling within the remit of individuals' right to privacy, as guaranteed by international law and national constitutions;
8. Reaffirms its commitment to combat all forms of discrimination and hate crime, on the grounds of sexual orientation, gender identity and sex characteristics, and to continue to actively promote and protect the human rights of LGBTI persons; to this end, urges the political authorities of Uganda to reform the existing Penal Code on this line, notably by repealing its sections 145 and 146, which among others criminalise "carnal knowledge of any person against the order of nature", and more broadly, to enact legislation, with the view to end all forms of discrimination which happen on a daily basis in all spheres of life of LGBTI persons.
9. Calls equally on the Commission and the Council to continue its fight against impunity for acts of discrimination and violence against LGBTI persons both inside and outside its territory in various relevant policy areas ranging from non-discrimination, education, employment, health, free movement, asylum, hate speech/hate crime, to enlargement and foreign policy, notably through political dialogue foreseen under Article 8 of the Cotonou Agreement,
10. Commends the NGOs working on behalf of the LGBTI persons for their unabated courage in the face of highly adverse circumstances in Uganda;
11. Urges Ugandan authorities to guarantee in all circumstances that all human rights defenders in Uganda are able to carry out their legitimate human rights activities, including their right to freedom of association, without fear of reprisals,
12. Calls on the EU to take advantage of the political leverage provided by development aid programmes to enhance the defence and promotion of human rights in Uganda, notably

through targeted financial support to civil society organisations and full implementation of the EU Guidelines on Human Rights Defenders;

13. Reiterate our strong and unequivocal opposition to capital punishment in all circumstances and for all cases; reaffirms that the death penalty is incompatible with human dignity. It constitutes inhuman and degrading treatment, does not have any deterrent effect and allows judicial errors to become irreversible and fatal.
14. Calls on the EU and its Member States to further engage the Government of Uganda to re-consider its position on the death penalty, with a view to abolition,
15. Calls on the Commission/ EEAS to continue the work on protecting and furthering the human rights of LGBTI people by working closely with international organisations and non-EU countries, in order to combat discrimination and human rights violations, as well as support the development of legislation and policies protecting the human rights of LGBTI people worldwide
16. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the President of the Republic of Uganda, the Speaker of the Ugandan Parliament and the African Union and its institutions.