Resolution on the universal decriminalisation of homosexuality in the light of recent developments in Uganda

2023/2643(RSP) - 20/04/2023 - Text adopted by Parliament, single reading

The European Parliament adopted by 416 votes to 62, with 36 abstentions, a resolution on the universal decriminalisation of homosexuality in the light of recent developments in Uganda.

The text adopted in plenary was tabled by the EPP, S&D, Renew, Greens/EFA, The Left groups and Members.

The resolution highlighted that 61 countries around the globe - mainly in Africa, the Middle East and Asia - criminalise homosexuality and transgender identity by law. In Qatar, Saudi Arabia, Afghanistan, Iran, Yemen, Somalia, United Arab Emirates, Brunei, Northern Nigeria, Mauritania and Pakistan, the penalty for consensual same-sex sexual acts is death. However, there is a global movement towards decriminalising homosexuality and transgender identity, as the number of countries that criminalise consensual same-sex acts has decreased from 113 in 1990 to 64 in 2023. This movement is being fuelled by an increasing realisation that laws that criminalise homosexuality and transgender identity are discriminatory and violate fundamental human rights, and that societal progress demands equal access to rights.

Recent developments in Uganda

Parliament condemned, in the strongest possible terms, the Bill adopted on 21 March 2023 by the Ugandan Parliament, which increases sentences and widens the scope of Uganda's legislation criminalising homosexuality and transgender identity. It considered that its adoption is in stark violation of the Ugandan Constitution and Uganda's international obligations arising from the African Charter and the UN international law architecture, such as the Universal Declaration of Human Rights, the ICCPR and the UN Charter. It is also alarmed by the fact that only 2 out of 389 legislators voted against the Bill and deplored the comments by President Museveni, who has further contributed to the hateful rhetoric about LGBTIQ persons. Members consider that the promulgation of this Bill would inevitably strain relations between the EU and Uganda and would require the EU to re-orient its focus.

The situation of decriminalisation in the world

Parliament unambiguously condemned all laws, practices and official positions criminalising homosexuality and transgender identity and reiterated its unwavering opposition to the death penalty at all times and in all circumstances. It is worried about the current global anti-rights, anti-gender and anti-LGBTIQ rhetoric movements, which are fuelled by some political and religious leaders around the world, including within the EU.

The resolution recalled that protecting the rights of lesbian, gay, bisexual, transgender and intersex people throughout the world is a priority for the EU and that the universal decriminalisation of homosexuality and transgender identity is an objective that the EU should continue to pursue for as long as necessary.

Parliament called for the following action:

- the universal decriminalisation of homosexuality and transgender identity;

- the universal abolishment of the death penalty.

The Ugandan authorities are called on to:

- investigate, prosecute and sanction all hate-based attacks against individuals and organisations as a result of the adoption of the Bill, and to stop any retaliatory actions against civil society organisations involved in human rights and LGBTIQ advocacy, such as raids and the blocking of bank accounts, as the latter are crucial to providing community-based services.

The Commission and the European External Action Service (EEAS) should use all necessary diplomatic, legal and financial means to convince the President to not sign the law and establish an EU strategy for the universal decimalisation of homosexuality and transgender identity.

If the Bill is signed into law by the Ugandan President, Parliament should, *inter alia*:

- call on the Commission to consider withdrawing EBA preferences for Uganda on the basis of serious and systemic human rights violations;

- insist that decisions taken and sanctions adopted in relation to Uganda should, as a priority, target and affect the political and religious leaders who instigated and supported the Bill;

- call on the EEAS to increase its efforts in ensuring that Ugandan human rights defenders have access to funding, support, protection, relocation, visas and shelter, when appropriate, in line with the EU Guidelines on Human Rights Defenders;

- call on the Commission, under the supervision of the VP/HR, to mobilise all external policies of the EU to achieve the objective of establishing an **EU strategy** for the universal decriminalisation of homosexuality and transgender identity.

Lastly, Parliament stressed the importance of safe and legal EU pathways for people in need of international protection, including LGBTIQ people fleeing countries where they risk being persecuted because of their sexual orientation, gender identity or expression, or sex characteristics.