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HUMAN RIGHTS COUNCIL

Twenty-fifth Session

Side-Event on “International Actions with the view to abolishing
the death penalty”

Remarks by Ivan Simonovic

Assistant Secretary General for Human Rights

3rd March, 2014, 13:15 – 15:00
Salle XXIII, Palais des Nations

Excellencies,

Ladies and Gentlemen,

I thank the Permanent Missions of Algeria, Argentina, France, Italy, Mexico, Norway, Switzerland and the International Commission against the Death Penalty for organizing this important side-event on “International Actions with the view to abolishing the death penalty”.

The right to life is the most fundamental of all human rights. It lies at the heart of international human rights law. The United Nations opposes the death penalty because it negates the right to life and its application raises serious human rights concerns. Several international and regional human rights instruments prohibit the use of capital punishment or encourage its abolition and/or strictly limit its application.

Seven years ago, in 2007, the General Assembly took a significant step toward the abolition of capital punishment – and the protection of human rights - when it endorsed for the first time a call for a worldwide moratorium. Since that landmark vote in 2007, the trend against capital punishment has become ever stronger. Currently around 160 States have either abolished the death penalty or do not practice it.

Despite these positive developments, however, a number of States continue to impose the death penalty. Hundreds of people are still executed each year in violation of international human rights standards.

In support of the on-going international initiative towards the abolition of the death penalty, OHCHR has been organising a series of knowledge events on moving away from the death penalty. Between 2012 and 2014, in New York, we held three events on the death penalty focusing on Lessons from National Experiences, Wrongful Convictions and Deterrence and Public Opinion.

1. Lessons from national experiences

Our global panel event on lessons from national experiences clearly shows how crucial moral and political leadership is was to making the case for abolition or moratorium. Leadership from politicians, religious leaders, leaders of civil society and individuals is crucial to shift opinion.

2. Wrongful conviction/Innocence

From a Government's perspective, it is difficult to accept that there are **wrongful convictions** and that they are not just isolated cases. It is often even more embarrassing for governments to acknowledge that wrongful convictions can lead to wrongful executions. Yet, in spite of safeguards and review mechanisms, despite large resources spent on justice systems, wrongful convictions do occur, including in the most sophisticated legal systems.

Recent developments in **science** have played a major role in freeing innocent persons from prison. DNA exonerations have also generated “learning moments” about the root causes of wrongful convictions — poor eyewitness identification, false confessions, unreliable forensic science, prosecutorial and police misconduct, inadequate defense counsel, jailhouse informers, witness perjury and racial bias.

3. Deterrence and public opinion

The event on deterrence and public opinion examined the evidence relating to the death penalty and deterrence. The experts on the panel discussed various research endeavours relating to the application of the death penalty and crime rates, all concluding that there was no evidence the death penalty reduced or deterred crime.

4. Discrimination and marginalized groups

The next panel on discrimination and marginalized groups will be organised on 24 April. In his last report on the moratorium on the use of the death penalty, the Secretary General reported that non-compliance with the principle of non-discrimination is a major concern when considering the application of the death penalty. The death sentence is often imposed on the poor and less privileged individuals who do not have sufficient access to effective legal representation such as ethnic minorities, migrant workers, the poor or disabled.

5. High level event on the death penalty

All these panels will culminate in the holding of a High Level event on the Death Penalty during the General Assembly in September 2014 at which we are hoping to secure participation from Heads of State from various regions who have been pioneers in moving away from the death penalty.

Excellencies,

Ladies and Gentlemen,

Let me say something on moving away from the death penalty.

OHCHR Field Activities

OHCHR's consistent efforts to monitor and report on death penalty cases and policy trends as well have contributed to positive developments, including policy changes in several countries. OHCHR and the Thai Ministry of Justice hosted a conference in Bangkok in October 2013, gathering several Southeast Asian governments to discuss the prospects for abolition of the death penalty. During the conference, the Ministry of Justice of Thailand announced that the Thai government would soon propose legislation to abolish the death penalty in the country. In January 2014, the President of Myanmar commuted all death sentences to life imprisonment. The Lao PDR is reviewing its penal code with an eye towards reducing the number of crimes punishable by a death sentence.

Dear Colleagues,

Let me finally briefly report on moves away from the death penalty.

International Efforts

I would like to commend States on the use of the Universal Periodic Review Process of the Human Rights Council to promote the abolition of the death penalty. We are encouraged to notice that more than 500 recommendations on moratorium and the ratification of the second optional protocol to the ICCPR were made during the first cycle of the UPR process; and that the concerned States accepted a large number of those recommendations. Some States have taken initiatives to implement those recommendations. For instances, in recent years, Argentina, Angola, Benin, Bolivia, Guinea Bissau, Latvia, Madagascar and Mongolia signed or ratified the Second Optional Protocol to ICCPR following the UPR recommendations. China reduced the number of crimes carrying the death penalty, and introduced several procedural safeguards in line with international standards.

We also welcome the establishment of the International Commission against the Death Penalty (ICDP) by a group of States, representing all regions that are actively advocating for the abolition of the death penalty. Since its establishment in 2010, our Office is closely working with the ICDP.

Conclusion

Ladies and gentlemen,

Let me conclude.

It is highly important that political decision-makers, religious and other civil society leaders and the media, as well as regional and international organizations, advocate against death penalty because it is incompatible with fundamental human rights values and human dignity. Our continued close cooperation and concerted efforts are necessary to convince the remaining retentionist States to change course and bring an end to the death penalty.

Thank you.