



40th Session of the Human Rights Council

Biennial high-level panel discussion on the question of death penalty: Human rights violations related to the use of the death penalty, in particularly with respect to the rights to non-discrimination and equality

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Imagine, to be sentenced to death or to be executed, simply for whom you love. For millions of people this is a reality, because they are living in States where somebody may be convicted by the courts and be executed by the State for consensual same-sex sexual act. The right to life is a cornerstone to the international Human Rights System and we therefore welcome this panel and the resolution 36/17 as a monumental step towards ending these horrific laws and practices.

Information gathered by [ILGA](#) states that there are currently six States¹, where the death penalty is implemented for consensual same-sex sexual acts and a further five where it is technically possible by means of reference to Sharia law².

Laws that seek to criminalize and execute persons for consensual same-sex relations root in patriarchy and gender stereotypes and do not only just affect gay and lesbian persons. Trans and gender non-conforming persons also face oppression and violence as a consequence of them.

Mr. President,

The formal and informal persecution of LGBT persons remains unchallenged in too many states. It is virtually impossible for any organization working on sexual orientation or gender identity to develop in such countries, and those who provide services directed towards LGBT people in these countries might be forced to flee the country due to threats. Applied or not, the death penalty emits fear among LGBT persons and renders a social life close to impossible. It as well poses a strong chill factor for LGBT organizing in these countries.

Laws that impose the death penalty for sexual conduct violate the right to life, as guaranteed by the article 3 of the Universal Declaration of Human Rights, and as the article 6 of the ICCPR states sentences may only be imposed for the most serious crimes. The UN has clearly indicated that consensual same-sexual

¹ Iran, Saudi Arabia, Yemen, Sudan – countrywide implementation of death penalty. Provincially implemented: Somalia and Nigeria. [ILGA State- Sponsored Homophobia report.](#)

² Afghanistan, Pakistan, Qatar, United Arab Emirates, Mauritania. [ILGA State- Sponsored Homophobia report.](#)



acts do not meet this threshold. Such laws, even if they are never enforced, breach State obligations under international human rights law.

We call upon States that have not yet abolished the death penalty to ensure that this is not applied on the basis of discriminatory laws, or as a result of a discriminatory or arbitrary application of the law, including to consensual same-sexual sex acts.

I thank you Mr. President