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 the situation of LGBTI people in Uganda
(2019/2879(RSP))

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on behalf of the S&D Group
B9-0140/2019

European Parliament resolution on the situation of LGBTI people in Uganda (2019/2879(RSP))

The European Parliament,

– having regard to its previous resolutions on Uganda;

– having regard to its resolution of 13 March 2014 on launching consultations to suspend Uganda and Nigeria from the Cotonou Agreement in view of recent legislation further criminalising homosexuality (2014/2634(RSP));


– 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, of 17 May 2019;

– 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 Universal Declaration of Human Rights of 10 December 1948, to which Uganda is a signatory;

– having regard to the Constitution of the Republic of Uganda;

– having regard to the African Charter on Human and Peoples' Rights which was adopted on 27 June 1981 and entered into force on 21 October 1986;

– having regard to the report on Uganda of the Working Group on the Universal Periodic Review of the UN Human Rights Council;

– having regard to the ACP-EU Partnership Agreement (‘Cotonou Agreement’) and in particular to Article 8(4) thereof on non-discrimination;

– having regard to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984;

– having regard to Rule 144 of its Rules of Procedure.
A. Whereas homosexuality is illegal in Uganda under colonial laws.; whereas in 2014, the parliament adopted an anti-homosexuality act (AHA), which led to a rise in attacks on LGBTI people; whereas a few months later the constitutional court declared the law null and void on procedural grounds;

B. Whereas penalties for same-sex conduct remain enshrined in Uganda's existing Penal Code under sections 145 and 146, which, amongst other things, criminalise ‘carnal knowledge of any person against the order of nature’, which is punishable with up to life imprisonment;

C. Whereas in Uganda, homophobic and transphobic views are widespread and there is a general lack of acceptance of LGBTI persons, with some people believing being LGBTI is a western concept;

D. Whereas in recent weeks, Uganda has experienced a rise in homophobic rhetoric from the government; whereas the Minister of Ethics and Integrity, Simon Lokodo, made a statement on 10 October 2019 calling for the reintroduction of an anti-homosexuality bill that would provide the death penalty for consensual same-sex acts, whereas amid the climate of increasingly hostile statements by politicians around LGBTI rights, activist Brian Wasswa was attacked at his home and died on 5 October 2019, while three other gay and transgender persons had been killed in Uganda in recent months;

E. Whereas LGBTI persons have been subjected to violent attacks and societal discrimination and harassment involving intimidation, blackmail, loss of property and eviction, denial of educational opportunities, loss of employment, difficulties in accessing health care, and community discrimination while some LGBTI persons have been rejected by their families; whereas some have also experienced physical and sexual attacks, including ‘corrective rape’ and mob violence;

F. Whereas Human Rights Watch noted in their 2018 World Report, covering events of 2017, that, police failed to end the practice of forced anal examinations of men and transgender women accused of consensual same-sex conduct; whereas these examinations lack evidentiary value and are a form of cruel, inhuman, and degrading treatment that may constitute torture;

G. Whereas, on 17 May 2018, police and the Minister of Ethics and Integrity, Simon Lokodo, shut down a celebration of the International Day Against Homophobia, Biphobia and Transphobia organized by the NGO Sexual Minorities Uganda (SMUG), arguing it would promote “homosexuality and other dirty things”;

H. Whereas SMUG, in their 2018 report, , Even If They Spit At You, Don’t Be Surprised, noted that, ‘While less frequent; violent attacks, threats, and forced anal examinations on LGBTI persons are still widespread in Uganda’;
I. Whereas the bill, if passed, would also “unjustifiably obstruct the exercise of the right to freedoms of opinion and expression, peaceful assembly, and association, by prohibiting the publication and dissemination of materials on homosexuality, as well as funding and sponsoring related activities”;

J. Whereas on 12 October, the government stated 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 it deems the current provisions in the Penal Code sufficient;

K. Whereas the Ugandan constitution bans discrimination on a number of grounds but does not extend this ban to discrimination on grounds of sexual orientation or gender identity and expression, nor allows same-sex marriage, which is prohibited;

L. Whereas LGBTI rights activists in Uganda have risked detention by police, threats of violence and death threats related to the publication of a new magazine sharing the experiences of the country's lesbian, gay, bisexual, transgender and intersex community;

M. 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;

N. 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 general deterioration of human rights of LGBTI persons in Uganda, including the increasing violations of their social rights, freedom of expression, gender equality rights and right to housing;

2. Firmly condemns any attempt from the Ugandan government to reintroduce legislation that would impose the death penalty for homosexuality, which runs counter to Uganda’s obligations concerning 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 Ugandan Members of Parliament to refrain from adopting any legislation that would impose the death penalty for homosexuality;

3. Stresses that discrimination against LGBTI persons undermines the most basic human rights principles as enshrined in the Universal Declaration of Human Rights; reiterates that sexual orientation and gender identity are matters that fall within the remit of individuals’ right to privacy, as guaranteed by international law and national constitutions;

4. Calls on the Ugandan government to guarantee the safety of all LGBTI people in the country; urges authorities to conduct a thorough and independent investigation of all
allegations of ill-treatment of LGBTI persons in detention and bring perpetrators to justice;

5. Urges the Ugandan authorities to guarantee the safety of human rights defenders and NGOs working on behalf of LGBTI persons in Uganda under all circumstances, to prosecute attacks against them, and to enable them to carry out their work without fear of reprisals and free from all restrictions;

6. Commends the NGOs working on behalf of the LGBTI community for their unabated courage in the face of highly adverse circumstances in Uganda;

7. Calls on the EEAS 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;

8. Reiterates its strong and unequivocal opposition to capital punishment in all circumstances and for all cases; reaffirms that the death penalty is incompatible with human dignity as it constitutes inhuman and degrading treatment, does not have any deterrent effect and allows judicial errors to become irreversible and fatal;

9. Instructs its President to forward this resolution to the Council, the Commission, and 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.