

**United Nations Human Right Council 13<sup>th</sup> Session  
UPR Ethiopia**

**Canadian HIV/AIDS Legal Network &  
International Lesbian and Gay Association - Europe**

Delivered by Revd Rowland Jide Macaulay

Mr President,

I have the honour to present a statement on behalf of the Canadian HIV/AIDS Legal Network and Pan Africa ILGA.

We wish to address the recommendations contained in paragraph 99 (21 & 22) in the Working Group report on Ethiopia, which urges the government to;

- "Strengthen the human rights education and training of military forces and police, prison and judicial staff, and ensure their accountability for any violations of human rights, in particular for violence or sexual violence against women, children and persons of minority sexual orientation or gender identity"
- "decriminalize consensual same-sex activity between adults".

While we appreciate the sensitivity of the issues, the criminal prohibitions on sexual activity between consenting adults of the same sex under article 629 of the Penal Code are a violation of established international human rights law.

Treaty bodies have repeatedly affirmed that such laws violate international rights to privacy and non-discrimination. As the High Commissioner for Human Rights Navi Pillay has also emphasized: "there remain all too many countries which continue to criminalize sexual relations between consenting adults of the same sex in defiance of established human rights law." A resolution unanimously adopted at the NGO Forum to the African Commission on Human and Peoples' Rights in November 2009 urges States to "comply with the African Charter on Human and Peoples' Rights by repealing laws which criminalize sexual conduct between consenting adults of the same sex".

In Ethiopia not all men who have sex with men necessarily identify as homosexuals. As UNAIDS has noted, laws criminalising homosexuality pose a threat to public health as they frustrate the important work of creating access to HIV prevention and awareness programmes for men who have sex with men.

We therefore urge the Ethiopian government:

- To repeal all legislative provisions which criminalize sexual activity between consenting adults of the same sex; and
- To take measures to recognise and protect the rights of sexual and gender minorities, and extend its HIV intervention programs to include same-sex practicing people.

Thank you very much Mr President.