

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE
Inquiry into Australia's efforts to advocate for the worldwide abolition of the death penalty

Topic: Data on Death Penalty Ruling Based on Sexual Orientation

Ms Maria Vamvakinou MP

Question

CHAIR: I guess I know you're referring to Uganda's recent legislation and the possibility of and concern around some other African countries feeling the need to perhaps follow suit. **How many countries in the world**—I guess this might be a stupid question—**actually have, in law, sexual orientation attracting not only illegality but the death penalty?** I know some of the obvious ones, but are there any others?

Ms Moules: There are still quite a number of countries—I'll take on notice the exact number—that criminalise homosexuality, and there are some countries where it's criminalised in law but not in practice. In terms of homosexuality being punishable by the death penalty, there are still a small number of countries that have it, including Brunei, for example. There are quite a few countries, though, where it hasn't ever been enacted.

Answer:

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) World Database, 61 UN member states criminalise consensual same-sex relations by specific laws or de facto through other laws, and the death penalty is a specific penalty for consensual same-sex relations in seven countries: Brunei, Iran, Mauritania, Saudi Arabia, Uganda, Yemen, and twelve northern states of Nigeria. In a range of other countries, same-sex sexual acts could potentially attract the death penalty, but the law or penalties are unclear (for example, where there is legal uncertainty about the way that Sharia Law is applied in practice). Brunei, Uganda and Mauritania have unofficial moratoriums on executions in place, even where the death penalty remains a prescribed penalty for consensual same-sex acts.