



International Commission
against the Death Penalty

Madrid, 18 December 2020

President

Navanethem (Navi) Pillay

ICDP 03/2020

Vice-Presidents

Ruth Dreifuss

Ibrahim Najjar

Statement by the International Commission against the Death Penalty: Adoption of the Eighth UNGA Resolution on a Moratorium on the Use of the Death Penalty

The International Commission against the Death Penalty welcomes the adoption of the eighth UNGA resolution on a moratorium on the use of the death penalty (resolution), which was voted at the UNGA plenary session on 16 December 2020 by a record number of 123 member-states who voted in its favour. 38 member-states voted against the resolution, while 24 abstained.

Members

Louise Arbour

Marc Bossuyt

Helen Clark

Marzuki Darusman

Michèle Duvivier Pierre-Louis

Tsakhia Elbegdorj

Hanne Sophie Greve

Sylvie Kayitesi

Ioanna Kuçuradi

Gloria Macapagal-Arroyo

Bill Richardson

Ivan Simonovic

Horacio Verbitsky

At this vote for the resolution, ICDP notes with appreciation that four countries voted in favor of the resolution for the first time: Lebanon, Republic of Korea (South Korea), Jordan and Djibouti, while five member-states including the Philippines, Sierra Leone, Congo (Republic of), Guinea and Nauru changed their vote of the 2018 resolution and voted in favour of the 2020 resolution, and two countries, Yemen and Zimbabwe, voted to abstain after voting against in the previous resolution. ICDP is happy to note that three more member-states voted in favour of the resolution at the final vote in plenary session vote on 16 December (123 votes) than the initial one (120 votes) at the Third Committee.

The new resolution includes some important principles appear for the first time. One expresses concern over the discriminatory application of the death penalty to women, thereby highlighting the gender aspect of the death penalty.

Honorary Members

Giuliano Amato

Robert Badinter

Mohammed Bedjaoui

Federico Mayor Zaragoza

José Luis Rodríguez Zapatero

Marta Vilardell

The resolution also raises concerns about the use of the death penalty against children, particularly the need to restrict its use when an individual's age cannot be determined. This provision is vital as there have been several cases of young people being sentenced to death and even executed, despite concerns that they committed the crimes when they were under 18 years old. Authorities have stated their inability to determine the age of these sentenced because of several factors, such as a lack of resources and systematic recording of birth records. The new resolution also calls upon all countries, for the first time "to ensure that children whose parents or parental caregivers are on death row, the inmates themselves, their families and their legal representatives are provided, in advance, with adequate information about a pending execution, its date, time and location, to allow a last visit or communication with the convicted person, the return of the body to the family for burial or to inform on where the body is located, unless this is not in the best interests of the child."

Founding Members

Rodolfo Mattarollo,
(1939-2014)

Asma Jilani Jahangir
(1952-2018)

In addition, the resolution also recognizes for the first time, "the role of national human rights institutions and civil society in contributing to ongoing local and national debates and regional initiatives on the death penalty."

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Of the 38 states who voted against the resolution, Dominica, Libya, Pakistan who had voted in favour and Tonga, Uganda and Antigua and Barbuda who had abstained, all six countries changed their votes to oppose the 2020 resolution. Niger, which voted in favor of the resolution, changed to abstain in 2020. ICDP notes that three more member-states have voted against the resolution this year on a resolution, whose text has been diluted by the sovereignty amendment, which was voted by a majority of 24 votes at the Third Committee.

Meanwhile there has been a significant decrease in the member-states who abstained with the 2020 resolution attracting 24 votes, while in the earlier 2018 resolution, 32 states abstained.

“ICDP believes that given its huge majority of votes in favor, the UNGA resolution for a moratorium on the use of the death penalty reflects the universal trend away from the death penalty. However, we note with concern the dilution of the resolution and the increased votes against the resolution. While the result is laudatory and highly welcome, and ICDP notes that this is the result of a lot of hard efforts by member-states complemented by civil society organizations, we have to acknowledge that there is much work to be done for us, who are working for a world free of the death penalty,” said ICDP President Navi Pillay.

Background

Composed of 22 Commissioners, who are persons of high international standing and who represent all regions of the world, ICDP acts with total independence and neutrality and works under its President Judge Navi Pillay. ICDP opposes the death penalty under any circumstances believing that it violates the right to life enshrined in the Universal Declaration of Human Rights. The work of ICDP is supported by a diverse group of 23 Member-States from all parts of the world that are committed to the abolition of the death penalty. Its Secretariat is based in Madrid.

The Commission promotes the abolition of capital punishment in law in those States that observe a de facto moratorium on the use of the death penalty and promotes moratoriums on executions in states that rarely use the death penalty.

ICDP works with the United Nations and other international and regional organizations, governments and nongovernmental organizations to further the abolition of capital punishments worldwide.