

Thursday 17 February 2011

## Uganda: murder of David Kato

P7\_TA(2011)0074

### European Parliament resolution of 17 February 2011 on Uganda: the killing of David Kato

(2012/C 188 E/14)

The European Parliament,

- having regard to the international human rights obligations and instruments, including those contained in the UN conventions on human rights and in the European Convention for the Protection of Human Rights and Fundamental Freedoms, guaranteeing human rights and fundamental freedoms and prohibiting discrimination,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement) and revised in Ouagadougou on 23 June 2010 and the human rights clauses contained therein, in particular Article 8,
- having regard to Articles 6, 7 and 21 of the Treaty on European Union (TEU), which commit the European Union and the Member States to upholding human rights and fundamental freedoms and provide means to fight discrimination and human rights violations at EU level,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 21 thereof, which prohibits discrimination on grounds of sexual orientation,
- having regard to all EU activities that relate to fighting homophobia and discrimination on grounds of sexual orientation,
- having regard to its previous resolutions on homophobia, protection of minorities and anti-discrimination policies,
- having regard to its resolutions of 17 December 2009 on Uganda: anti-homosexual draft legislation <sup>(1)</sup> and of 16 December 2010 on Uganda: the so-called 'Bahati bill' and discrimination against the LGBT population <sup>(2)</sup>,
- having regard to the statements by the High Representative/Vice-President for Foreign Affairs and Security Policy, Catherine Ashton, and of the President of the European Parliament, Jerzy Buzek, on the International Day Against Homophobia, 17 May 2010,
- having regard to the 28 September 2010 Declaration by the ACP Parliamentary Assembly on the peaceful co-existence of religions and the importance given to the phenomenon of homosexuality in the ACP-EU partnership,
- having regard to the 6 December 2010 statement made in response to the ACP Declaration by EU Members of the ACP-EU Joint Parliamentary Assembly from the PPE, S&D, ALDE, Verts/ALE and GUE/NGL Groups of the European Parliament,
- having regard to the ACP-EU Joint Parliamentary Assembly resolution of 3 December 2009 on social and cultural integration and participation of young people,
- having regard to Rule 122(5) of its Rules of Procedure,

<sup>(1)</sup> OJ C 286 E, 22.10.2010, p. 25.

<sup>(2)</sup> Texts Adopted, P7\_TA(2010)0495.

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- A. whereas on 26 January 2011 David Kato Kisule, human rights defender and leading figure of the gay and lesbian rights group Sexual Minorities Uganda and of the Ugandan lesbian, gay, bisexual and transgender (LGBT) community at large, was brutally killed in Uganda,
- B. whereas David Kato had sued and won the lawsuit against a local tabloid, 'Rolling Stone', which on 9 October and 15 November 2010 had listed the names, personal details and photographs of over a hundred people alleged to be homosexual, including David Kato, inciting readers to harm or hang them,
- C. whereas on 3 January 2011 the Ugandan High Court ruled that 'Rolling Stone' had violated the fundamental constitutional rights of all citizens to dignity and privacy, specifying that even current Ugandan anti-homosexuality legislation cannot be understood to condone violence towards or killings of homosexual people; whereas, after the court victory, David Kato denounced an increase in threats and harassment,
- D. whereas the Co-President of the ACP-EU Joint Parliamentary Assembly, the Chair of the European Parliament's Subcommittee on Human Rights, the President of the European Parliament, the EU Heads of Mission in Kampala, the US President and Secretary of State, the United Nations High Commissioner for Human Rights and other leaders of the international community have paid tribute to David Kato as a human rights defender and have called on the Ugandan authorities to bring the perpetrator(s) to justice,
- E. whereas the European Parliament, international non-governmental organisations and US and EU government representatives had repeatedly expressed their concern regarding the situation of LGBT persons in Uganda, ongoing discrimination and persecution, as well as incitement to hatred against LGBT persons by public and private figures and organisations in Uganda,
- F. whereas the group to which David Kato belonged publicly opposed the Anti-Homosexuality Bill, a private member's bill tabled by David Bahati, MP, on 25 September 2009 in the Ugandan Parliament, under which homosexual acts would be punishable by between seven years' and life imprisonment or by the death penalty; whereas the bill provides for failure to disclose a child's or a patient's homosexuality to be punishable by up to three years' imprisonment; whereas the bill is still under consideration,
- G. whereas LGBT people in Uganda, as well as those whose photographs and details appeared in 'Rolling Stone' and whose details were subsequently read out on radio and television, are now in genuine danger of being persecuted, are in most cases now homeless, unemployed and forced to avoid public places, and must hide from public view,
- H. whereas, in Africa, homosexuality is legal in only 13 countries and is a criminal offence in 38 others; whereas homosexuality is punishable by death in Mauritania, Somalia, Sudan and northern Nigeria; whereas political and extremist religious leaders, among others, incite violence against LGBT persons, while the authorities tolerate and leave unpunished crimes committed on the basis of sexual orientation, and whereas discrimination, arbitrary arrests and ill-treatment on grounds of sexual orientation are constantly increasing,
1. Strongly condemns the violent murder of the Ugandan human rights defender David Kato Kisule;
  2. Calls on the Ugandan authorities to carry out an in-depth and impartial investigation into the killing and bring the perpetrators to justice, and to do so in respect of any act of persecution, discrimination and violence against LGBT people and all other minority groups; calls on the Ugandan authorities to investigate individuals who publicly called for the killing of David Kato, as well as their organisations, role and funding;
  3. Regrets that the Ugandan authorities have nothing to say about the discriminatory views expressed about homosexual persons, and points to their obligations under international law and the Cotonou Agreement, in particular the duty to protect all persons - regardless of their sexual orientation or gender identity - against threats or violence against them;

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4. Restates the need, having regard to the general and presidential elections scheduled for 18 February 2011, to speak out against any crackdown on homosexuality and to adopt appropriate measures to bring an end to homophobic press campaigns and any communication inciting hatred of a minority community or any justification for such action which is based on gender or sexual orientation;
5. Calls on the Ugandan Government to ensure that LGBT people and all other minority groups in Uganda are adequately protected against violence, and to take prompt action against all threats or hate speech likely to incite violence, discrimination or hostility towards them;
6. Condemns accordingly, and again, the Bahati Anti-Homosexuality Bill, and calls on the Ugandan Parliament to decriminalise homosexuality and reject the use of the death penalty under any circumstances; joins in the 10 December 2010 appeal by UN Secretary-General Ban Ki-moon for the universal decriminalisation of homosexuality;
7. Denounces any attempt to incite hatred and advocate violence towards any minority group, including on grounds of gender or sexual orientation; joins in the call by David Kato's organisation (SMUG), and by other organisations, for authorities, political and religious leaders and the media to stop demonising sexual minorities and creating a climate of violence against LGBT people;
8. Urges the Commission and Member States to include LGBT activists in their human rights defender support programmes; calls on all non-governmental organisations in Uganda to work together with the Ugandan Human Rights Coalition, including with LGBT organisations;
9. Calls on the EU and Member States to ensure that their foreign policy, including their cooperation and development policy, vis-à-vis third countries, in relation to both authorities and NGOs, takes into proper consideration the human rights situation of all minority groups including LGBT persons, and to ensure that tangible progress is made in this field; calls on the Commission, the Council and the European External Action Service to make full use of the Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People in their dealings with Uganda, provide full protection for LGBT activists in Uganda, and support their activities; calls on the Commission to include these issues in the Roadmap against homophobia which the European Parliament has requested it to draft <sup>(1)</sup>;
10. Is extremely concerned that international donors, international organisations, non-governmental organisations, humanitarian organisations and doctors would have to reconsider or cease their activities in certain fields, should the bill pass, and notes that Germany has decided to withhold half of the USD 33 million in foreign aid pledged to Malawi, because of the criminalisation of homosexuality and restriction of press freedom, which has been followed by the United States' refusal to sign over USD 350 million in foreign aid to Malawi without further talks about laws restricting individual freedoms;
11. Reiterates its attachment to universal human rights and recalls the fact that sexual orientation is a matter falling within the sphere of the individual right to privacy as guaranteed by international human rights law, according to which equality and non-discrimination should be protected, while freedom of expression should be guaranteed, and reminds the Ugandan authorities of their obligations under international law and under the Cotonou Agreement, which calls for universal human rights to be respected;
12. Calls on the Member States and EU institutions to restate the principle that persons at risk of persecution should be considered for refugee status;
13. Instructs its President to forward this resolution to the Council, the Commission, the High Representative/Vice-President for Foreign Affairs and Security Policy, the President of the Republic of Uganda, the Speaker of the Ugandan Parliament, the East African Legislative Assembly and the African Union and its institutions.

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<sup>(1)</sup> Paragraph 7 of resolution P7\_TA(2011)0019 of 19 January 2011.