



## Northern Cyprus: Release all men arrested under the anti-gay Article 171

### Abolish last remaining law in Europe that criminalises homosexuality

On 14, 15 and 16 October 2011 two groups of men were arrested in the Northern Cyprus under Article 171 of the 1929 Criminal Code, which criminalizes male homosexuality. Article 171, brought in under British colonial rule, is the only legal provision in force in Council of Europe territory that criminalises consensual adult male same-sex sexual activity and provides for a punishment for up to five years in prison. In 1998, the parliament of the Republic of Cyprus decriminalized consensual same-sex conduct and Article 171 of the Criminal Code was repealed.

The European Court of Human Rights has explicitly ruled in *Modinos v. Cyprus* (1993) that Article 171 violates Article 8 (right to respect for his private and family life) of the European Convention on Human Rights. This is consistent with the Court's previous judgements – *Dudgeon v. UK* (1981); *Norris v. Ireland* (1989). It also violates Article 17 (protection from arbitrary or unlawful interference with his privacy and family life) of the International Covenant on Civil and Political Rights as indicated in the decision of the United Nations Human Rights Committee in *Toonen v. Australia* (1994).

At least two of the seven men who have been arrested and detained have made allegations of ill-treatment whilst in police custody, which must be promptly and independently investigated and anyone identified as responsible brought to justice.

Amnesty International; Human Rights Watch; the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe); the International Gay & Lesbian Human Rights Commission (IGLHRC); and Homofobiye Karşı İnisiyatif (Initiative Against Homophobia) call for the immediate release of all men currently detained under Article 171, dropping of all charges against those that are being prosecuted under the Article, and immediate repeal of Article 171.

A handwritten signature in black ink, appearing to read 'Nicola Duckworth', with a long horizontal flourish extending to the right.

**Nicola Duckworth**

Director

Europe and Central Asia Programme

Amnesty International



**Graeme Reid**

Director

Lesbian, Gay, Bisexual and Transgender Rights Program  
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**Evelyne Paradis**

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**Jessica Stern**

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**Reşat Şaban**

Member of Executive Board

Homofobiye Karşı İnisiyatif (Initiative Against Homophobia)