

[LGBTI_health_africa@yahoogroups.com June 09, 2010]

UPR: Qatar

International Lesbian and Gay Association (European Region)

United Nations Human Rights Council, Geneva. 9th June 2010.

Presented by Rowland Jide Macaulay

Mr. President, distinguished members of the delegation,

We wish to address recommendation 86 (6) in the Working Group report on Qatar. This provision calls for the promotion of tolerance, measures to decriminalize consensual sexual activity among person of the same sex and to ensure that no one is punished for such activity under Sharia law.

Whilst we are aware that Qatar does not support this recommendation, continued criminalisation raises serious issues of discrimination and jeopardises the important goal of promoting sexual health amongst same sex people, including the struggle against HIV/AIDS. The Human Rights Committee has noted that laws criminalising homosexuality “run counter to the implementation of effective education programmes in respect of HIV/AIDS prevention” by driving marginalised communities underground, a finding supported by UNAIDS and other key actors in the fight against the HIV/AIDS pandemic.

In *Toonen v Australia 1994*, the UN Human Rights Committee has confirmed that laws against consensual same-sex conduct 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. In addition, UN resolutions on extrajudicial executions and the death penalty have been explicit that the death penalty may not be imposed for non-violent acts such as sexual relations between consenting adults.

The UN Secretary General Ban Ki Moon in a recent statement, said “We cannot stay quiet when people are denied fundamental rights, whatever their race or faith or age or gender or sexual orientation.”.

- We urge the Government of Qatar to reconsider and accept the recommendation to decriminalize consensual sexual activity among person of the same sex and to ensure that no one is punished for such activity under Sharia law and repeal other discriminatory laws criminalizing same-sex conduct between consenting adults.

- We also urge the Government of Qatar to accept recommendation 86, consistent with its commitment to equality for all its citizens and its legal obligations under international human rights law.

Thank you Mr. President.