

## On the recent anti-LGBTIQ+ law in Uganda

The Congress of the Alliance of Liberals and Democrats for Europe (ALDE) Party convening in Stockholm, Sweden on 26-28 May 2023:

### Notes that:

- 64 countries around the world -mainly in Africa, the Middle East and Asia- criminalised homosexuality and transgender identity by law;
- On 21 March 2023 the Ugandan Parliament adopted the Anti Homosexuality Bill, referred to from now as the Bill, which proposes the death penalty for the offence of 'aggravated homosexuality', life imprisonment for the offence of 'homosexuality', up to 14 years in prison for ' attempted homosexuality' and up to 20 years in prison for 'promoting homosexuality' which entails the complete censorship of LGBTIQ+ issues, including for civil society organisations undertaking human rights based advocacy and healthcare work;
- The Ugandan President has so far refused to sign the text into law, but that this does not at all mean that the law will be cancelled, there even being a risk that the law may become even more repressive and stigmatising;
- In addition, the law places an obligation on friends, family, and community members to report any presumed same-sex relationships, while Uganda is bound to promote the Sustainable Development Goals and moreover, the country's 1995 Constitution contains clauses stipulating equality and non-discrimination for all;
- Uganda is a highly aid-dependent country. In 2021, Official Development Assistance (ODA) made up 7.2% of the country's Gross National Income. This is in absolute numbers more than 2.5 billion USD. In addition to ODA, Uganda also receives a significant amount of loan assistance;
- The EU's Everything But Arms (EBA) Scheme removes tariffs and quotas for all imports of goods (except arms and ammunition) coming into the EU from least developed countries and the EU can withdraw EBA preferences for serious and systematic violations of principles laid down in international conventions on fundamental human rights and labour rights, such as systematic human rights abuses;
- Some countries, including several in Africa, have recently moved to decriminalise same-sex unions and improve rights for LGBTIQ+ people. This adds to the global trend towards decriminalising same-sex relations;
- Many of the laws criminalising homosexuality in Africa and Asia derive from historic and colonial legislation.

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### Is convinced that:

- The Bill constitutes a further crackdown on LGBTIQ+ people in Uganda and marks an increase in the brutal oppression of LGBTIQ+ people and effectively strips them of their rights in Uganda after similar bills were proposed in 2009, 2012, 2013 and 2014;
- Not only the safety and wellbeing of the LGBTIQ+ community is at stake in Uganda. It indicates a trend attacking other minority and human rights, such as women's rights and the right to abortion;
- Sexual violence against women and girls is widespread in Uganda and that there is a correlation between hatred and violence directed towards LGBTIQ+ people and violence against women and the lack of gender equality;
- Uganda's move replicates other countries, such as Poland and Hungary, based on the argument to protect the rights of families and it confirms a trend in which countries use anti-LGBTIQ+ laws and rhetoric as a smokescreen for national issues, such as corruption and the dismantling of the rule of law;
- An increase in verbal and physical violence is already being witnessed in Uganda as a result of the of the Bill coming before Parliament. In February 2023 alone, more than 110 LGBTIQ+ people in Uganda reported incidents, including arrests, sexual violence, evictions and public stripping;
- National and foreign politicians and religious leaders have played a pivotal role in inciting hateful rhetoric against LGBTIQ+ persons in Uganda and promulgating the lie that homosexuality is a Western concept imposed on African society;
- The situation in Uganda risks having negative effects in the region with the Parliaments of Kenya, Niger and Tanzania tabling similar bills;
- The EU and Member States could provide trade advantages to third countries governments when they improve the rights of LGBTIQ+ people, while at the same time being able to (temporarily) withdraw or suspend development aid to third countries governments and preferential trade arrangements in case of systematic human rights concerns.
- The Bill is in stark violation of the Ugandan Constitution and Uganda's obligations arising from the African Charter and the UN international law architecture, and highlights that this Bill also runs counter to country's political commitments on sustainable development, in particular SDGs 3,5,10 and 16 and puts people's rights, health and safety at grave risk.
- The financial aid that would be temporarily suspended to the government, should instead be placed in a fund which should proactively continue to support the citizens well-being, in particular the most vulnerable in society and the work of human rights defenders.

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**Therefore calls all member parties of ALDE party, Renew Europe Group, Members of European Parliament, Commissioners and liberal members of national governments to:**

- Condemn the bill as a clear violation of human rights standards that severely undermines the human rights of LGBTIQ+ individuals residing in Uganda;
- Use its entire necessary diplomatic, legal and financial means at their disposal to convince the Ugandan President to refrain from signing the Bill into law, and in their talks external relations in order to address discrimination and violence against the LGBTIQ+ community in third countries;
- Advocate for stronger monitoring by the EU on the situation of LGBTIQ+ individuals, as well as support for human rights defenders, and LGBTIQ+ people on the ground;
- Urge the Uganda authorities 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 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;
- Condemn the decision by the Ugandan National Bureau for Non – Governmental Organisations on 5 August 2022 to shut down Sexual Minorities Uganda – the country’s leading LGBTIQ+ rights organisations;
- Express support and admiration for the Ugandan Parliamentarians and civil society organisations who had the courage to stand up and publicly speak out against the Bill;
- Impose as a priority targeted sanctions on the political and religious leaders and media figures who are responsible for anti LGBTIQ+ hate speech, inciting hatred, violence and supporting the Bill;
- Refute the narrative developed by some political and religious leaders that homosexuality and transgender identity are Western concepts and deplore the dissemination of anti LGBTIQ+ propaganda by any foreign actors, including those based in Europe, active in Uganda;
- Take action against those politicians and religious leaders based in Europe who are instigating the hatred against LGBTIQ+ people across Africa and ensure that they are not receiving any European government funding;
- Include a ‘no backtrack on human rights’ clause in their development program, through which the program, including financial aid or loan assistance, could be suspended when a partner country backtracks on

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the protection of human rights, including by criminalising homosexuality or transgender identity;

- Use all necessary diplomatic, legal and financial means at their disposal to convince the Ugandan President to refrain from signing the Bill into Law, and in their talks with the Ugandan authorities urge them to decriminalise homosexuality and reduce violence and discrimination against LGBTQI+ community.

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