



# 12 HOWOLHOBIC THE DEATH PENALTY

# THE DEATH PENALTY IS HOMOPHOBIC

Asserting one's sexual orientation and living freely is not a crime and should definitely not be part of any Criminal Code. And yet, 12 countries across the world still include the possibility of punishing male homosexuality by death in their legal systems. Although it is almost impossible to keep a record of the number of executions carried out on the basis of this charge, which is very difficult to demonstrate in practice, one thing is certain: the execution of homosexuals, particularly in Iran, has been camouflaged by other offences such as drug trafficking.

ECPM is using the Death Penalty is Homophobic campaign to denounce sexual discrimination and exhort countries which apply the death penalty to decriminalise this crime. ECPM also denounces countries which have openly homophobic legislation such as Uganda which, on a number of occasions, has sought to reintroduce the death penalty for the crime of aggravated homosexuality, and it calls on all countries to respect the sexual freedom of all.

















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and advocating at all political levels for their work to be supported. lawyers. **ECPM** encourages efficiency among its local partners by organising training sessions the formation of national and regional coalitions against the death penalty (Morocco, Tunisia, Central Africa, Asia, etc.), as well as the creation of networks of abolitionist parliamentarians and learness of the creation of networks of abolitionist parliamentarians and learness of the creation of networks of abolitionist parliamentarians. ECPM fights against the isolation of activists wherever the death penalty remains by supporting

### STRENGTHENING THE CAPACITIES OF LOCAL ACTORS AND TAKING ACTION WITH THEM

2009. **ECPM** raises awareness among the public of the situation of minorities and vulnerable groups by participating in Gay Pride, the Fête de la Humanité, Cities for Life, the World Day Against the Death Penalty, World Human Rights Day, etc. to death. More than 10,000 middle and high school pupils have been involved since October specialists, individuals previously sentenced to death or the families of prisoners sentenced ECPM works in schools to encourage young people to support the issue through drawing competitions, introductions to journalism and free class visits - with the participation of

### EDUCATION AND AWARENESS OF ABOLITION

journalists come together every three years to strengthen their ties and draw up strategies for Ministers, parliamentarians, diplomats, activists, civil society organisations, researchers and **ECPM** is the founder and organiser of the World Congresses Against the Death Penalty. These events bring together more than 1,300 people representing the world abolitionist movement.

### UNITING ABOLITIONISTS FROM ACROSS THE WORLD

Commission on Human and Peoples' Rights, governments, etc.) and public mobilisation campaigns with political decision-makers (European Union, African Penalty in 2002 which today has more than 150 members - NGOs, bar associations, local bodies, unions - from across the world. Along with the World Coalition, ECPM leads advocacy heart of the UN system. ECPM initiated the creation of the World Coalition Against the Death ECOSOC status which guarantees it a presence and the possibility of advocating at the very ECPM is the first NGO devoted to the struggle against the death penalty to have obtained

### ADVOCACY WITH THE HIGHEST AUTHORITIES

Atlaoui and Hank Skinner. **ECPM** supports correspondence with prisoners sentenced to death. ECPM supports the victims of the death penalty, prisoners and their families such as Serge French Republic's top Human Rights Prize.

**ECPM** carries out and publishes judicial investigations into Death Row (in Morocco, Tunisia and the United States). Our publication "Investigation into Death Row in the DRC" received the Erench Bepublic's top Human Birbts Prize

### PROXIMITY TO PRISONERS SENTENCED TO DEATH

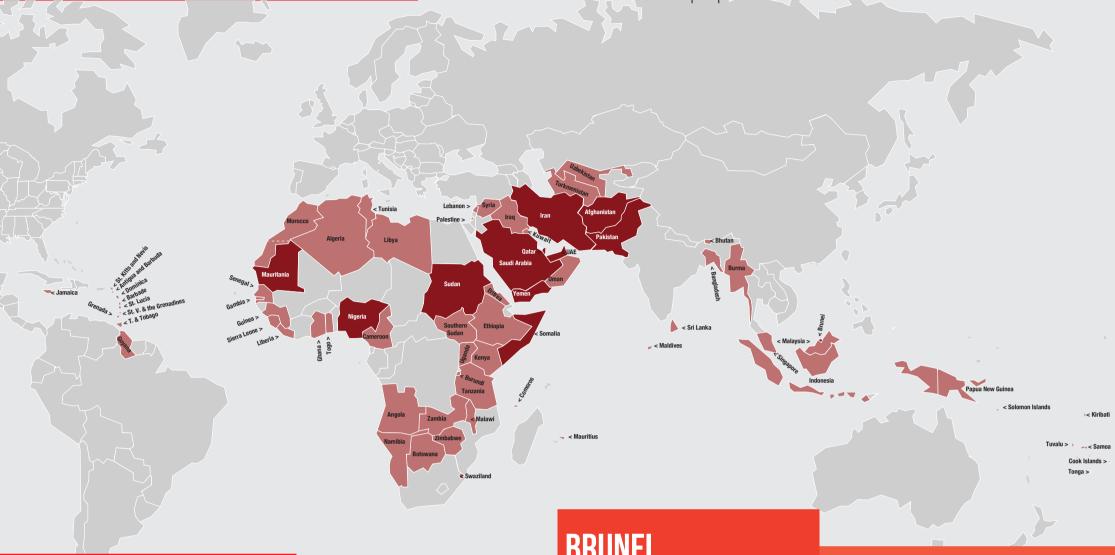
particular cause: universal abolition of the death penalty under all circumstances. ECPM (Together Against the Death Penalty) is an organisation working for a



# THE DEATH PENALTY IS HOMOPHOBIC

# CRIMINALISATION OF HOMOSEXUALITY: FROM PRISON TO THE DEATH PENALTY

- 61 Countries in which sexual relations between people of the same sex are illegal
- 12 Countries in which the legislation imposes the death penalty for sexual relations between people of the same sex



### **AFGHANISTAN**

Although the Afghan Criminal Code does not contain any explicit legal provisions prohibiting consensual sexual relations between people of the same sex, Article 130 of the Constitution allows an application of the Sharia law. Thus, any sexual relations out of wedlock (\*) may be subject to a death sentence.

The 1991 Criminal Code makes sodomy a crime punishable by death for responsible and consenting adult homosexuality is 100 lashes for the first 3 offences recorded. For the 4th, capital punishment applies.

The 2004 Criminal Code no longer makes sodomy or other sexual relations between consenting people of the same sex crimes as such. However, the courts may also refer directly to Sharia and thus sentence Muslim men to death for homosexual relations.

(\*) marriage in this instance is understood to refer exclusively to heterosexual marriage, i.e. between two people of different sexes.

(\*\*) The enforcement of the new Criminal Code will necessitate 3 steps according to the 3 degrees of severity of the sentence: 1. fine or prison 2. section of the human body or flogging 3. death penalty. Today, only the first category has been voted. Even so, the sultan Hassanal Bolkiah announced in June 2018, that the third category would be voted before the end of the year 2018.

## **SAUDI ARABIA**

By virtue of Sharia, sexual relations between men are an offence but the death penalty is not clearly specified. However, although the sentence to be imposed may be subject to debate between the courts, given that sexual relations out of wedlock (\*) are illegal in all cases, the sentence for a married man who would man is generally stoning (and 100 lashes, as well as exile for one year for a single man).

### **MAURITANIA**

Despite the moratorium on executions observed since 1987, Article 308 of the Criminal Code specifies that "any adult Muslim who has committed an indecent act or one against nature with an individual of his own sex shall be punished by death by public stoning." For women, the sentence is 2 years of imprisonment and a fine.

## **BRUNEI**

New legislation establishing Sharia in this country was organised in May 2014\*\*, making homosexuality a crime punishable by death whereas previously the sentence was up to 10 years of imprisonment. It is feared that this revision of the Criminal Code may lead to the resumption of executions even though a moratorium has been in place since 1957.

## **NIGERIA** (12 NORTHERN STATES)

By virtue of Sharia, 12 states in the north of the country sentence people to death for male homosexuality. Women incur prison sentences or flagellation. Since January 2014, the law has criminalised marriage between same-sex couples, bodies connected to LGBT+ individuals and public amorous relations. In those states which do not repress homosexuality so harshly, punishments currently range from 10 to 14 years of imprisonment.

### **SUDAN**

Male homosexual relationships are punishable by flagellation and up to 5 years of imprisonment. From for women, the sentence can be extended from life imprisonment to capital punishment.

### SOMALIA

Sharia is applied in the south of Somalia in the Emirates controlled by Al-Shabaab, as well as in Somaliland. It punishes relations between people of the same sex by death or flagellation.

# UNITED Arab emirates

By virtue of Sharia, all sexual acts out of wedlock (\*) are punishable by death. The States of Abu Dhabi and Dubai have federal laws which specify prison terms for sodomy (respectively 14 and 10 years of

## **PAKISTAN**

Homosexuality was made illegal in the 1860 Criminal Code and is punishable by death. In this country, which applies Sharia, homosexuality, bisexuality and transgender identity are profoundly taboo.

### YEMEN

In application of Article 264 of the 1994 Criminal Code, sodomy is punished by death by stoning for married men (and 100 lashes or one year of imprisonment for unmarried men). Article 268 punishes sexual relations between consenting women with up to 3 years of imprisonment.

