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P9_TA(2019)0042

Situation of LGBTI persons in Uganda

European Parliament resolution of 24 October 2019 on the situation of LGBTI people in Uganda (2019/2879(RSP))

(2021/C 202/10)

The European Parliament,

— having regard to its previous resolutions on Uganda,

— having regard to its previous resolutions on discrimination on grounds of sexual orientation, notably that of 4 February 2014 on the EU Roadmap against homophobia, discrimination on grounds of sexual orientation and gender identity ([1]) and that of 14 February 2019 on the future of the LGBTI List of Actions (2019-2024) ([2]),

— having regard to the Joint Declaration of 9 October 2019 by the EU High Representative for Foreign Affairs and Security Policy and the Secretary General of the Council of Europe on the European and World Day against the Death Penalty,

— having regard to the Declaration by 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 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 Articles 2, 3(5), 21, 24, 29 and 31 of the Treaty on European Union (TEU) and Articles 10 and 215 of the Treaty on the Functioning of the European Union (TFEU), 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 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 the Council of the European Union's 'Toolkit to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual and transgender people' (the LGBTI Toolkit),

— having regard to the EU Guidelines on the promotion and protection of the enjoyment of all human rights by LGBTI people,

— having regard to the respective EU Guidelines on the death penalty, on torture and other cruel, inhuman or degrading treatment or punishment, and on human rights defenders,

— having regard to the UN Human Rights Council's latest Universal Periodic Review of Uganda,

— having regard to the Charter of Fundamental Rights of the European Union, and in particular Article 21 thereof, which, prohibits discrimination based on sexual orientation,

— having regard to the International Covenant on Civil and Political Rights of 1966 (ICCPR), to which Uganda has been a party since 1995,

([1]) OJ C 93, 24.3.2017, p. 21.
([2]) Texts adopted, P8_TA(2019)0129.

— having regard to the cross-party letter signed by 70 MEPs on 15 October 2019 on the persecution of the LGBTI community in 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 ([3]),

— having regard to the ACP-EU Partnership Agreement (the Cotonou Agreement), and in particular to Article 8(4) thereof on non-discrimination,

— having regard to the Yogyakarta Principles ('Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics') adopted in November 2006, and the 10 complementary principles ('plus 10') adopted on 10 November 2017,

— having regard to the Constitution of the Republic of Uganda,

— having regard to Rules 144(5) and 132(4) of its Rules of Procedure,

A. whereas in recent weeks, Uganda has experienced a rise in extremely homophobic rhetoric from the authorities, in particular from Simon Lokodo, Ugandan State Minister in charge of Ethics and Integrity, who on 10 October 2019 announced plans to reintroduce the anti-homosexuality bill, which would include the death penalty, for 'aggravated homosexuality'; whereas various members of the Ugandan Parliament also support the proposed new law;

B. whereas on 12 October, government spokesperson Ofwono Opondo affirmed that the government had no intention to introduce any new law with regard to LGBTI activities since 'the current provisions in the penal code are sufficient'; whereas this was confirmed by President Museveni's senior press secretary;

C. whereas current provisions in the penal code violate human rights and criminalise homosexuality; whereas same-sex sexual acts remain illegal and punishable with up to life imprisonment under sections 145 and 146 of the Ugandan Penal Code which, among other things, criminalises 'carnal knowledge of any person against the order of nature', and many existing laws allow discrimination against LGBTI people, limiting their access to employment, housing, social security, education or health services);

D. whereas the Anti-Homosexuality Act banning the promotion of homosexuality and imposing the death penalty for homosexual acts was already introduced in 2014, at the initiative of President Museveni, but was eventually declared null and void by the Ugandan constitutional court; whereas the international community at large has strongly condemned the proposed law, and many donors, including EU Member States, the United States and the World Bank took a decision to withhold their development aid to the country;

E. whereas this event sadly brings to light the appalling situation of LGBTI people in Uganda, where homophobic views are widespread; whereas societal discrimination, hate crimes and anti-homosexual campaigns are regularly reported by human rights organisations, including harassment, beatings, extortions, evictions, arbitrary arrests and detention, and killings;

F. whereas according to human rights groups, Uganda has suffered an alarming rise in attacks against LGBTI people; whereas according to Sexual Minorities Uganda, an alliance of LGBTI organisations, three gay men and one transgender woman were killed this year, the latest being LGBTI activist Brian Wasswa, who was attacked in his home on 4 October 2019;

G. whereas the Ugandan constitution bans discrimination on a number of grounds but does not extend this ban to discrimination on grounds of sexual orientation;

([3]) OJ C 378, 9.11.2017, p. 253

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H. 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; whereas the EU's development assistance to Uganda amounts to EUR 578 million under the 2014-2020 National Indicative Programme; whereas it includes the promotion and safeguard of good governance and the respect for human rights as a key objective;

I. whereas beneficiaries of the European Development Fund are subject to strict conditionality with regard to respecting human rights, the rule of law, freedom of religion and protection of minorities;

J. whereas in May 2019, in accordance with Article 8 of the Cotonou Partnership Agreement, Uganda and the European Union reaffirmed their close partnership in a political dialogue;

K. whereas EU international cooperation should support the efforts of ACP States in developing supportive legal and policy frameworks and in eliminating punitive laws, policies, practices, stigmatisation and discrimination that undermine human rights;

L. 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;

1. Expresses deep concern at the resurgence of the anti-homosexuality bill in the Ugandan political debate; strongly condemns Simon Lokodo's rhetoric for fuelling homophobia and hate, and reiterates its fierce opposition to all forms of discrimination based on sexual orientation as well as any incitement to hatred and violence towards LGBTI people;

2. Takes note of the statement made by President Museveni's spokesperson denying any intention by the government to propose a new bill, and calls on the Ugandan government to stand by this statement;

3. Stresses that discrimination against LGBTI 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;

4. 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 to reconsider its position on the death penalty;

5. Regrets that Ugandan law is still highly discriminatory against LGBTI people and urges the Ugandan authorities to review any law criminalising homosexuality and LGBTI activists, notably under sections 145 and 146 of the Penal Code;

6. Reminds the Ugandan Government of its obligations under international law and under the Cotonou Agreement, which calls for universal human rights to be respected;

7. Is deeply worried about the general deterioration of the human rights situation of LGBTI people in Uganda, including the increasing violations of their social rights, freedom of expression, gender equality rights and right to housing; condemns the recent killing of Brian Wasswa and deplores the alarming number of victims targeted on the basis of sexual orientation, including by national security forces; urges the Ugandan authorities to investigate thoroughly and impartially any violence or attacks against LGBTI people and to hold the perpetrators to account;

8. Calls on the Ugandan Government to strengthen redress mechanisms within the police force for human rights violations, in order to ensure that police officers uphold their duty to protect the rights of all people, including members of the LGBTI community, and to guarantee that all human right defenders and NGOs working on behalf of the LGBTI community in Uganda are able to pursue their legitimate activities under any circumstances, including their right to freedom of association, without fear of reprisals and free from all restrictions;

9. Recalls Uganda's commitments under the Cotonou Agreement and international law to respect human rights and fundamental freedoms;

10. Calls on the EU delegation in Uganda to continue to monitor the situation of LGBT people closely and to actively support civil society organisations and human rights defenders and LGBTI people on the ground; stresses the importance of raising awareness and understanding of the situation of LGBTI people and their families;

11. Calls on the EU to effectively make full use of the political dialogue provided for under Article 8 of the Cotonou Agreement, as well as the LGBTI Toolkit and its accompanying guidelines, in their dialogue with the Ugandan authorities in order to help decriminalise homosexuality, reduce violence and discrimination and protect LGBTI human rights defenders;

12. Reiterates its previous calls on the Commission and the Council to include the mention of non-discrimination based on sexual orientation in any future agreement that replaces the Cotonou Agreement;

13. Calls on the EU to enhance the defence and promotion of human rights in Uganda, notably through targeted support to civil society organisations and full implementation of the EU Guidelines on Human Rights Defenders;

14. 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 Uganda, the Parliament of Uganda, and the African Union and its institutions.