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Uganda anti-homosexual draft legislation

Greens/EFA motion for resolution

*Tabled by **Ulrike Lunacek** and **Raiil Romeva i Rueda***

On behalf of the Greens/EFA Group

The European Parliament,

- having regard to international human rights obligations, including those contained in the UN conventions on human rights and in the European Convention on Human Rights and Fundamental Freedoms,
- having regard to the Cotonou Agreement and human rights clauses contained therein.
- having regard to international instruments guaranteeing human rights and fundamental freedoms and prohibiting discrimination
- 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 all EU activities to fight homophobia and discrimination based on sexual orientation
- having regard to its previous resolutions on homophobia, protection of minorities and anti-discrimination policies, and notably to those of 18 January 2006 on homophobia in Europe and of 15 June 2006 on the increase in racist and homophobic violence in Europe resolution of 26 April 2007 on homophobia in Europe,
- having regard to the ACP EU JPA committee on political affairs meeting in Luanda on 28 November 2009
- having regard to the ACP EU resolution of 3 December 2009 on social and cultural integration and participation of young people
- having regard to Rule 122 of its Rules of Procedure

A. Whereas on 25th September 2009 David Bahati, MP tabled the "Anti Homosexuality Bill 2009" before the Ugandan Parliament.

B. Whereas the proposed law includes provisions to punish those alleged to be lesbian, gay or bisexual (LGBT) with life imprisonment or the death penalty

C. Whereas the draft bill includes a provision that could lead to the imprisonment for up to three years of anyone, including heterosexual people, who fails to report within 24 hours the identities of everyone they know who is lesbian, gay, bisexual, or transgender, or who supports human rights for people who are.

D. Whereas the bill provides for Uganda to nullify any of its international or regional commitments that it deems in contradiction to the provisions of the proposed bill.

E. Whereas the bill has already been condemned by President Obama, the Chair and Vice-chair of the U.S. House of Representatives' Committee on Foreign Affairs, Commissioner De Gucht as well as the British, French and Swedish governments.

F. Whereas the proposed law has been denounced by Non Governmental Organisations around the world and in Uganda itself as a major obstacle in fighting HIV AIDS.

1 Underlines that sexual orientation is a matter falling within the remit of the individual right to privacy, guaranteed by international human rights law, according to which equality and non-discrimination should be promoted, whilst freedom of expression should be guaranteed, in this context condemns the "anti homosexuality bill 2009"

2 Reminds the Ugandan government of its obligations under international law and under the Cotonou agreement which calls for universal human rights to be respected.

3 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.

4 Is extremely concerned that international donors both governmental and non-governmental would have to cease their activities in certain fields should the bill pass.

5 Strongly rejects any moves to introduce the use of the death penalty

6 Calls on the Council and Commission to reconsider their engagement with Uganda should the bill pass into law and breaches of international human rights law take place.

7 Instructs its President to forward this resolution to the Commission, the Council, the President of the Republic of Uganda and the speaker of the Ugandan Parliament

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Ulrike Lunacek

EP Vice-President, Member

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