

UPR – DOMINICA
Canadian HIV/AIDS Legal Network &
International Lesbian and Gay Association - Europe

- delivered by John Fisher, 18 March 2010

Thank you Mr. President, distinguished members of the delegation.

We welcome the constructive participation of Dominica in the UPR process. While we appreciate that many recommendations were accepted at the Working Group stage, we regret that the response of the government to a number of recommendations was still not available as of this afternoon, thus limiting the capacity of stakeholders to meaningfully engage in the report adoption process.

We urge the government to accept recommendations 3, 5, 6, 7 and 8 in paragraph 71 of the Working Group report. These are recommendations to ensure non-discrimination on the grounds of sexual orientation, gender identity and HIV status, to develop awareness programmes on these grounds and to consider applying the *Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity* as a guide to assist in policy development. These recommendations are consistent with Dominica's international human rights obligations, and would help ensure a more fair and equal society for all Dominicans.

We regret that Dominica did not accept recommendations by France and Spain to decriminalise sexual relations between consenting adults of the same sex. The United Nations Human Rights Committee ruled in the 1994 case of *Toonen v. Australia* that laws criminalizing homosexual conduct violate the rights to privacy and non-discrimination protected by the ICCPR, and "run counter to the implementation of effective education programmes in respect of HIV/AIDS prevention" by driving marginalised communities underground, a finding also supported by UNAIDS and other key actors in the fight against the HIV/AIDS pandemic.

As UN High Commissioner for Human Rights Navi Pillay has stated: "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."

We do commend Dominica for its support of the historic OAS resolution on sexual orientation, gender identity and human rights, adopted by consensus last year. This historic resolution commits governments of the region to ending human rights violations directed against persons because of their sexual orientation or gender identity. We urge the government to fulfil that commitment by bringing its criminal legislation into conformity with international law and ensuring that all Dominicans are protected from discrimination, including on grounds of sexual orientation and gender identity.

Thank you.