

**United Nations Human Right Council 11<sup>th</sup> Session**  
**Geneva, 2 to 19<sup>th</sup> June 2009.**  
**UPR Senegal - ILGA**

Mr President

We wish to address recommendations 6 and 10 in the Working Group report on Senegal.

Last year the arrest and jailing of nine gay men in Senegal was a result of state sponsored abuse, we must acknowledge and commend the government for the release of the nine men from jail, however these men and many others fear for their lives and have gone into hiding, this has had a negative impact on important HIV prevention work for the gay and lesbian community, and this we believe is a threat to public health.

Public statements condemning homosexuality by political and religious leaders has led to an increase in homophobia.

While we appreciate the government's assurance that no-one is currently in detention because of their homosexuality, the current penal code of Senegal Article 319 continues to threaten the existence of sexual minorities, and this law also violates the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights (ICCPR), to which Senegal is a party.

According to the United Nations Human Rights Committee's 1994 ruling in the case Toonen v. Australia, laws criminalizing homosexual conduct violate the right to privacy protected by article 17 of the ICCPR. As you are aware, the United Nations Working Group on Arbitrary Detention has also found that arrests for consensual homosexual conduct are, by definition, human rights violations.

In Senegal all men who have sex with men, do not necessarily identify as homosexuals.

We now urge the government to implement the recommendations of member states and take further action;

- To repeal the penal code provision which criminalizes homosexual activity between consenting adults, and review other national legislation which results in the discrimination, prosecution and punishment of people solely for their sexual orientation or gender identity and bring this into line with the provisions of the ICCPR, particularly articles 2 and 26.
- We also ask the government to adopt measures to promote tolerance in this regard, which would also facilitate more effective educational programmes for prevention of HIV/AIDS; and
- to provide law enforcement and judicial officials with specific training regarding the protection of human rights of sexual minorities.

Thank you very much Mr President.