



Address by Mr Didier Burkhalter President of the Swiss Confederation

Head of the Federal Department of Foreign Affairs

“Towards the universal abolition of the death penalty in 2025”

25th Session of the UN Human Rights Council

**Side event on 'International Actions with the
view to abolishing the death penalty'**

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Honorable Minister, dear colleague,
Distinguished Ambassador,
Excellences, ladies and gentlemen,

A number of states represented here today actively strive to put an end to the death penalty. The commitment to a world without capital punishment is a priority of Switzerland's human rights policy. The death penalty represents a negation of the supreme human right, the right to life. This punishment is a direct attack on human dignity. The death penalty tramples on the most fundamental of rights, namely the right to life ... It is a negation of justice guaranteed by human rights. A famous line by Victor Hugo quite rightly reminds us about that: "La peine irréparable suppose un juge infaillible" ["Irreversible punishment presupposes an infallible judge."]

In past years, the movement towards abolition has undeniably gained ground. More and more states are abandoning the practice of capital punishment, and this is indeed an encouraging development. However, there is a need for more determined action than ever if universal abolition is to be achieved.

It is in this spirit that, in October last year, Switzerland sought to reaffirm and press further ahead with its commitment by adopting a Strategy on the universal abolition of the death penalty. This strategy aims to achieve universal abolition (or at least a de facto universal moratorium) of the death penalty by 2025. It is a deadline chosen intentionally to lend fresh impetus and a clear direction to ongoing international efforts.

In order to achieve this ambitious goal, dialogue between states, but also within civil society, needs to be intensified. Switzerland's strategy envisages strengthened collaboration with several partners, some of whom are represented on this panel: abolitionist countries and institutions, including the International Commission against the Death Penalty (ICDP), of which Switzerland is one of the founding members and main donors, along with Norway.

The strategy also envisages Switzerland's consistent and coherent participation within multilateral bodies, beginning with the UN: the General Assembly will vote on a new resolution later this year in favour of a universal moratorium. With regard to the Human Rights Council here in Geneva, it is called upon to play a complementary role, underlining the importance of this topic for a majority of states.

In recalling Switzerland's efforts, I in no way mean to incriminate those countries which, to varying degrees, still maintain the death penalty and am in the process of abolishing it. On the contrary, Switzerland itself took some time to abolish the death penalty. I simply wish to invite the representatives of countries which have not yet done so to join the abolitionist movement, in taking the path towards a system of justice that respects human dignity, whilst upholding public security.

It is mainly an experience, which Switzerland wishes to share here today. In Switzerland, as in other countries without death penalty, the outlawing of this punishment did not occur from one day to the

next. It only came about thanks to a gradual process of growing awareness and repeated collective efforts.

Almost everywhere in the past, it is only through sheer perseverance and incremental steps that the number of executions has fallen and that the list of crimes punishable by the death penalty has been reduced, that de facto moratoriums have been introduced, and that, ultimately, the death penalty has been abolished, - often, first for ordinary crimes, then for all crimes, including those committed in times of war.

In abolition processes, whether short, or lengthy, it is the pressure exerted by sections of civil society, but mainly also the political courage of political leaders that have enabled progress... This courage often has to be demonstrated in the face of a divided public opinion, at times even a straightforward unfavourable opinion, based on the instinctive, yet misguided, link between the death penalty and public security that many establish. I therefore mainly call on the courage of politicians when I invite them to join the numerous countries that have done away with this outdated form of punishment.

During the abolition process, special attention must be given to vulnerable or marginal groups and the need to protect them. Statistics show that these groups are disproportionately affected by death sentences. This is all the more serious because all too often sentencing is discriminatory, whether it is on the basis of skin colour, religion, language, political views, sexual orientation or social or national origin.

Furthermore, such groups are often subject to other forms of discrimination during the judicial process, whether in the form of lack of due process or transparency, or - in the case of foreign nationals - because the consular protection to which the individual is entitled is granted insufficiently or not at all.

One of the subjects discussed here, namely the protection of a country's citizens in another country, is particularly meaningful in light of the (potentially) discriminatory application of the death penalty. Switzerland may not currently have any of its citizens on death row, but that does not mean that we ignore the commitment to improving protection for foreign nationals affected by the death penalty.

Full implementation of consular protection constitutes a first important step, and Switzerland encourages all states here to work together towards this goal. Indeed, consular protection is based on a spirit of reciprocity enshrined in the Vienna Convention on Diplomatic Relations. It is only by guaranteeing this protection for foreign nationals present on its territory that a state can, in turn, legitimately claim the same protection for its own nationals abroad.

Ladies and gentlemen,

In closing my speech I wish to once more stress the need to speak with one another and work jointly. All countries, abolitionist or not, have an interest in discussing respective understandings and experiences regarding the death penalty, exchanging about how to

support those engaged in the process of abolishing it, and working together towards achieving the aim of universal abolition, one key factor in making the world a better and fairer place.

Before ending, I would like to sincerely thank Argentina for organizing this event, as well as all participants for their interest and commitment. I look forward to continuing our exchanges and cooperation on behalf of human rights and justice.

Thank you.