Mr. President,

The right to life is a cornerstone of the international Human Rights System and we therefore welcome this panel and the resolution 48/9. We strongly oppose the application of the death penalty in any circumstance.

We appreciate the report of the Secretary General (51/7), which reiterates that under international human rights law, the use of the death penalty should be limited to only the "most serious crimes".¹

We underline resolution 48/9, which stresses that the term the "most serious crimes" has consistently been read restrictively and that under no circumstance can the death penalty ever be applied as a sanction against consensual same-sex conduct or relations² – in the same line of understanding of the General Comment 36 from the Human Rights Committee³.

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 same-sex sexual acts between adults as well as sex work, or sex outside of marriage⁴, despite these acts not meeting the "most serious crimes" threshold.⁵

ILGA World currently reports there are six UN member States, where the death penalty is legally prescribed for consensual same-sex sexual acts⁶, and a further five where it is technically possible by means of reference to Sharia law.⁷

Moreover, ILGA World’s reports⁸ conclude that in 2021 and in previous years, possible executions were identified in at least two countries⁹, with an additional number of summary executions carried out by insurgent groups that gained effective control over a certain portion of territory in at least six countries.¹⁰

These laws imposing death sentences to consensual sexual relations and acts violate the right to life, to privacy and to non-discrimination, as already recognised 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 or punishment.

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¹ A/HRC/51/7 para 27.
³ CCPR/C/GC/36
⁴ A/HRC/51/7 para 28.
⁵ A/HRC/51/7 para 28.
⁶ Brunei Darussalam, Iran, Mauritania, Nigeria (12 Northern states only), Saudi Arabia and Yemen.
⁷ Afghanistan, Pakistan, Qatar, Somalia and United Arab Emirates.
⁸ ILGA World: Kelyn Botha, Our identities under arrest: A global overview on the enforcement of laws criminalizing consensual same-sex sexual acts between adults and diverse gender expressions (Geneva: ILGA, December 2021),
⁹ Iran and Saudi Arabia.
¹⁰ Somalia, Libya, Yemen, Iraq, Syria and Afghanistan.
Even in cases where execution is not carried out, the existence of such laws discriminates against lesbian, gay, bisexual, trans and gender non-conforming persons as they perpetuate stigma and violence, lead to social exclusion, reduce health outcomes, and form a stark barrier to realizing the SDGs.

As highlighted in the report of the Secretary General (51/7), the abolition of the death penalty is both desirable and necessary for the enhancement of human dignity and the progressive development of human rights.\textsuperscript{11}

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

\textsuperscript{11} A/HRC/51/7 para 3.