



CONVENING FOR EQUALITY
STRONGER TOGETHER

Commissioner Jutta Urpilainen
European Commissioner for International Partnerships
Rue de la Loi /Wetstraat 200, 1049 Brussels, Belgium

April 16, 2024

Dear Commissioner Urpilainen,

Since Uganda's Anti-Homosexuality Act (AHA) was signed into law in May 2023, we have been dismayed that the European Commission has taken no concrete public actions to live up to its LGBTIQ Equality Strategy 2020-2025 in its strategic partnership in Uganda.

On the contrary, the leadership of the European Commission has pursued major new funding initiatives with the same Ugandan leaders who are vigorously enforcing this law, without consideration for upholding and enforcing the European Union's stated values. Absence of public action amounts to an abandonment of our rights and your values. For example, you recently publicly celebrated a new €200 million business investment to Uganda with no mention of how Uganda or affiliated private sector institutions will be held accountable for ensuring non-discrimination and protection of human rights when spending this new EU funding.¹

Uganda's Anti-Homosexuality Act not only criminalizes same sex conduct including with the punishment of the death penalty in some circumstances, but it also has significant consequences for public health services and basic rights to freedom of expression and association. The law criminalizes "promotion of homosexuality" with a 20-year prison sentence, meaning allyship and outreach or education or indeed any act that involves "normalization" of LGBTIQ identity could lead to imprisonment. The law, as upheld by Uganda's Constitutional Court, is driving already marginalized people away from needed services and codifies state-sponsored discrimination and violence against real or perceived LGBTIQ people in all areas of life. Business is already impacted by this law as any allyship from the private sector is now criminal in Uganda.

As you know, Uganda's AHA comes after years of deteriorating human rights protections for all Ugandans, and must be seen as an opportunistic move by political leaders to scapegoat an unpopular minority in order to distract from grinding issues of poor governance, government corruption, poverty, unemployment and poor health and education systems. Threats against human rights defenders and civic organizations, attacks and harassing charges against government critics, and the torture and extrajudicial killings of opposition activists are all clear indications of a government committed to authoritarian rule, where dissent meets violence or jail time and where repression of marginalized groups is the norm. Given the EU's engagement and reputation on human rights globally, EU leadership is critical to fighting this approach to governance and looking away from Uganda will only further the spread of violence, hate and corruption.

¹ "Global Gateway: Over €200 million allocated to boost Uganda's economy and create new jobs," March 4, 2024, https://international-partnerships.ec.europa.eu/news-and-events/news/global-gateway-over-eu200-million-allocated-boost-ugandas-economy-and-create-new-jobs-2024-03-06_en.



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Unfortunately, EU leadership at this critical moment has been largely absent. On September 6, 2023, regarding Uganda's Anti Homosexuality Act, you issued a statement saying that the "EU considers that a suspension of EU financial support to Uganda would deprive the most vulnerable populations, including LGBTIQ persons, from vital support" and that "Disengagement by the EU would also create gaps which may be further filled by other players who do not share EU values,"² which we interpret as a reference to Russia and China. Asserting that the EU is better than worse actors is not good enough.

There has been no public decisive action on the part of the EU to stand up for the principles of non-discrimination, inclusive economic development and human rights since the bill was signed into law in May 2023. Now that the Constitutional Court has upheld this blatantly discriminatory law, the time for greater strategic EU leadership is needed more than ever.

The European Union should immediately announce a comprehensive review of all of its funding to Uganda, and should pause or reprogram any funds that go via government entities. Any essential humanitarian support should be rerouted to non-government organizations who are committed to providing services to and employing LGBTIQ people. The European Investment Bank should also announce a pause to all lending to Uganda and Ugandan entities until each can publicly state how their operations will avoid complicity in exclusion and discrimination against LGBTIQ people and allies in the fight for basic rights. The EU should have a strategy for sanctions against those Ugandans publicly relying on hate speech in supporting and implementing this law as hate speech is a driver of violence. The EU should immediately begin the process of withdrawing trade preferences for Uganda under the "Everything but Arms" treaty, in accordance with the human rights standards set out in that agreement. All these actions should be taken with the condition of nullification of the Anti-Homosexuality Act by Uganda's Supreme Court and the Government's unequivocal recommitment to protect basic human rights.

The EU has long claimed itself as a world leader in the fight for the protection of human rights. EU officials have publicly stated that the EU is "leading the call for equality of lesbian, gay, bisexual, trans-sexual, intersex, and queer (LGBTIQ) persons around the world, by implementing actions supporting their rights as per the LGBTIQ Equality Strategy (2020-2025) and the EU Action Plan on Human Rights and Democracy (2020-2024)." In 2020 you wrote and oped arguing that "Africa and Europe should stand up for a model of international cooperation, based on rules-based multilateralism, political freedom, solidarity and human dignity. Inclusivity will enable us to harness the full potential of our citizens, including the youth and women."³

The EU should be committed to using its leverage via aid, trade and economic partnership to secure action to root out discrimination and state-sponsored violence. The absence of clear and public EU announcements at this critical juncture will have long-lasting and devastating impacts, not just in Uganda but the rest of the world where authoritarian governments continue to cement discrimination and exclusion of their most vulnerable populations for dangerous populist agendas.

The world is watching, and the absence of public and specific actions undermines EU credibility on human rights and erodes its leverage on human rights around the world. It will also embolden authoritarian

² Answer given by Ms. Urpilainen on behalf of the European Commission, June 9, 2023, E-001920/2023
https://www.europarl.europa.eu/doceo/document/E-9-2023-001920-ASW_EN.pdf

³ https://www.eeas.europa.eu/eeas/africa-and-european-union-partnership-future-jutta-urpilainen_und_fr



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leaders around the world who observe the EU's silence in the face such blatant violations of EU principles.

The EU Commission states in its 2020-2025 LGBTQ Strategy that “[t]he EU will strengthen its engagement on LGBTIQ issues in its external relations at both political and technical level. It will make specific efforts to combat violence, hatred and discrimination and ensure that LGBTIQ rights are upheld in partner countries.”⁴ We call on you to live up to such commitments and announce specific and actionable measures regarding Uganda’s commitment to implement government-led discrimination and violence.

Sincerely,

Frank Mugisha, Clare Byarugaba, Richard Lusimbo (Convening For Equality Co-conveners)

⁴ European Commission LGBTIQ Equality Strategy, 2020-2025, Section 4.1, https://commission.europa.eu/system/files/2020-11/lgbtiq_strategy_2020-2025_en.pdf.