

United Nations Human Right Council 12th Session
Geneva, September 2009.
UPR Comoros
International Lesbian and Gay Association (European Region)

Thank you Mr. President.

I have the honour to present a statement on behalf of ILGA and Pan Africa ILGA.

We wish to address recommendation 4 in paragraph 66 of the Working Group report on Comoros.

This recommendation urges Comoros to "review provisions of the criminal law penalizing consensual same-sex-activity between adults and organise awareness-raising campaigns promoting tolerance in this regard".

Same-sex activity between consenting adults is criminalised by article 318 of the Penal Code of Comoros. The UN Human Rights Committee has repeatedly confirmed that such laws violate the rights to both privacy and non-discrimination, contrary to articles 17(1) and 26 of the International Covenant on Civil and Political Rights. The Committee further considered that these laws "run counter to the implementation of effective education programmes in respect of HIV/AIDS prevention" by driving marginalised communities underground.

The High Commissioner for Human Rights, Ms. Pillay, has recently called on States to decriminalise sexual relations between consenting adults of the same sex, in accordance with international human rights law.

During the Working Group discussion, the delegation of Comoros responded that homosexuality is not prosecuted and the law not enforced. If this is the case, then we trust that the government should be willing to accept the recommendation and repealing the offending law. Even when not enforced, such laws undermine the human dignity of those who are lesbian, gay, bisexual or transgender.

We therefore urge Comoros to bring its Penal Code into conformity with its international human rights obligations by repealing those provisions which criminalise same-sex activity between consenting adults and to accept the recommendation to organize awareness-raising campaigns promoting tolerance in this regard.

Thank you Mr President.