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United Nations Human Right Council 12th Session
Geneva, September 2009.
UPR Yemen – ILGA- Europe

Mr President

We wish to address recommendation 9 to ‘review all relevant and prepared legislation including the Penal Code, with a view to ensuring compliance with international human rights law, namely with protection of privacy and prohibition of discrimination.’

We wish to note with very serious concern that as of today, Yemen is one of only seven countries in the world, to maintain the death penalty for consensual sexual acts between adults of the same sex. Imposition of death penalty under Art 264 of the Yemeni Penal Code is a particularly egregious violation of one of the most fundamental of human rights, the right to life.

In particular we would like to note that art 6 (1) of the International Covenant on Civil and Political Rights states that “Every human being has the inherent right to life”. We further note that Art 6 (2) of the International Covenant on Civil and Political Rights states that ‘In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force.’

Resolutions of the General Assembly on both the death penalty and on extrajudicial executions have emphasized that homosexual acts do not fall within the definition of the “most serious crimes” and that the death penalty may therefore not be imposed for sexual relations between consenting adults. The UN Human Rights Committee has affirmed this position on many occasions, notably in concluding observations upon the review of Sudan.

Imposing the death penalty for expressing romantic love or affection between same sex partners, shreds the very fabric of what we mean by human rights. No international human rights document be it the Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights condones this form of deep violation of the core of human rights principles, namely the right to life, the right to dignity, equality, privacy and non discrimination.

We further recommend that the government of Yemen give serious consideration to decriminalizing homosexuality. Such an action would be entirely consistent with current international human rights standards and in keeping with the human rights obligations of the Government of Yemen.