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**United Nations Human Right Council 13th Session
Geneva, 15th to 19th March 2010.
UPR Eritrea – Canadian HIV/AIDS Legal Network**

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.

An issue of serious concern raised during the UPR of Eritrea relates to the criminalization of consensual same-sex conduct under article 600 Penal Code of 1957. Such provisions are a violation of established international human rights law and a major threat to public health.

In response to recommendations to repeal this provision, the Eritrean government has responded that these recommendations are in "conflict with the values and traditions of the Eritrean people". While we appreciate the sensitivity of the issues, we remind the government that its primary obligation is to respect international law.

Treaty bodies have repeatedly affirmed that laws criminalising homosexuality 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 People's 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".

The current law is likely to exacerbate incidents of harassment, abuse, arbitrary arrests and unlawful detentions of homosexual people. As UNAIDS has noted, such laws also 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 Eritrean 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.