Resolution on Uganda: anti-homosexual draft legislation

2009/2805(RSP) - 17/12/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 60 votes to 3 with 2 abstentions a resolution on Uganda: anti-homosexual draft legislation.

The resolution had been tabled by the EPP, S&D, ALDE, Greens/ALE, GUE and ECR groups.

Parliament condemns the 'Anti-Homosexuality Bill 2009' tabled in the Ugandan Parliament in September 2009, which proposes to introduce harsher penalties, to criminalise homosexuality and to punish those alleged to be lesbian, gay, bisexual or transgender (LGBT) with life imprisonment or the death penalty. Members underlines that sexual orientation is a matter falling within the remit of the individual right to privacy as guaranteed by international human rights law, according to which equality and non-discrimination should be promoted, whilst freedom of expression should be guaranteed. They call, therefore, on the Ugandan authorities not to approve the bill and to review their laws so as to decriminalise homosexuality. They also reject firmly any moves to introduce the death penalty.

Parliament calls on the Council and the Commission to make urgent representations to the Ugandan authorities and, should the bill pass into law and breaches of international human rights law take place, reconsider their involvement with Uganda, including by proposing another venue for the Review Conference of the Rome Statute scheduled for 31 May 2010.

It also calls on the Council, the Commission and the Member States to analyse the situation in third countries in relation to executions, criminalisation or discrimination on grounds of sexual orientation and to take concerted international action to promote respect for human rights in those countries through appropriate means, including working in partnership with local non-governmental organisations. Members note that in Africa homosexuality is legal in only 13 countries and is a punishable offence in 38 countries, with Mauritania, Sudan and northern Nigeria also stipulating the death penalty for homosexuality. The adoption of such a law in Uganda could have spill-over effects in other African countries, where persons are or could be persecuted because of their sexual orientation.

Parliament is extremely concerned that international donors, non-governmental organisations and humanitarian organisations would have to reconsider or cease their activities in certain fields should the bill pass into law. It notes that the bill has already been condemned by European Commissioner De Gucht, the British, French and Swedish governments, President Obama and the chair and vice-chair of the Committee on Foreign Affairs of the US House of Representatives. Furthermore, the proposed law has been denounced by non-governmental organisations around the world and in Uganda itself as a major obstacle to fighting HIV/Aids in the homosexual community.

The resolution reminds the Ugandan Government of its obligations under international law and under the Cotonou Agreement, which calls for universal human rights to be respected. It recalls statements by the African Commission on Human and Peoples' Rights and the UN Human Rights Committee that a State cannot, through its domestic law, negate its international human rights obligations.