

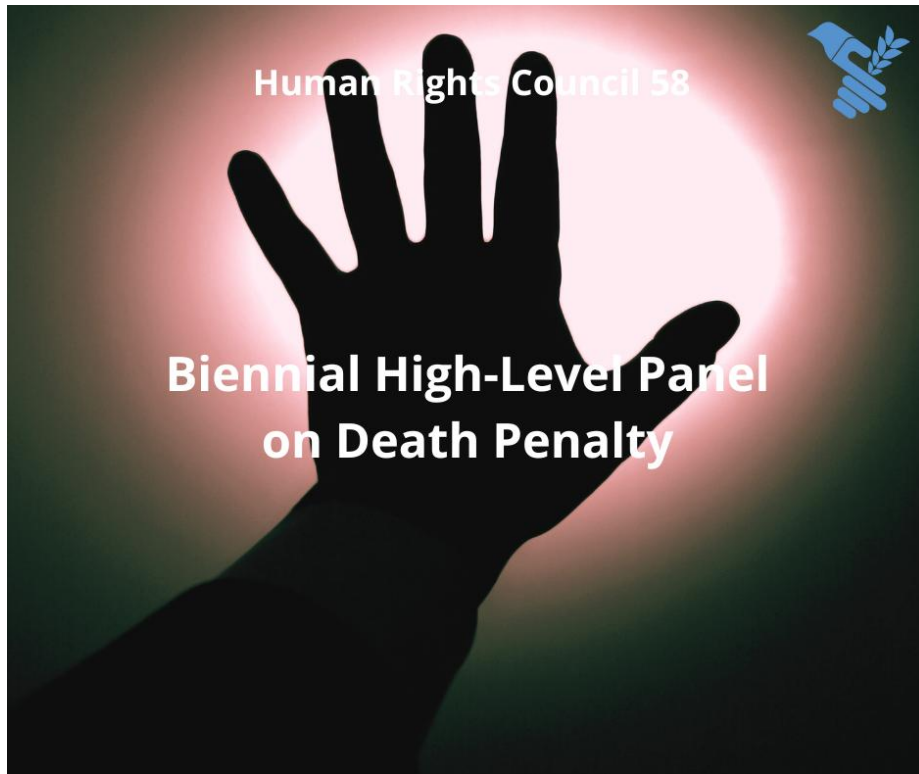


GENEVA CENTRE FOR HUMAN RIGHTS
ADVANCEMENT AND GLOBAL DIALOGUE

UNITED NATIONS HUMAN RIGHTS COUNCIL

Biennial High-Level Panel on the Death Penalty

#HRC58 • 25 February 2025



BACKGROUND AND THEME

In its resolution 26/2, the Human Rights Council decided to convene biennial high-level panel discussions in order to further exchange views on the question of the death penalty. In its resolution 54/35, the Council decided that the high-level panel discussion to be held during its fifty-eighth session would address **the contribution of the judiciary to the advancement of human rights and the question of the death penalty**. The panel discussion will be fully accessible to persons with disabilities.

OPENING STATEMENT

H.E. Mr. Volker TÜRK, United Nations High Commissioner for Human Rights

The High Commissioner sadly reports that there has been a substantial increase in global executions since we last met two years ago. In 2023, 1,153 executions took place in 16 countries, a 31% increase from 2022 and the highest number in the past 8 years. That followed a 53% increase in executions between 2021 and 2022.



Top executing countries and high risks of killing innocents

The top executing countries over recent years include the Islamic Republic of Iran, Saudi Arabia, Somalia and the United States of America. The figures do not include the People's Republic of China, where there is a lack of transparent information and statistics on the death penalty. He calls on the Chinese authorities to change this policy and join the trend towards abolition. More than 40% of these killings, the highest number since 2016, are for drug-related offences. This proportion has also risen sharply over the past two years. Drug-related offences do not meet the standard set by international human rights law, which only refers to the most serious crimes involving intentional killing.

Criminologists and experts have shown beyond doubt that use of the death penalty leads to the execution of innocent people. The High Commissioner is also concerned by the gender dimension of the death penalty. There is ample evidence that states fail to take full account of gender-based mitigating factors in sentencing women to death, including a history of gender-based trauma and violence.

Amidst growing executions, an encouraging abolitionist trend

Set against the deeply worrying increase in executions, there is a large and growing global majority against the death penalty. The number of countries that execute their citizens has decreased over the past two years. 113 countries have abolished the death penalty completely. The Global South is now leading the abolition movement. He commends the Government of Zimbabwe for joining 26 other countries in Africa that have abolished the death penalty. Other countries, including Côte d'Ivoire, Ghana, Malaysia, Pakistan and Zambia, have taken important steps towards abolition. The number of Member States in the United Nations General Assembly voting in favour of the annual resolution on a moratorium on the death penalty reached a record 129 in December 2024. But in the face of this clear progress towards more humane forms of criminal justice, the handful of countries that continue to impose and implement the death penalty are carrying out more executions. This has an impact that goes far beyond those who are executed, their families and loved ones.

An alarming discriminatory use

The use of the death penalty is often discriminatory, with a disproportionate impact on racial, ethnic, linguistic and religious minorities and the LGBTIQ+ community. It underpins and reinforces the broader social and economic discrimination faced by marginalised communities. In some contexts, the existence of the death penalty and the threat of its use may have a chilling effect on civil society, on human rights activists and defenders, and on the legitimate exercise of freedom of expression and association.

The crucial role played by the judiciary

Mr. Türk welcomes the focus of today's event on the role of the judiciary, which can have an important impact on reducing the number of people executed. In **countries that have abolished mandatory death sentences**, the judiciary has the discretion to sentence people to an appropriate term of imprisonment instead of executing them. In such countries, courts can play an important role in resentencing, reducing death sentences as much as possible, and ensuring



that they are imposed only for the most serious crimes. In Malawi, for example, the abolition of the mandatory death penalty led to the resentencing of 169 prisoners, all had the death sentence removed. In Malaysia, the abolition of the mandatory death penalty in 2023 resulted in a significant decrease in the number of death sentences imposed and upheld by the courts. Most of the death sentences reviewed have been commuted.

In **countries that have not yet abolished the death penalty**, the judiciary plays a fundamental role in ensuring that it is not applied in an arbitrary way, and particularly not to people whose guilt has not been established beyond reasonable doubt. Governments need to take all feasible measures to avoid wrongful convictions in death penalty cases, review procedural barriers to the reconsideration of convictions, and re-examine cases based on new evidence. Under international law, the death penalty can only be carried out after judgement by a competent court that is impartial and independent of the executive and legislative branches of the State.

Mr. Türk urges those States that still implement the death penalty to introduce a moratorium on exercising it as a first step towards abolition. States that have not yet abolished the death penalty should ensure that it is only implemented for the most serious crimes, that is, crimes of extreme gravity involving intentional killing. In addition, he calls on all members of the judiciary to redouble their efforts towards abolition of the death penalty in practise by using their discretion to impose alternative sentences.

‘The justice of anguish and death decided with a margin of error’

In closing, Mr. Türk by quotes someone who devoted much of his life to abolishing the death penalty in France, the French lawyer **Robert Badinter**, who rejected what he called ‘the justice of anguish and death decided with a margin of error. We refuse it because it is for us anti-justice, it is passion and fear prevailing over reason and humanity.’ The death penalty does little to serve victims or deter crime. And even the best judicial processes carry the risk of a miscarriage of justice. Whether death penalty is in use, that miscarriage can lead to the murder of an innocent person. That is an unfathomable price to pay for the reintroduction of an ineffective punishment that brutalises its practitioners, judicial systems, and societies.

STATEMENTS BY PANELLISTS

Hon. Ms. Virginia MABIZA, Attorney-General, Ministry of Justice, Legal and Parliamentary Affairs, ZIMBABWE

Zimbabwe passed a law to abolish the death penalty on the 31st of December 2024. Now here is our story. Zimbabwe’s story on the abolition of the death penalty is woven in three distinct yet interconnected phases.

The first phase is the pre-colonial era, and this is shaped by traditional values and restorative justice. The second phase being the colonial period, marked by the imposition of retributive justice and the death penalty. Lastly, the post-colonial era, characterised by our ongoing quest for justice, reconciliation, and human rights. It is within this context that I wish to explore the critical role of the judiciary in enhancing human rights and abolishing the death penalty. Mr. President, traditional practise was that offenders were required to compensate the victim's family



or face avenging spirit of the deceased. And as part of our culture, Mr. President, death was not just physical, but it also involved spiritual termination.

This approach is deeply rooted in Ubuntu concept, which emphasises community, interconnectedness, and mutual support. The death penalty was introduced by colonial powers in my country in the 18th century and remained in place even beyond the attainment of Zimbabwe's independence. At independence, Zimbabwe inherited a wide array of offences that called for the death penalty. Since then, various legislative and policy interventions have been implemented to gradually reduce the number of crimes attracting the death penalty. In 2013, the number of offences attracting the death penalty was reduced from nine and we remained with only one offence, namely murder committed in aggravating circumstances.

Zimbabwe's journey towards abolition of the death penalty has been long and progressive, mostly characterised by consultations, surveys, outreach programmes, judicial reviews, and policy interventions eventually culminating into legislative intervention. In 1999, the Constitutional Commission in Zimbabwe conducted a survey and it came up with a result that showed that a greater proportion of our population still preferred the death penalty. Sadly, between 1980 and 2005, 105 convicted offenders were executed. Since then, no other executions have been carried out in Zimbabwe and this can be attributed to policy coupled with judicial discretion against capital punishment.

The courts have consistently identified extenuating circumstances to mitigate sentences, thereby avoiding the imposition of the death penalty. In 2013, we adopted a homegrown constitution and this constitution came with an expansive Bill of Rights and the expansive Bill of Rights took into consideration social, political, economic, and other rights to protect human rights. So these reforms coupled with strong political will from our leadership, I would like to mention particularly our current president, Dr. Mnangagwa, who paved the way for eventual abolition of the death penalty because of his progressive policies. Zimbabwe's President was at one stage on the death row, him having committed a political crime and was only to be saved by his tender age at that time. So clearly you can see how Zimbabwe views the death penalty. The government of Zimbabwe actively engaged with human rights organisations, international bodies to ensure that the abolition process was grounded in best practises.

The African Commission on Human and People's Rights has also played a very instrumental role in advocating for the abolition of the death penalty across the continent and in Zimbabwe in particular. Zimbabwe's recent constitutional and legislative reforms resonate with these commitments, reflecting our dedication to upholding regional and international rights principles. The Embassy of Switzerland in Zimbabwe has worked so tirelessly to support our outreach programmes, our consultations, and many other humanitarian activities geared towards the abolition of the death penalty and Zimbabwe is very grateful.

Touching briefly on Constitutional provisions which also aided the abolition of the death penalty, the pride and prime of Zimbabwe's Constitution lies in its Section 48 which firmly entrenches the right to life. Because of this provision, we have shaped legal interpretations of capital punishment and played a crucial role in defining the nation's legal framework. The abolition of the death penalty in 2024 is a significant milestone for Zimbabwe. It further places a positive legal obligation on the Minister of Justice, the Prosecutor-General, and the Commissioner-General of Prisons to



do everything within their respective competencies to ensure every prisoner under sentence of death is now going to be brought before the High Court for re-sentencing.

In conclusion, it is hoped that Zimbabwe's journey serves as a model for other nations who are yet to abolish the death penalty. Ongoing legislative reforms will further cement the absolute abolition of the death penalty in Zimbabwe. Noteworthy to mention that there is still a constitutional provision which may give leeway for those that may have the mind of resuscitating the death penalty. Zimbabwe continues to work hard to make sure to also effect a constitutional amendment in order to attain absolute abolition.

**Mr. Hicham EL MELLATI, Director of Criminal Affairs, Pardons and Crime Detection,
Ministry of Justice, Kingdom of MOROCCO**

The death penalty is a longstanding but still fresh issue, and it gives rise to certain problems, certain questions to answer, for example, when it comes to its role in the efficacy of the dispensation of justice.

The Kingdom of Morocco, mirroring many other countries that uphold the primacy of rights, has also moved to the moratorium or to ending the death penalty. The last execution in the country took place in 1993, so more than three decades ago. Since that date, there has been a moratorium on the death penalty in the Kingdom of Morocco. There has been a debate, a very rational debate and discussion on this issue in Morocco since then, and several initiatives have been rolled out, such as bilateral agreements, but also amended legal and judicial procedures. His Highness King Mohammed VI has confirmed this abolitionist approach through a message to those who participated in an international conference where there was a reasoned, rational debate on decisions that needed to be taken on this issue to ensure that such decisions could be taken. The legal and judicial practise when it comes to the death penalty, I think the main question to ask here is, is it effective? Does it act as a deterrent? Does it serve its purposes in terms of criminal justice? To answer these questions, it is useful to share the judicial practice in Morocco.

There have been 86 cases of death penalty being handed down since 1993, but commuted or not carried out because of the moratorium. 85 men and one woman. Now, the majority of these cases did not receive a definitive death sentence. This represents 0.1% of the overall convictions in our court system. The majority of the death sentences are handed down in cases of extreme gravity. Around 80% of the cases in question have to do with this. 20% of the cases relate to extremism and terrorism cases. What is positive and what has been clear since 1993 is that there are very few death penalty cases. Even when commuted, there are a maximum of 8 to 9 such instances per year of courts that arrive at a death penalty sentence, which is then suspended. There are several cases which then go before the appeals courts to be further heard and further reviewed and examined. The specialised courts are to be found in Rabat and Casablanca, who have held many of these cases and decided on upholding the moratorium on the death penalty because they're specialised courts in, for example, terrorism and extremism cases.

What is very positive in the Moroccan example is that the majority of these cases are subject to an examining magistrate stage. This gives a judge the opportunity to calmly and rationally review the cases, to collect and collate the evidence and the proof, and thus to be able to shed light on the cases referred to them of such gravity. All stages of legal proceedings are duly respected.



Around one-third of the cases referred to have not yet been subject to a definitive sentence or ruling.

Still on judicial practise, the majority of these cases which attracted the death penalty in Morocco had to do with extremely serious grave crimes, many of them, as I've said, terrorism and extremism, or extremely grave crimes such as voluntary homicide, cruel homicide, particularly brutal murders and homicides, which have really outraged and shocked public opinion. Against that backdrop, what is the question we have to ask ourselves? What can the courts do? What can the judicial system do? What can justice do? That is an extremely important question that we have to answer because judges, of course, are bound by the law. They apply the law. They do not step outside that framework. How can judges take a decision to hand someone down the death penalty? These issues have to be weighed up by judges, by the judicial system.

Now, in Morocco, the Attorney General's Office continues to be a key player in the debate on the death penalty, and they are the body responsible for overseeing the activities of criminal court judges. Now, judges and magistrates in the Attorney General's Office are keeping a close eye on the domestic and international debate on the death penalty, and all of this does have an impact, this listening hearing, including to what is happening internationally, because it does have an impact on the number of death sentences handed down. We do have judicial practise or jurisprudence in Morocco when it comes to cases that attract the death penalty.

Where that is the case, then the Attorney General's Office submits a request for a royal pardon. And this has gone a long way to reducing the number of cases in which the death penalty is awarded. For instance, between 2000 and the present day, more than 160 individuals have benefited from such a royal pardon in a case which would otherwise have attracted the death penalty. And this is an initiative spearheaded by the Attorney General's Office, who are thus obligated to submit these cases for examination and review to see whether a request for a royal pardon would be appropriate as one way of reducing the number of oval death sentences. There have also been legislative modifications and amendments carried out.

The law on military justice commuted the death sentence in 16 cases, and five of those 16 were commuted permanently rather than temporarily, or with a suspensive effect. We are continuously reviewing our criminal code. A draft amended Criminal Code should shortly be submitted for parliamentary review, as should the revised Criminal Procedure Code, which contains many new elements and which sets limitations on criminal justice, which means there are a whole new set of conditionalities. For example, you need a unanimous decision by all judges if you are to hand down a death penalty. That will be a requirement or an element to be met going forward. The sentencing judge needs to submit all cases that attract the death penalty for review and also automatically request a pardon or a commutation.

Morocco has signed some 90 bilateral agreements, and in those bilateral agreements we include two key factors. First, the need to commute the death penalty in cases of extradition, and second, to ensure that there are guarantees and safeguards in place to ensure that the death penalty is not applied in cases where extraterritorial cooperation in legal affairs is being sought. It has recently signed the Moratorium on the Death Penalty which further embeds Morocco's efforts over the last three-plus decades and will perhaps serve as a springboard for new similar initiatives in the area of the death penalty.



**Hon. Mr. Ramkarpal SINGH, Member of the House of Representatives, Parliament of
MALAYSIA**

In 2023, Malaysia witnessed a historic development in its criminal justice system, where on the 3rd and 11th of April 2023, the lower and upper houses of Parliament passed the abolition of the Mandatory Death Penalty Act 2023, thereby abolishing the death penalty and imprisonment for natural life in Malaysia. Under the leadership of the current Chief of Justice, the judiciary undertook a landmark sentencing review for some 1,021 individuals on death row and or serving imprisonment for the duration of their natural life in prisons across Malaysia. The said reviews were conducted under the temporary jurisdiction conferred upon the Federal Court, the highest court or the apex court in Malaysia, for this purpose by the revision of Sentence of Death and Imprisonment for Natural Life Temporary Jurisdiction of the Federal Court Act 2023. These two legislations form the bedrock of the abolition of the Mandatory Death Penalty in Malaysia in 2023.

Mr. Singh had the occasion, as Malaysia's Deputy Minister for Law and Institutional Reform at the time, of formulating the policies underlying the abolition and review legislations, and later tabling both the said bills in Parliament. As a brief background, in the past, 11 offences carried the Mandatory Death Penalty in Malaysia. This comprised of nine offences under the Penal Code and two offences under the Firearms Increase Penalties Act 1971. Some notable offences of these 11 include murder, committing a terrorist act, hostage-taking and discharging of fire in the commission of an offence. However, what is most interesting and lesser known to many is that our formulation of the Abolition Act did not only abolish the mandatory death penalty but went further to, firstly, abolish the sentence of imprisonment for the duration of the natural life of a person in 24 offences across four legislations, namely the Penal Code, the Firearms Increase Penalties Act 1971, the Arms Act 1960 and the Strategic Trade Act 2010.

Most interestingly, Malaysia also abolished the death penalty entirely for offences that do not cause death. This resulted in the removal of the death penalty in six offences where death was not caused across four legislations, namely, the Penal Code, Kidnapping Act 1961, Firearms Increase Penalties Act 1971 and the Arms Act 1960. There were, however, three exceptional offences across two legislations, the Penal Code and the Dangerous Drugs Act that were exempted from this broad policy of the removal of the death penalty for offences that do not cause death owing to the grave nature of these offences.

In respect of alternative sentencing to the mandatory death penalty and imprisonment for natural life, the alternative sentences that were prescribed under the new law was for a term of imprisonment of at least 30 years but not exceeding 40 and of whipping of not less than 12 years in lieu of the death penalty. When punishment for life imprisonment was abolished, the alternative punishment imposed was also the same of not less than 30 years but not exceeding 40 years. It must be pointed out that of the 1021 persons who were on death row in Malaysia, 25 were those whose petitions for clemency had been rejected and 70 others had their death sentences commuted to life imprisonment.

The abolition of Mandatory Death Penalty Act 2023 was made retrospective in nature, allowing all those who had been sentenced to death or imprisonment for life to benefit from the amendments on appeal. Secondly, for the 1021 persons who had exhausted the appellate process, the revision of sentence of death and imprisonment for natural life temporary jurisdiction of the Federal



Court, Act 2023 was drafted to confer jurisdiction on the Federal Court to review those death sentences. The review process commenced on the 14th of November 2023 and was completed on the 29th of October 2024 in less than a year.

There were a grand total of 55 sittings held by the Federal Court where 936 applications were filed to review the death sentences in which 860 applications were allowed. 47 applications to substitute the death penalty with imprisonment were rejected and the death penalty was maintained in these 47 cases which mostly involved gruesome murders including the death or the murders of infants and elderly persons. In addition, there were 120 applications filed to review the sentences for natural life which were all allowed and substituted within 20 years.

It must be pointed out that in respect of murder there have been cases where the Federal Court, Court of Appeal and the High Court have maintained or imposed the death penalty as I pointed out. Amnesty International recorded a significant reduction in the use of the death penalty by Malaysian courts between the 4th of July 2023 and the 4th of January 2024. In its review of over 139 cases during this period, 42 individuals or 28% had their charges amended to a lesser offence or were acquitted, either at the High Court or on appeal. Among the remaining 97 cases were accused persons were convicted of a capital offence, 26 or 27% resulted in the death penalty being imposed or upheld while 71 cases or 73% saw alternative punishments applied either at the High Court or through substitution on appeal.

In closing, legal reforms such as the abolition of the mandatory death penalty in Malaysia have increasingly provided judges with the discretion to impose alternative sentences. This shift enables a more individualised approach to justice, ensuring that sentences are proportionate to the crime committed. This increased judicial discretion in sentencing is a step in the right direction towards perhaps a total abolition of the death penalty in the future in Malaysia.

H.E. Mr. Dannel P. MALLOY, Chancellor, University of Maine System, UNITED STATES OF AMERICA

As perfect as we hope our judicial systems are, the reality is quite different. In the USA, people are sentenced to death in various states. 27 states still have the death penalty. 23 states have done away with the death penalty. Since 2007, 10 states have joined that number, bringing it to 23. In many ways, as it happened in Connecticut while Mr. Malloy was Governor and fought for elimination of the death penalty, he pointed out on many occasions that if you are poor, you are more likely to be sentenced to death. If you are a member of a minority population within a state, you are more likely to be sentenced to death. If you are unable to secure appropriate counsel of the quality necessary to defend such a case, you are more likely to be sentenced to death.

The reality of our imperfect judicial systems is painfully obvious. Having said that, progress is being made on a worldwide basis. And even in the USA, progress has been made. For instance, President Biden, as his term as president was coming to an end, commuted 37 out of 40 federal sentences to death. And the three that remained were quite extreme, and he did not feel that he should do that in those cases. 10 states have added to ending the death penalty. In each of those states during debates with respect to maintaining or doing away with the death penalty, it has to be taken into account that mistakes have happened all too often. There is also a racial context in many of the states that has led to more minority individuals being sentenced to death. This is not



acceptable in the United States, or should not be acceptable in the United States, or any other state or nation across the globe.

As the fight and progress continue across states and in the USA, it should be celebrated that a number of governors have also taken the step to commute death penalties. North Carolina Governor Roy Cooper commuted 15 death sentences. As a result, in February of this year, a North Carolina judge found racial bias in a landmark death case that led to a change. It was also understood that in Connecticut, legislators have proposed a bill that would prohibit companies in the state from manufacturing and supplying drugs or medical devices to be used in executions in other states. Mr. Malloy believes the UNHRC needs to continue its work and its advocacy for the end of the death penalty on a worldwide basis, or at least a curtailment of the application of that sentence in as many places and in many numbers as humanly possible. The world should stop making mistakes with people's lives and understand that nobody is perfect, and many mistakes have been made. The world should stand with the belief that putting individuals to death in this way and understanding the difficulties of assuring that truth and justice is being done should lead us in our advocacy to end the death penalty. Mr. Malloy would be proud to join any country in this great discussion and this battle for change. One of his accomplishments in his eight years as governor of the state of Connecticut, for which he is most proud, was the ability to have ended the death penalty in the state of Connecticut. He asks that as many of you as possible join Connecticut in that success.

CONCLUDING REMARKS

Ms. Virginia MABIZA explains that all judicial officers have an equal role to play, which is very important as we move towards universal abolition. Judges, prosecutors, magistrates all have an important role to play. In other words, judicial discretion must be exercised in favour of upholding the right to life. Jurisprudence that comes from the courts should be shaped in such a manner that favours life. Universal abolition is supposed to be upheld at every stage, and this will be used to prevent erroneous and irreversible judgments. A specific question was posed by the delegation of Switzerland on what advice you would give to de facto abolitionist states to move towards abolition. De facto abolitionists should move towards total and absolute abolition. Prolonged stay on the death row, in some instances, in itself is inhuman and degrading, and certainly may cause human suffering. States should be urged to adopt total abolition. It is a journey that requires multi-sectoral approach, with both the judiciary and the legislature having an important role to play.

Mr. Hicham EL MELLATI explains that in order to implement best practise to ensure moving towards abolition - whether for States that having implemented a moratorium or not - legislation should be able to limit and restrict the practise. In Morocco, all of the death sentences were linked to the text of the law, not the practise, because in a particular provision it will provide for the death sentence. It is recommendable to go preferably for a life sentence and or ensure that the sovereignty of the judiciary is respected and it goes in that direction. The legislative body also can play a role in reducing the number of crimes and offences that receive a death sentence to ensure that the judiciary is also able to limit the scope of the death sentence and why not ensuring that the judicial system is involved in legal and human rights discussions in order to build capacity within the staff and magistrates of the judiciary.



Ms. Ramkarpal SINGH points out that the process, the experience in Malaysia did not happen overnight. When in 2023 the mandatory death penalty was abolished in Malaysia, it took the country at least a decade of study, of engagement with the necessary stakeholders, before coming to the conclusion that the mandatory death penalty was not as effective as it was thought to be. Noteworthy is the fact that the drug trade in Malaysia - which attracted the mandatory death penalty in the Dangerous Drugs Act in the 80s - was so severe that it was thought that the death penalty was needed to overcome the problem. Unfortunately, it emerges from statistics that the drug trade remains as it is, even with the death penalty in Malaysia. Therefore, it has been found to be ineffective, as most drug dealers, drug traffickers we have found appear to be drug mules. By executing these drug mules, we would never overcome the problem of the drug trade, particularly in Southeast Asia. So Malaysia has taken the position that the death penalty - or at least the mandatory death penalty - ought to be subject to the discretion of the courts, in all their wisdom, in applying reformist rehabilitative principles in the pursuit, in the hope of reforming offenders towards a better life.

Converging with the other panellists' remarks, **Mr. Dannel P. MALLOY** points out that in the United States, on average, those states that still have the death penalty have higher crime rates than those states that have done away with the death penalty, undercutting any argument with respect to the support of the death penalty in the United States as some sort of tool of fighting crime. Again, it is enlivening to hear so many of the states before us that have taken the steps to protect their citizenry from the mistakes that are carried out with the death penalty and fighting the prejudice that in many cases is applied towards those who are poor or minority or have mental illness. After thanking those States that have taken such steps, he expresses hope that the USA - his country - will take the steps with those who have not yet taken that step to eliminate the death penalty overall.

INTERACTIVE DIALOGUE

Views Expressed by State Delegations

Taking the floor on behalf of the Core Group on the question of the death penalty, the **Deputy Prime Minister and Minister of Foreign Affairs, European Affairs and Development Cooperation of Belgium** welcomes the recent decision of Zimbabwe to abolish the death penalty and encourage other states to follow suit, or pending its abolition, to impose a moratorium on issues. To this day, 92 states have ratified the second optional protocol to the ICCPR, while some 170 states have either abolished the death penalty, introduced a moratorium, or have ceased executions for more than 10 years. He welcomes this steady progress, demonstrating a never-growing momentum towards universal abolition, hopeful that this dynamic will amplify in the run-up to the ninth world congress against the death penalty that will take place in Paris in early July 2026. However, he regrets the global trend whereby a diminishing number of retentionist countries are substantially increasing the number of executions, including for drug-related offences.

The **Minister of Justice, Cult and Human Rights of Equatorial Guinea** reiterates the strong commitment his country to promoting and human rights, in particular to the abolition of the death penalty. Equatorial Guinea advocates for abolition. Its new Constitution, adopted in August 2022, Article 26, abrogates the death penalty. Although the Military Code mentions it, the Constitution



as the supreme law shall prevail, and therefore death penalty is abolished in practise. Therefore, there is no death penalty in Equatorial Guinea anymore. The abolition of the death penalty is presented not as a symbolic act, but rather as a profound transformation in the administration of justice, giving priority to rehabilitation. The death penalty is tacit in our country, but is no longer applied. It reiterates its commitment to the right to life and to full abolition of the death penalty, while hoping to have continued support in efforts to build a society that is increasingly fairer and more democratic within Equatorial Guinea.

The **Deputy Minister of Justice of Albania** explains that on June 1995, Albania decided to introduce a moratorium on the execution as part of its accession process to the Council of Europe. In 2000, Albania abolished the death penalty for peacetime offences by ratifying Protocol 6 of the ECHR. In 2007, with the ratification of Protocol 13, Albania eliminated it entirely, even in times of war. Albania's dedication to justice extends beyond abolition. Recognising the need for transparent and trustworthy judiciary, it embarked on a comprehensive reform in 2016. Central to this was a rigorous vetting process, assessing judges and prosecutors to combat corruption and ensure integrity. This initiative that is finished by November 2024, as a first instance, has been pivotal in restoring public confidence and aligning Albania's system with that of the European Union and European standards. These reforms underscore our commitment that a fair judiciary is a cornerstone of human rights protection.

The **Secretary of State for Foreign and Global Affairs of Spain** reaffirms that the abolition of the death penalty is one of Spain's foreign policy priorities. Spain is opposed to it regardless of the severity of the crime. It is a cruel, inhuman, humiliating punishment with irreparable effects if there is a judicial error and which fails to dissuade. He calls on retention of states to make progress towards establishing moratoria as a prior step to abolition. He also calls on them to respect the universal minimum standards, promoting the necessary judicial reform to reduce the number and the type of crime for which the death penalty applies, and avoiding its application to minors, persons with disabilities or persons sentenced for sexual orientation or gender identity. Justice must not be an instrument for vengeance but a way to restore dignity and respect for life, a right that is protected in all legal orders. The judiciary must play a crucial role, starting by ensuring fair trials, avoiding irreparable errors. Judges can restrict application, establishing more strict criteria for death penalty, limiting it to extremely severe cases, reviewing sentences through jurisprudence that can be an incentive for legislative changes in favour of abolition.

The **Secretary for Foreign Affairs and Cooperation of Portugal** stresses that his country was a pioneer in the abolition of the death penalty and salutes those states which have abolished it and those which apply the moratoria. Portugal encourages and commends progress of the abolitionist movement. The death penalty serves no one. It is a cruel, inhuman punishment. It represents the absolute denial of human dignity and contradicts the inalienable right to life enshrined in the Declaration of Human Rights. Portugal calls on States to reduce the number of crimes punishable by the death penalty and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view to its full abolition. The road to abolition must be built through dialogue, deconstructing myths such as the false notion that the death penalty is a dissuasion to crime. The international community must invest in increased technical assistance involving not only state bodies, but also the judiciary, civil society and national human rights institutions. There are clear examples of the judiciary's role in this regard.



The **Secretary of State for Foreign Relations of Angola** explains that his country stopped applying the death penalty in 1979 and in 1992 abolished it officially. Its constitution expressly prohibits the death penalty and contains provisions that make it possible to create monitoring mechanisms to guarantee the right to life. The right to life, as other rights, is safeguarded by various legal texts which are aligned with international human rights instruments. In this context, Angola continues to support the initiatives of this Council and its mechanisms to promote and protect human rights and will continue committed to the cause of abolition of the death penalty globally, considering this one of the most serious violations of human dignity.

On behalf of the Nordic-Baltic countries, **Iceland** stresses that the death penalty could not be reconciled with the right to life. The Nordic Baltic countries categorically oppose the use of the death penalty and are alarmed by the continuous use of the death penalty for crimes that do not meet the threshold of the most serious crimes. Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. Under no circumstances can the death penalty be applied as a sanction against specific forms of conduct or relations. Executing persons based on their perceived sexual orientation or gender identity on the basis of thought, conscience, religion or belief is a clear violation of international human rights law. States that have not yet totally abolished the death penalty should be on a path towards doing so. In the meantime, the Nordic-Baltic countries call on all states to introduce an immediate moratorium on executions as a first step towards abolition, commend the states that have recently taken steps towards abolition and call on others to do the same.

Speaking on behalf of the Community of Portuguese Language Countries (CPLC), **Cabo Verde** stresses that this question of the death penalty remains a major concern for the CPLP. In the CPLP, the death penalty is prohibited by constitutions and criminal legislation. It is a major violation of the right to life and the right not to suffer cruel and human or degrading treatment. These principles of the Universal Declaration are also set out in international and regional instruments as our basis for our common values. The CPLC welcomes the consolidation of its members' international legal framework which guarantees a prohibition of death penalty and eradication of all forms of punishment against human dignity and the role of the judiciary is crucial to ensure rigorous fair application of these principles and transparency. The CPLC calls on all states to ensure transparency in trials and in their judicial systems. As an abolitionist space, the CPLC reaffirms our commitment to the global movement for the abolition of the death penalty and call on the international community to step up efforts to strengthen legal institutions and protect human dignity.

Reaffirming its commitment to respecting and protecting the fundamental rights to life, in 2021 the Parliament of **Sierra Leone** unanimously passed the Abolition of the Death Penalty Act and President Bureau acceded to it - a coordinated effort by the branches of governments which is evidence of a firm resolve to protect the sanctity of the rights to life. Its courts have played a central role in the abolition of the death penalty. They adjudicate cases impartially and uphold the rights to a fair trial in every case. A demonstration to this commitment was a trial of 'The State versus Paolo Conte', a prominent opposition politician charged with capital offence. He was acquitted and later pardoned for his separate offence. Sierra Leone continues to strongly encourage retentionist States to work towards the abolition of the death penalty as well as to support the position that the use of the death penalty, if this option must be considered at all,



must be limited to the most serious crimes. Commending the effort of States and stakeholders using UNHRC mechanisms promote the abolition or moratorium of the death penalty, Sierra Leone urges others to join in affirming the right to life.

Italy reaffirms its steadfast commitment to the universal abolition of the death penalty. The judicial system is not merely an instrument for enforcing laws, but the fundamental pillar in safeguarding human dignity and upholding human rights. The role of the judiciary in shaping a legal framework that prioritises rehabilitation over retribution is crucial in ensuring justice systems that reflect the fundamental values of human dignity and fairness. The irreversible nature of capital punishment combined with the well-documented risks of wrongful conviction raises concerns. Even the most robust legal systems are not immune to errors. Italy believes that an independent judiciary free from political pressure is instrumental in fostering a culture of justice that seeks alternatives to the death penalty and promotes human rights-centred penal reforms. Italy commends judicial initiatives worldwide that have led to the restrictions and eventual abolition of the death penalty, and encourages a continued dialogue on the best practises that enable judicial institutions to advance human rights while ensuring accountability and fairness in sentencing practises.

Quoting Victor Hugo's, **France** reiterates that the death penalty is a barbaric practise. On the 17 December last year, 130 countries spoke at the UNGA voting in favour of the resolution calling for a moratorium on the application of the death penalty. This is a new milestone for the overall abolition of this cruel, inhuman and degrading punishment. France welcomes the decision by Zimbabwe to abolish the death penalty as well as the ratification by Côte d'Ivoire and Zambia of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. France calls upon all those States who have not yet done so to also sign up to that second optional protocol. Despite the progress made, thousands of men, women and teenagers are executed around the world every year and we see a growing trend in some countries. For this reason, France will continue to remain active on this issue. In the UNHRC September 2025 session, France jointly with seven co-authors will submit a resolution called 'The Issue of the Death Penalty'. In 2026, France will also host the 9th Global Congress for the Universal Abolition of the Death Penalty, and calls upon all interested States, all NHRIs, NGOs, experts and all other members of civil society to participate.

The **Holy See** holds that the death penalty is inadmissible because it is an attack on the viability and dignity of the person. A principle position held by many in this room today. Therefore, the Holy See advocates for the universal abolition of the death penalty as it finds no justification today among the instruments capable of protecting citizens and restoring justice. It is a provision that eliminates all hope of forgiveness and rehabilitation. Pope Francis has recalled that the Jubilee year, which the Catholic Church is currently celebrating, is a favourable time to forgive debts and to commute the sentences of prisoners, stressing that there is no debt that allows anyone, including the State, to demand the life of another. Indeed, every human life has intrinsic value and an inviolable dignity. The Holy See, while recognising the sovereign right of all states to define their legal systems, sees no justification in resorting to means that are unnecessary and obstructive to the full respect of human dignity. A firm rejection of the death penalty safeguards the judiciary against irreversible errors.



In **Malawi**, the judiciary plays an interpretive enforcement and protective role in the advancement of human rights broadly. The Constitution has retained the death penalty. However, Malawi is abolitionist in practise and has maintained a de facto moratorium on the implementation of the death penalty since 1994. As such, death sentences have over the years been commuted to life imprisonment. In 2007, the High Court declared mandatory death penalty for murder unconstitutional. This led to the amendment of the Penal Court and the Criminal Procedure and Evidence Court. All individuals who were previously sentenced to mandatory death penalty were sentenced, as alluded earlier on by the High Commissioner in his remarks. The final decision on whether death penalty should be abolished or not requires the involvement of the legislature to reflect the will and the views of the people of Malawi. Since death penalty is an emotive matter, morally, culturally, religiously, socially, and so on, public awareness initiatives and consultations on this matter are ongoing to achieve consensus at national level.

Stressing the vital contribution of the judiciary, **Zambia's** journey towards the abolition of the death penalty has been marked by significant judicial contributions reflecting an evolving commitment to upholding human dignity and aligning with international human rights standards. This was evident in the landmark decision by the government to abolish the death penalty in 2022 by amending the penal code. Prior to this legislative change, Zambia had not conducted any executions since 1997. The formal abolition in 2022 reinforced the country's commitment to upholding the right to life, aligning with global human rights standards. Further, Zambia acceded to the second optional protocol to the international covenant on civil and political rights on 19 December 2024, reflecting Zambia's stance towards the protection of human rights and the sanctity of life. In conclusion, the judiciary affirms the fundamental right to life as enshrined in the Zambian constitution and supported by international law, and has reinforced the principle that state executions undermine fundamental human rights.

Cote d'Ivoire stressed the central role of the judiciary as the guarantor of the rule of law, the promotion and the protection of fundamental rights. Cote d'Ivoire's constitution enshrines the separation and independence of the three powers of the state, executive, legislative and judicial. The judiciary fully play their role across the entire territory of the country via the different courts, tribunals and judicial offices that we have in place to guarantee the upholding respect of the fundamental rights and freedoms of our people. In 2000, the death penalty was constitutionally abolished. This pays tribute to the determination of the authorities of Cote d'Ivoire to guarantee the right to life and to promote justice for all. Moreover, Cote d'Ivoire ratified the Second Optional Protocol to the ICCPR. To conclude, it encourages states to still practise the death penalty, to take necessary steps to abolish same.

Mozambique abolished the death penalty in 1990. Abolition is corollary to acceptance, observance, respect and application of the principles contained in the Universal Declaration of Human Rights, the UN Charter, the International Covenant on Civil and Political Rights, and the African Charter of Human and People's Rights. its judiciary plays a fundamental role and has been an essential pillar in the protection of human rights, ensuring judicial independence and the interpretation and application of the norms that guarantee fundamental rights. Mozambique reaffirms its position against the death penalty considering this practise represents a violation of the right to life, while encouraging States that have not yet abolished to reconsider the



application of the death penalty and reiterating the importance of international cooperation and the strengthening of judicial institutions to move towards a fairer, more humane world.

Malaysia enacted in April 2023 the Abolition of Mandatory Death Penalty Act 2023, which abolished the mandatory death penalty and natural life imprisonment. The role of the Malaysian judiciary was enhanced by the retrospective application of the Abolition of Mandatory Death Penalty Act 2023, which allowed the courts the option on appeal to impose alternative sentences provided under the law upon any person on whom a death sentence had been passed. Whereas, for some 1,021 individuals on death row and or serving natural life imprisonment who had exhausted the appellate process, a new legislation titled the Revision of Sentence of Death and Imprisonment for Natural Life, Temporary Jurisdiction of the Federal Court Act 2023 was enacted to allow the Federal Court of Malaysia to review the said sentences. Further, the Malaysian legal system also ensures that those facing the death penalty have access to legal representation and anyone sentenced to death in Malaysia has a right to appeal the sentence. Malaysia is committed to ensuring that these mechanisms and safeguards, especially with the recent legal reforms, are upheld and implemented. The UNHRC's continued facilitation of constructive, inclusive and transparent dialogue on advancing human rights in the context of the death penalty is most welcome and ought to be continued. Our enriching exchange should seek to bridge differences, cultivate understanding of the various constraints faced by one another and forge common ground.

Reaffirming its unwavering commitment to the right to life, **Timor-Leste** stresses it has made strides in strengthening its judiciary to ensure fairness, accountability and the protection of human rights for all. One of the most important steps taken is the abolition of the death penalty, enshrined in its constitution, reflecting our unwavering commitment to the right to life. This is a legal and moral decision rooted in the values of reconciliation, peace and respect for humanity. Its judiciary plays a vital role in maintaining this commitment, ensuring justice is delivered in accordance with the constitution and international human rights standards. Over the years, Timor-Leste has redoubled efforts to enhance the independence and capacity of our judiciary. It has invested in the training and development of the judiciary, offering local and international programmes to strengthen the skills of our judges and prosecutors, and has prioritised access to justice for all with legal aid initiatives and decentralisation of courts to ensure that even the most vulnerable populations can access legal remedies.

Vigorously reaffirming its absolute opposition to the death penalty everywhere and in all circumstances, **Switzerland** recalls that the death penalty is a violation of the right to life and human dignity. Resolutely committed to its abolition, Switzerland will continue its efforts towards a world without the death penalty. It is encouraging to see that the number of abolitionist countries, in practise or in law, continues to grow globally. The judiciary plays a key role towards abolition through its interpretation of standards and application of the legal framework. It welcomes Zimbabwe's major step forward for human rights and the presence of the Prosecutor General of Zimbabwe, whose country has taken a historic step abolishing the death penalty last December. Switzerland is glad to have been able to support this long-term process, hand-in-hand with the political and legal authorities of Zimbabwe and civil society.

Australia reiterates its long-standing opposition to death penalty in all circumstances for all people. The death penalty is a brutal and degrading punishment. It is irrevocable and



disproportionately affects those living in poverty, persons with disability or mental health conditions, persons living with drug dependence, Indigenous Peoples, minorities, and persons with diverse gender orientation or identity. It remains deeply concerned by the persistent use of executions by certain States that have not abolished the death penalty, particularly for crimes that do not meet the threshold of the most serious crimes under the ICCPR. It recognises that the judiciary can play a critical role in applying domestic laws that give effect to applicable international human rights obligations restricting the use of the death penalty and safeguarding against its imposition. The judiciary can also play an important role when exercising discretion in sentencing based on the circumstances of each case.

On behalf of a cross-regional group of countries, **Singapore** argues that there is no international consensus against the use of capital punishment when it is imposed according to the due process of law and with judicial safeguards. The duty of judges is to faithfully uphold the laws of their countries. It is inappropriate for some states to try to foment judicial activism to undermine other States' legal systems. All countries strive to ensure that their peoples live in safety and security. Capital punishment remains an important component of many countries' criminal justice systems, which is permitted under international law and an effective deterrent against the most serious crimes in their context. The rights of offenders must always be weighed against the rights of victims and their families, as well as the rights of the population to live in peace and safety. Every State has the sovereign right to choose its criminal justice systems as long as they adhere to their international law obligations. This right was reaffirmed for the fifth time by a majority of UN member states voting in support of the Sovereignty Amendment and the 79th UNGA Resolution on a moratorium on the use of the death penalty. The UN fundamental premise is the respect for the equality and diversity of all States. It is unacceptable for a group of countries to try to impose their views and legal systems on the rest of the world.

Iraq stresses the unprecedented challenges it has been facing since 2023 taking the guise of terrible and odious terrorist attacks, crimes perpetrated by these terrorist groups involving massacres, mass murders, the displacement of displaced civilian population, and particular attacks on the Yazidi and Christian minority populations, beyond the destruction of infrastructure. Iraq needs to respond with proportionate sentences for these crimes, including the death penalty. Calling for an abolition of the death penalty without duly factoring in the sovereign right of States to take appropriate decisions with regard to the administration of their territories and to protect their people and their citizens, their assets, their goods, and as well as to provide justice for the victims and their families. The Iraqi legislation provides for the death penalty only for the most serious crimes, and the judicial procedures surrounding the death penalties ensure that there is sufficient time and sufficient safeguards in place in order to ensure that justice is duly dispensed before sentences are handed down. The Minister of Justice, for example, oversees such cases, and the Attorney General's Office is also very active and involved in the instructive examining stage and also provides regular reporting to the competent authorities on such cases.

Quoting the UDHR 'Everyone has the right to life, liberty and security of persons', **South Africa** welcomes the continuing international trend towards the abolition continues and that many States are applying a moratorium on the use of the death penalty. For this reason, it supports sustained efforts at all levels aimed at ensuring that death penalty is completely eliminated in all



countries around the world. South Africa had one of the highest rates of judicial executions in the world. Human rights activist and global icon Nelson Mandela once said that ‘the death penalty is a barbaric act. It is a reflection of the animal instinct still in human beings.’ It is for this reason that the UNHRC should continue to raise the predicament of those persons who are facing death penalties around the world and in this regard this panel discussion on death penalty cannot be more relevant. South Africa encourages other states to make provisions for the right to seek pardon or commutation of a death sentence in their national legislations and take necessary steps at all crimes eligible for pardons or commutations.

The **Russian Federation** believes that these discussions must be carried out in a clear understanding that currently international law there is no single universal norm regarding abolition. It must be taken into account the position of all interested countries including those whose legislation for one or other reason permits use of this exceptional punishment. The imperative must be a clear understanding that only the State has a sovereign right to determine the system of punishments within its territory for unlawful acts. Speaking of the death penalty, a clear division should be made between sentencing for serious and socially dangerous crimes and the application. When speaking of methods that turn the last minutes of life into endless physical torment, this must be condemned and reviewed. Although the death penalty is not used in Russia, it does not support imposition on other countries of a legislative change to outlaw it. Russia believe this is important to take into account historical, cultural, religious and other features of States.

Cuba points out that the death penalty continues to be divisive and we must take into account the particularities of countries and the wishes of the people as well as external threats. Cuba is opposed to the application of the death penalty and in favour of abolishing it, while understanding the international arguments for elimination of moratoria. This in the case of Cuba is linked to the aggression of the United States which threatens the survival of our nation and national security. Cuba always reviews these issues as an exceptional matter given the terrorist threats and the difficulties facing our state and its citizens. There has been no death penalty used by Cuba in recent years. There is nobody sentenced to it in Cuba currently. This has been the case for 20 years.

Ireland is strongly opposed to the use of the death penalty in all cases and under all circumstances. The death penalty constitutes cruel, inhuman and degrading treatment and is contrary to the right to life while also negatively impacting a range of other fundamental human rights. Accordingly, Ireland continues to seek its universal abolition. Ireland is a member of the Coalition of States supporting the International Commission against the Death Penalty. Ireland is particularly troubled by the executions of minors, pregnant women and persons with disabilities in states where the death penalty remains in use. It calls for the establishment of a moratorium on the use of the death penalty in such states as a first step towards abolition. It is essential that accurate and timely information on the use of the death penalty is made publicly available to ensure informed debate on the death penalty and its impact on society can take place. The judiciary has a very important contribution to make in this regard.

Views Expressed by Intergovernmental Organizations



H.E. Mr. Alain Berset, **Secretary-General of the Council of Europe**, explains that one of the major steps taken by his Organization is eliminating the death penalty throughout the European continent, doing that based on legal instruments on Protocols 6 and 13 to the European Commission on Human Rights and the jurisprudence of the European Court of Human Rights, which still sees cases of extradition where this question arises, and we wish to work together to continue this struggle for universal abolition. First, we must work, step up efforts against the narrative, particularly among young people, and the Council of Europe is doing that. Secondly, the judiciary plays a key role in abolishing the death penalty in countries where it is still in existence. The judiciary, the judges, have a serious responsibility. They can apply different sentences, and they must have their awareness raised. Finally, in countries where there are moratoria, why is it that there are still judges who continue to hand down death sentences? In conclusion, the Council of Europe remains mobilised and ready to support the United Nations in its action towards universal abolition.

The **European Union** stresses that the death penalty exacerbates cycles of violence and is often abused as a political tool to instil fear, repress opposition, and quash the exercise of fundamental freedoms. The discrimination and bias in application of the death has been widely documented and reiterated this morning. Research shows that deterrence depends on the likelihood of detection and punishment rather than the severity of the punishment itself. The independent and impartial judiciary plays an essential role in shaping a humane and just society. In many countries, steps towards abolition have begun with reforms that reduce the scope of capital punishment or replace it. Judges have demonstrated extraordinary leadership in strengthening safeguards and steering the application of legal frameworks away from capital punishment.

Views Expressed by National Human Rights Institutions

The **National Human Rights Council of the Kingdom of Morocco** welcomes the vote in the country last December in favour of the UNGA resolution on the universal moratorium on the death penalty. Such a moratorium has for many years now been a recommendation by ombudspersons, by abolitionists, and by human rights institutions. The Moroccan NHRI recommends that this historic step be used to provide extra momentum to modifications to the criminal code in Morocco in order to definitively abolish the death penalty, both in law as well as in practise, as recommended by the NHRI in its memorandum on the modification of the criminal code. It welcomes the standard practise in Morocco - which is already positive in terms of the moratorium de facto on the death penalty - while inviting the State of Morocco to ratify the Second Optional Protocol to the ICCPR aimed at abolishing the death penalty. With regard to the judicial system, it encourages courts to continue to develop jurisprudence in such ways to guarantee the protection of constitutional rights and the universal right to life by monitoring to ensure that international conventional human rights standards are duly applied as they take primacy over domestic law, given their ratification by the country. While awaiting the full abolition in law of the death penalty, the Moroccan NHRI will continue to protect and promote the rights of persons sentenced to death. It will continue to follow their trials and to ensure that we carry out visits to detention centres and support those who are on death row, particularly those who are most vulnerable.

Views Expressed by Non-Governmental Organizations



For three decades, **The Death Penalty Project** has initiated or supported legal challenges to limit the scope and application of the death penalty in over 30 countries. The judiciary have played a vital role in protecting the fundamental rights of those sentenced to death, saving many hundreds from execution. Many courts in the Commonwealth, for example, have struck down death penalty statutes and practises found to be unconstitutional in accordance with evolving human rights standards. This has led to a remarkable reduction in both death sentences imposed and death row populations. But whilst the role of the judiciary in developing progressive restrictions on the use of the capital punishment has been important, complete abolition by the courts themselves is rare. The final act to abolish often needs to be taken by political actors who have the courage and will to consign the death penalty to history. Without this final step, the death penalty can become entrenched under abolitionist de facto status. In some of these countries, sentences continue to be imposed, if not inflicted, but with the ever present threat of a resumption of execution, its circumstances change. Ending the death penalty sends a very powerful message that a country seeks to advance human rights as a fundamental principle. Eight weeks ago, Zimbabwe became the most recent country to abolish the death penalty, 20 years since its last execution. And we call upon all other abolitionist de facto states to take this final step.

Ensemble contre la peine de mort (ECPM) points out that since the last panel on this issue, several States have abolished the death penalty or taken steps towards said abolition. As at the end of 2024, 122 states had abolished the death penalty for all crimes or for common law crimes. In December 2024, 130 member states of the United Nations voted in favour of the resolution for moratorium on the application of the death penalty. Nevertheless, ECPM continues to harbour grave concerns with regard to worrying trends that we're seeing in certain countries. In Iran in 2024, at least 975 people were executed, which is unacceptable. Moreover, the fragile nature of de facto moratoria was thrown into stark relief by the DRC, which announced a resumption of executions and saw a 300% increase in the number of death sentences when measured against 2023. It is the most marginalised and vulnerable in society who suffer most from the death penalty. They are the most target thereof. It also targets minorities and persons suffering from psychosocial or intellectual disorders. In 2026, ECPM will organise the ninth global congress against the death penalty to be held in Paris, sponsored by France and with the support of Switzerland. This will be preceded by the fifth regional congress on the death penalty in Tokyo, organised by ECPM in November 2025, in partnership with the CPR and ADPAN associations..

The **International Bar Association's Human Rights Institute (IBAHRI)** vigorously opposes the death penalty under all circumstances. In retentionist jurisdictions, an independent judiciary is indispensable in ensuring strict adherence to fair trial and due process guarantees and applying the law in conformity with international human rights law and standards. Judges also have firsthand insight into issues and limitations within a criminal justice system that may undermine access to justice and the right to a fair trial. Under international law, the death penalty can only be imposed in very limited circumstances, following a fair trial before a competent, independent and impartial tribunal, including access to effective legal assistance and equality of arms at all stages. It must not be carried out before the sentenced person has had the opportunity to resort to all judicial appeal procedures and non-judicial avenues and to have these resolved. Any violation of fair trial guarantees renders a death sentence arbitrary and a violation of international law. Mandatory death sentences that grant courts no discretion to consider the individual circumstances of the offender are also arbitrary in nature, underscoring the importance of



judicial discretion. It calls for international abolition of the death penalty and, in the interim, for all retentionist states to commit to an immediately moratorium on executions and to existing death sentences.

The **Centre for Global Non-Killing (CGNK)** places emphasis on the concept of justice. Justice, to do things right and always better, is at the heart of our human values. In civil and political rights, there are two major exceptions to our fundamental freedoms, imprisonment and the death penalty. The judicial system and its actors are, or should be, the guarantors, the forbearers of our freedoms. Justice starts with education, value enhancement, goes on with win-win solutions, prevention. If prevention fails, it goes on through reconciliation, constructive and restorative justice, peaceful settlement of disputes. This is soft justice. It empowers the people to handle their lives, their relations with peace and justice. Then comes the harder justice, power decisions, use of force, and at its bitter end, the death penalty. To avoid killings by states, the judiciary, judges and others can do two things, advocate for soft justice evermore, more soft justice for less hard justice, then take to their conscience the full measure of life, its value and worth, its resilience, and use their right to conscience to object to the death penalty.

As a member of the World Coalition Against the Death Penalty, **The Advocates for Human Rights** highlighted the judiciary's role in combating discrimination against women at risk of being sentenced to death. Just last month, the US Supreme Court in *Andrew versus White* recognised that the trial court may have violated Brenda Andrew's due process rights by allowing prosecutors to introduce irrelevant evidence regarding Andrew's clothing, undergarments and sexual history. Also last month, the California Supreme Court in *People versus Brittney Collins* recognised that courts must consider evidence of intimate partner violence as a mitigating circumstance or evidence that otherwise diminishes culpability, a critical factor for many women sentenced to death worldwide who are charged with murder for killing their abuser or who are charged for conduct that arose out of a coercive control relationship with a co-defendant. The court also held that courts must not impose gendered expectations of parenthood on women and directed that police prosecutors and judges must take care to ensure that this type of gender bias does not infect our criminal justice system. At the same time, judges in the United States who interpret the right to fair trial to include the right to be free from gender discrimination and stereotypes face new attacks. One of President Trump's first executive orders contended that some judges have defied and subverted the laws by obstructing and preventing executions. The order stated that the executive will counteract such judges, flouting separation of powers and the rule of law. Courts must resist such attacks and be vigilant in ensuring that prosecutors and witnesses do not discriminate against women and promote gender stereotypes.

The **International Federation of ACAT** recalls that in 2024, two-thirds of Member States of the United Nations voted in favour of the 10th Resolution on the Moratorium and 92 of 174 States parties to the ICCPR ratified the Second Optional Protocol on its Abolition. These positive trends should not allow us to ignore the resurgence of the question of the death penalty in abolitionist countries depending on political and security considerations and instrumentalization as a repressive tool against humanised offenders, lawyers and jurists who advocate for abolition. In March 2024, the decision of the government of the DRC to raise the moratorium, to lift the moratorium held since 2003 on executions, including for minor offences without information on the retroactive nature of the measure and declarations by the Burkina Faso military regime on the



return to the death penalty abolished in 2018 show the fragility of the debate and the importance of a strong independent judiciary against arbitrary treatment and against the application of restrictive interpretations and application. It calls on States to take measures to strengthen and promote the independence of the judiciary and protect judicial workers against all threats of reprisals.

Amnesty International illustrates that judiciaries play a critical role in ensuring the protection of human rights in the context of the death penalty. In many countries, they have provided scrutiny and prevented the arbitrary deprivation of life as seen in a very recent case in Japan, where a person was acquitted after five decades fighting for justice. Constitutional courts around the world have also engaged on questions regarding the compatibility of the death penalty with human rights enshrined in national constitutions, and several have resolved to fully abolish this cruel punishment. Judiciaries play a key role in increasing transparency in the use of the death penalty, a critical safeguard for due process. Amnesty International welcomes the cooperation of several court registrars that share information with Amnesty International for its annual global reports. For example, in India and Malaysia, the initiative taken by several judiciaries to make figures and decisions publicly available has been invaluable for public scrutiny in individual cases and essential for examining systemic flaws and may impact the use of this punishment, including lack of access to counsel, the unfairness of proceedings, the politicisation of prosecutions, and a disproportionate impact on ethnic minorities, those living in poverty or people with mental disabilities. Amnesty International calls on judiciaries in countries that still retain the death penalty to regularly publish judgments and figures, ensure that all proceedings respect safeguards and restrictions set out under international law and standards, initiate judicial reviews on the use of the death penalty and to regularly engage in dialogues with executive and legislative bodies with a view to full abolition of this cruel punishment.

Shedding light on the question of the death penalty in Kenya, **REPRIEVE** stresses that the death penalty is still a legal sentence in Kenya despite no executions being made since the 1980s. In December 2024, Kenya voted in favour of the moratorium on the death penalty for the first time. Kenya's judiciary has made progress in aligning its legal systems with international human rights standards by declaring the mandatory death penalty unconstitutional as well as ruling in favour, as well as ruling the mandatory life sentences discriminatory. The judiciary has also shown sensitivity to complex social issues such as gender based violence. However, despite this efforts, Kenya faces challenges in implementing the death penalty reforms. The Supreme Court's 2021 guidelines contradict the morality to ruling, limiting its scope to death to murder cases. Death sentences continue to be imposed, and there is no public resentencing programme. Additionally, gender sensitive factors are often overlooked in resentencing hearing. It recommends that the UNHRC urges Kenya to fully abolish the death penalty through legislative action and encourage Kenya to ratify the Second Optional Protocol to the ICCPR, as well as add Kenya to introduce parole possibility for life sentences, aligning it with international human rights standards.

Global Human Rights Defence advocates for the total abolition of the death penalty in count in all countries and under all circumstances. It is a moral degradation of the state and incompatible with the respect of the human dignity. It encourages all countries to death have not done so to sign and ratify the Second Optional Protocol to the ICCPR. It understands that this is a process that should begin with a limitation of the death penalty to the so called more serious crimes,



followed by the introduction of a moratorium and ending with the total abolition of the death penalty. It remains particularly concerned about the use of the death penalty in countries with weak judicial system that do not make minimal international standards as well as about its use in case of what we understand to be a limitation of freedom of expression, such as the crime of blasphemy, also used in many countries as a measure of repression against minorities or political dissidents.

Promotion du Développement Économique et Social (P.D.E.S.) believes that the gradual cancellation of this sentence is in line with the state obligations in the human rights sphere. We have seen clear improvement in the practises across countries, which has led to a decrease in the application of this death sentence, but there are still lacking safeguards as per Article 4 of the ICCPR, and this is a necessity to ensure that fair trials are observed free from the judicial mistakes that could lead to death in the case of the application of the death sentence. The judiciary does not only play a role in this regard and in limiting its scope, but it also should be looking at rehabilitation and restorative justice, and experiences across the world have shown that the abolition does not have a negative impact on the reduction of crime, but it elevates human dignity as an effort to ensure that the method and the approach is balanced. This is why the judiciaries, as well as the United Nations and civil society, need to collaborate in order to ensure that death sentence rulings are looked at in a way that leads to abolition gradually.

Speak on behalf of five organisations, **Harm Reduction International (HRI)** explains punitive drug policies are driving an increasing trend in executions. HRI reported a 1,400% increase in drug executions between 2021 and 2023, and almost half of non-executions globally were carried out for drug offences. Drug control laws in many countries restrict judicial discretion by prescribing the mandatory death penalty for drug crimes, when otherwise contributing to the right to a fair trial. This leads to arbitrary death sentences imposed without due consideration to the circumstances of the crime or the defendant, often disregarding evidence of vulnerability and marginalisation, and eventually contributing to the number of executions. At the same time, enlightened judgments have played a key role towards abolishing the death penalty as a tool of drug control, or limiting its application. The evidence is clear. Death penalty abolition cannot be achieved without drug policy reform. At the domestic level, abolition of the mandatory death penalty, coupled with evidence-based judicial training and sentencing guidelines, would allow judges to take into consideration all the circumstances of the case. But such efforts must be complemented by a coordinated international response. The UN in its entirety and its Member States should continue to condemn the use of the death penalty as a form of drug control, take concerted action to halt impending executions and promote moratorium on the use of capital punishment as a tool of drug control, as a first step towards abolition, and promote and safeguard civil society, which plays a fundamental role in monitoring and guiding reform.

FACTS & FIGURES ON ID PARTICIPATION

26 State Delegations

- Including 6 high-level dignitaries

2 Inter-Governmental Organizations

- Including 1 high-level dignitary



GENEVA CENTRE FOR HUMAN RIGHTS
ADVANCEMENT AND GLOBAL DIALOGUE

1 National Human Rights Institution

11 Non-Governmental Organizations