



Plenary sitting

B9-0221/2023

18.4.2023

MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission

pursuant to Rule 132(2) of the Rules of Procedure

on the universal decriminalisation of homosexuality in the light of recent
developments in Uganda
(2023/2643(RSP))

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on behalf of the PPE Group

European Parliament resolution on the universal decriminalisation of homosexuality in the light of recent developments in Uganda (2023/2643(RSP))

The European Parliament,

- having regard to its previous resolutions on Uganda,
- having regard to Article 2 of the Charter of Fundamental Rights of the European Union,
- having regard to the statement made on 29 March 2023 by UN experts condemning egregious anti-LGBT legislation in Uganda,
- having regard to the Resolution on the Protection against Violence and other Human Rights Violations against Persons on the Basis of their real or imputed Sexual Orientation or Gender Identity adopted by the African Commission on Human and Peoples' Rights in 2014 (Resolution 275),
- having regard to the statement made on 22 March 2023 by the UN High Commissioner for Human Rights Volker Türk urging the President of Uganda not to sign a draconian anti-homosexuality bill,
- having regard to the Partnership Agreement between the African, Caribbean and Pacific (ACP) Group of States and the EU (the Cotonou Agreement) of 2000, in particular to Article 8(4) thereof on non-discrimination,
- having regard to Articles 2 and 5 of the African Charter on Human and Peoples' Rights,
- having regard to the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) of 11 July 2003,
- having regard to the International Covenant on Civil and Political Rights of 1966 (ICCPR), to which Uganda has been a party since 1995,
- having regard to international human rights obligations, including those contained in the Universal Declaration of Human Rights and in the European Convention on Human Rights and Fundamental Freedoms,
- having regard to UN Resolution 70/1 entitled 'Transforming our world – the 2030 Agenda for Sustainable Development' (the 2030 Agenda), adopted at the UN Sustainable Development Summit on 25 September 2015 in New York and establishing the Sustainable Development Goals (SDGs),
- having regard to Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council

Regulation (EC, Euratom) No 480/2009¹,

- having regard to the Commission communication of 12 November 2020 entitled ‘Union of Equality: LGBT Equality Strategy 2020-2025’ (COM(2020)0698),
 - having regard to the EU Action Plan on Human Rights and Democracy for 2020-2024,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the Universal Declaration of Human Rights and the obligations outlined under international human rights law uphold the inherent dignity and equal and inalienable rights of all human beings irrespective of their sexual orientation or gender identity, as well as the respect and protection of their human rights;
- B. whereas despite the progress made thus far, many countries still have laws that criminalise homosexuality which are often used to legitimise discrimination and violence against LGBT people; whereas since 2022, draconian laws criminalising homosexuality have been in force in 64 countries across the globe, the majority of which are in Africa, Asia and the Middle East; whereas 32 of a total of 54 African countries criminalise same-sex relations, and whereas Mauritania, Sudan, northern Nigeria and Somalia punish homosexuality by death;
- C. whereas on 21 March 2023 the Ugandan parliament approved a harsh anti-homosexuality bill that targets and jeopardises the rights of LGBT people and those who support and defend their human rights; whereas the bill proposes the death penalty for the offence of ‘aggravated homosexuality’, life imprisonment for the ‘offence of homosexuality’, up to 14 years in prison for ‘attempted homosexuality’ and up to 20 years in prison for ‘promoting homosexuality’;
- D. whereas the Ugandan bill has been criticised as one of the world’s harshest anti-LGBT laws; whereas the imposition of the death penalty for same-sex intimacy, including so-called ‘serial homosexuality’, is an egregious violation of fundamental and internationally protected human rights;
- E. whereas this Ugandan legislation has been proposed after years of state-instigated and state-perpetuated discrimination and violence on the basis of sexual orientation and gender identity; whereas over the past 15 years, experts have repeatedly raised serious concerns about escalating risks to the human rights of LGBT people in Uganda;
- F. whereas in February 2023 alone, more than 110 LGBT people in Uganda reported incidents, including arrests, sexual violence, evictions and public stripping;
- G. whereas this new bill conflicts with Uganda’s own constitutional provisions stipulating equality and non-discrimination for all; whereas it also runs counter to the country’s international legal obligations on human rights and political commitments on sustainable development, in particular SDGs 3, 5 and 10, and actively puts people’s rights, health and safety at grave risk; whereas this bill has the potential to promote

¹ OJ L 209, 14.6.2021, p. 1.

violence and discrimination against LGBT people;

- H. whereas the ICCPR recognises the right to life as a fundamental human right and explicitly states that the death penalty should not be imposed for non-violent offences; whereas the ICCPR prohibits discrimination based on sexual orientation or gender identity and whereas the imposition of the death penalty for same-sex relationships violates this principle;
 - I. whereas EU international cooperation should support the efforts of the Organisation of African, Caribbean and Pacific States (formerly the ACP) in developing supportive legal and policy frameworks and in eliminating punitive laws, policies, practices, stigmatisation and discrimination that undermine human rights;
 - J. whereas the EU is committed to promoting and protecting the rights of LGBT people, including measures to decriminalise homosexuality, as stipulated in the NDICI – Global Europe Regulation; whereas the EU is committed, further, to protecting LGBT people and enabling them to assert their rights around the world, as stipulated in the LGBT Equality Strategy for 2020-2025 and in the EU Action Plan on Human Rights and Democracy 2020-2024;
1. Condemns the criminalisation of homosexuality; is deeply concerned about the Ugandan parliament's adoption of the new legislation, which would have serious, negative repercussions on LGBT people and on society as a whole and erode important gains made over the years;
 2. Stresses that discrimination against LGBT people undermines the most basic of 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 scope of an individual's right to privacy, as guaranteed by international law and national constitutions;
 3. Deplores the fact that in too many countries worldwide, LGBT people continue to be victims of violence, including sexual violence, torture, arbitrary detention, harassment, discrimination and, in the most serious cases, murder; highlights that these acts are still most often committed with impunity and with the relevant authorities failing to take appropriate action;
 4. Seeks the repeal of draconian laws that criminalise homosexuality, permit discrimination on the basis of sexual orientation or gender identity and encourage violence; rallies support for the universal decriminalisation of homosexuality;
 5. Calls, in the strongest of terms, on the Commission to step up actions to prevent, denounce and combat all forms of discrimination and harassment against LGBT people, as well as to actively condemn and combat discriminatory laws, policies and practices, including the criminalisation of consenting same-sex relations;
 6. Recognises the substantial progress that Uganda has made in recent years in reducing the impact of HIV; recalls that the prevalence of HIV in men who have sex with men (MSM) in 2021 was 12.7 %;

7. Notes with concern that this prevalence is significantly higher than for heterosexual men and above the national average, and that vulnerable groups such as MSM continue to be less likely than the general population to receive the HIV treatment, prevention and care services they need; is therefore extremely concerned that the bill would criminalise people with HIV;
8. Believes that unjust laws such as these only further stigmatise HIV testing, tracing and prevention efforts, conflicting with the goal of eradicating HIV and potentially rendering HIV life-saving programmes illegal, as they could constitute a ‘promotion of homosexuality’;
9. Calls on the EU to use all its existing external policy tools to support and protect LGBT people around the world, including in its efforts to bring about the universal decriminalisation of homosexuality; underlines that the EU should use its development policy to achieve these objectives, for example by making development aid conditional upon a partner country upholding fundamental freedoms and human rights and by suspending assistance in the event of degradation in democracy, human rights or the rule of law in non-EU countries, as stipulated in the NDICI – Global Europe Regulation;
10. Rejects emphatically the use of the death penalty under any circumstances, including any legislation that would impose the death penalty for homosexuality; calls on the EU and its Member States to further engage the Government of Uganda in reconsidering its position on the death penalty; notes, further, that the imposition of the death penalty based on such legislation is arbitrary killing per se and a breach of Article 6 of the ICCPR;
11. Stresses that the new legislation in Uganda runs counter to the country’s international legal obligations on human rights and is not compatible with Uganda’s political commitments on sustainable development;
12. Stresses that the new legislation would exacerbate and legitimise the continued stigmatisation, violence, harassment and discrimination against LGBT people and impact all areas of their lives; notes, further, that the new proposed legislation would put at risk the physical and mental integrity and health of lesbian, gay, bisexual and trans people in Uganda as a result of the continued acts of violence and intimidation;
13. Calls, in the strongest of terms, on Uganda’s President to refrain from promulgating laws that discriminate against and further criminalise people identifying as LGBTIQ and those who support and defend their human rights;
14. Expresses deep concern that Ugandan law is still highly discriminatory against LGBT people and calls on the Ugandan authorities to review any law criminalising homosexuality and LGBT activists, in particular under sections 145 and 146 of the Ugandan Penal Code;
15. Reminds the Ugandan Government of its obligations under international law and under the Cotonou Agreement, which calls for universal human rights and fundamental freedoms to be respected;

16. Calls on the EU delegation in Uganda to continue to closely monitor the situation of LGBT people and to actively support civil society organisations, human rights defenders and LGBT people on the ground; stresses the importance of raising awareness and promoting the understanding of the situation of LGBT people and their families;
17. Calls on the EU to make full and effective use of the political dialogue provided for under Article 8 of the Cotonou Agreement in its dialogue with the Ugandan authorities in order to help promote human rights in Uganda, decriminalise homosexuality and reduce violence and discrimination against LGBT people;
18. Insists that the EU should be prepared to take concrete actions if the President of Uganda signs the new bill into law, for example, by making further development aid conditional upon Uganda upholding fundamental freedoms and human rights, in line with the EU's commitment to promote and protect the rights of LGBT people, including measures to decriminalise homosexuality;
19. Welcomes the Strategic Plan for the Promotion and Protection of Human and Peoples' Rights for 2021-2030 recently adopted by the African Union;
20. 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, the Government and the Parliament of Uganda, and the African Union and its institutions.