



## **International Commission against the Death Penalty News Release**

### **New study – principled political leadership key to abolishing death penalty**

(Oslo) Principled political leadership is key to achieving abolition of capital punishment, said the International Commission against the Death Penalty (ICDP) today in a new report, 'How states abolish the death penalty'.

With the global trend towards abolition accelerating significantly, the study reviews the experiences of 13 countries that have abolished capital punishment, and assesses the lessons that these offer to other nations.

“Capital punishment – with its cruelty, ineffectiveness and risk of killing the innocent – is being rejected worldwide. Yet billions still live under its shadow, and thousands are executed each year or remain sentenced to death. Principled political leadership, at home and abroad, is needed to encourage the last executing nations to abolish this harmful and antiquated punishment,” said ICDP President Federico Mayor.

The new study reviews the experiences of Argentina, Cambodia, France, Haiti, Kyrgyzstan, Mexico, Mongolia, The Philippines, Rwanda, Senegal, South Africa, Turkey, and the USA. It looks at the process of abolition of capital punishment within these countries and the role played by government, courts, media, religious bodies and non-governmental organizations (NGOs).

It highlights the many ways in which states abolish the death penalty – whether motivated by a desire to break with a repressive past or to avoid the injustices and cruelty inherent in capital punishment.

Political leadership in achieving abolition – whether from politicians, judges, religious figures and individuals in civil society – has often been important in overcoming national opposition, as for example in France, Mongolia, Philippines, Senegal and several US states.

Political leaders, including members of parliament, have recognized that while public opinion is relevant, nations face difficulties if popular sentiment – which is highly difficult to gauge accurately – is allowed to determine penal policy. Ultimately, it is the state that must decide to abolish the death penalty. Experience shows that the majority of the public is willing to accept abolition once achieved.

Presidents have granted clemency or imposed moratoriums on executions – as in France, Mexico, Mongolia and The Philippines – paving the way for legislative or constitutional repeal of capital punishment.

Many leaders have recognized the constant risk of executing innocent people, as well as other powerful arguments for abolition including the discriminatory and arbitrary nature of judicial processes, or the danger of capital punishment being used as a tool of political control and repression.

International leadership, pressure and support – including from United Nations (UN) General Assembly resolutions and statements from bodies such as the European Union – can also play a crucial role.

Other key factors include the work of international and national NGOs; events such as the World Congress against the Death Penalty; human rights instruments and standards; international tribunals and criminal courts; and peace processes and agreements. Domestic courts can restrict death penalty use, as in India, Kenya and the USA, while numerous authoritative studies have undermined pro-death penalty arguments.

Countries have taken different paths to abolish the death penalty. For example:

- Cambodia, Haiti, Kyrgyzstan and Turkey amended their constitutions, and subsequently amended their penal codes and other laws.
- France and Mexico undertook legal reform before embodying abolition in their constitutions. A constitutional prohibition of the death penalty provides a powerful safeguard to secure abolition.
- Argentina, Philippines, Rwanda and Senegal abolished capital punishment through legal amendment but have yet to enshrine a provision in their constitutions.
- In South Africa, the Constitutional Court played a key role by ruling that the death penalty violated human rights as a form of cruel, inhuman or degrading punishment.
- In the USA, state legislatures are moving to repeal capital punishment, although at federal level the death penalty remains in force. Maryland recently became the 18th abolitionist state, following a vote by its Senate and House of Delegates to repeal capital punishment and the Governor's pledge to sign this into law.

According to the UN, some 150 UN Member States have abolished the death penalty or no longer execute. Of these, 105 have abolished capital punishment in law – 97 for all crimes in civil and military law, and eight for ordinary crimes.

Only a small number of states now carry out executions every year. The world's leading executioners are China, Iran, Iraq, North Korea, Saudi Arabia, the USA and Yemen.

Key steps to achieving abolition include:

- Providing principled leadership – including by heads of state, governments and others in positions of power; and encouragement and support from leaders in other states.
- Taking intermediary steps when full abolition is not immediately possible – such as abolition for ordinary crimes; establishing an official moratorium on death sentences and executions; commuting all death sentences to terms of imprisonment; and never imposing the death penalty on those aged below 18.
- Publishing information about death penalty use, so that the public is fully informed.
- Becoming a party to and implementing the International Covenant on Civil and Political Rights and its Second Optional Protocol, aimed at abolition of the death penalty.
- Implementing all relevant UN resolutions, including UN General Assembly resolutions calling for a moratorium on death penalty use.

ICDP is an independent body opposed to the death penalty in all cases, and is led by high-profile Commissioners from across the world. These eminent individuals include former presidents, prime ministers, government ministers, senior UN officials, a former US state governor, a former judge and president of the International Court of Justice, a senior judge and a leading academic. See [www.icomdp.org](http://www.icomdp.org).

Ends

#### Notes to editors

1. ICDP is an independent body founded by the Spanish government in 2010. It is supported by a group of 16 governments from all world regions, and opposes the death penalty in all situations. Its Commissioners are:

- Federico Mayor Zaragoza (President): Former Director General, UNESCO (1987-1999); Minister of Education and Science, Spain (1981-1982); Member of European Parliament (1987).
- Giuliano Amato: Former Prime Minister, Italy (1992-1993; 2000-2001).
- Louis Arbour: Former UN High Commissioner of Human Rights (2004-2008).
- Robert Badinter: Former Minister of Justice, France (1981-1986).
- Mohammed Bedjaoui: Former Foreign Minister, Algeria (2005-2007); Judge, International Court of Justice (1982-2001).
- Ruth Dreifuss: Former President (1999) and Minister of Home Affairs, Switzerland.
- Michèle Duvivier Pierre-Louis: Former Prime Minister, Haiti (2008-2009).
- Asma Jilani Jahangir: Former United Nations Special Rapporteur on Arbitrary, Summary and Extrajudicial Executions (2002-2010).
- Hanne Sophie Greve: Judge and Vice President of the High Court in Bergen, Norway, and a former judge at the European Court of Human Rights.
- Ioanna Kuçuradi: UNESCO Chair of Philosophy and Human Rights (1998-present); Professor and Philosophy and Director of Center of Research and Application of Human Rights, Maltepe University, Turkey (2006-present).
- Gloria Macapagal-Arroyo: Former President, The Philippines (2001-2010).
- Rodolfo Mattarollo: Former Deputy Secretary for Human Rights, Argentina (2005-2007).
- Ibrahim Najjar: Former Justice Minister, Lebanon (2008-2011).
- Bill Richardson: Former Governor, New Mexico, USA (2002-2010).

- José Luis Rodríguez Zapatero: Former Prime Minister, Spain (2004-2011).
2. ICDP members have been personally involved in abolition of capital punishment. As Minister of Justice in France, Robert Badinter was a key figure in France's move to abolition in 1981. In 2006, as President of The Philippines, Gloria Macapagal-Arroyo signed into law an Act prohibiting imposition of the death penalty. As Governor of New Mexico, Bill Richardson signed into law an abolition bill in 2009. Former Justice Minister Ibrahim Najjar submitted a draft law to repeal the death penalty in Lebanon, where there has been a de facto moratorium on executions since July 2008 following his refusal to sign execution warrants.