



46th Human Rights Council Session

23 February 2021

Biennial high-level panel discussion on the question of the death penalty

**Statement by the International Lesbian and Gay Association joined by Stichting CHOICE for Youth and Sexuality,
OutRight Action International**

Madam President,

This is a joint statement.

The right to life is a cornerstone to the international Human Rights System and we therefore welcome this panel and the resolutions 36/17 and 42/24. We strongly oppose the application of the death penalty in any circumstance.

We appreciate the report of the Secretary General (42/28) which concluded that there was little evidence that the death penalty had an impact on reducing levels of crime, On the contrary, that death penalty for consensual same-sex sexual acts carries a risk of increasing the rate of hate crimes against sexual minorities, according to the SG's report¹.

We would like to draw the attention of the Council particularly to the fact that the death penalty continues to be used to punish consensual sex, love and other forms of intimacy between same-sex adults as well as sex work, or sex outside of marriage².

ILGA's State-Sponsored Homophobia Report³ concludes that there are currently six States, where the death penalty is legally prescribed for consensual same-sex sexual acts⁴, and a further five where it is technically possible by means of reference to Sharia law⁵.

These laws imposing death sentences to consensual sex relations and activities violate the right to life, to privacy and to non-discrimination as already recognized by different UN mechanisms. Furthermore, often the penalty to these acts is applied by means such as stoning and hanging, in a clear contravention to the prohibition on torture and cruel, inhuman, or degrading treatment.

Even in cases where execution is not carried out, the existence of such laws discriminates against gay, lesbian, bisexual trans and gender nonconforming persons as they perpetuate stigma and violence, lead to social exclusion, reduce health outcomes, and form a stark barrier to realising the SDGs.

We call upon States to abolish the death penalty and ensure torturous sentencing or measures are never applied, including on the basis of discriminatory laws as those that punish consensual sexual relations and activities.

¹ A/HRC/42/28 para. 35.

² A/HRC/42/28 para. 13

³ ILGA World: Lucas Ramon Mendos, Kellyn Botha, Rafael Carrano Lelis, Enrique López de la Peña, Ilia Savelev and Daron Tan, *State-Sponsored Homophobia 2020: Global Legislation Overview Update* (Geneva: ILGA, December 2020).https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf

⁴ Brunei Darussalam, Iran, Mauritania, Nigeria (12 Northern states only), Saudi Arabia, Yemen.

⁵ Afghanistan, Pakistan, Qatar, Somalia, United Arab Emirates.