

# Africa leads the way in abolition of the death penalty

On this World Day Against the Death Penalty, we commend the progress in Africa to end this inhumane practice. They are not just a regional success, but a global inspiration, encouraging other nations to follow similar steps and reaffirming the reality of our shared humanity



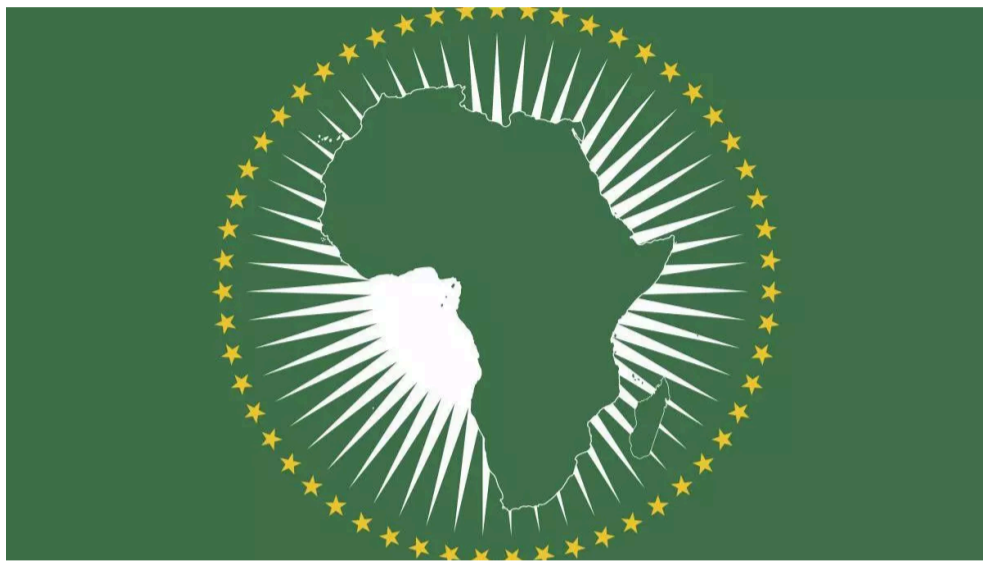
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The current flag of the African Union. Public domain

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As we mark the 22nd World Day Against the Death Penalty on 10 October, we, the Members of the International Commission against the Death Penalty (ICPM), commend the remarkable progress made by Africa in ending this inhumane practice.

The African continent has led the abolitionist trend since 2000, with countries abolishing the death penalty for all crimes, such as Gabon in 2010, Republic of Congo and Madagascar in 2015, Chad in 2020, Sierra Leone in 2021, Central African Republic and Zambia in 2022, while Burkina Faso and Equatorial Guinea have abolished capital punishment for common crimes in 2018 and in 2022. respectively, and Ghana ended the death penalty for all crimes except high treason in 2023. In addition, in May 2024, Zimbabwe's Cabinet announced that the country would soon end the death penalty.

Currently, half of the countries on the continent have abolished the death penalty: 23 African countries have abolished it for all crimes, while four States have abolished the death penalty for ordinary crimes. 27 of them retain the death penalty in their laws, although 13 have not carried out executions in more than 10 years.

The CIPM, based in Spain, has been close to Africa since its inception. Commissioner Mohamed Bedjaoui, former President of the International Court of Justice and Minister of Foreign Affairs of Algeria, has been a founding Commissioner, while South Africa and Algeria are founding Member States of the ICPM Support Group. Our President, Judge Navi Pillay, former United Nations High Commissioner for Human Rights, is a South African national and was elected by the United Nations General Assembly as a judge and President of the International Criminal Tribunal for Rwanda. Commissioner Sylvie Kayitesi was Vice-President of the Supreme Court of Rwanda, Chairperson of the African Commission on Human and Peoples' Rights and Chairperson of the Working Group on the Death Penalty in Africa...

Apart from the prominent ICPM Commissioners from Africa, all members of the Commission have been active in encouraging countries to abandon the death penalty and end this cruel and inhuman practice that erodes human dignity. Spain was present in the Togolese parliament when the country abolished the death penalty in 2009. And, among many other initiatives, and to cite one of the most recent, at the end of 2023, the ICPM carried out a mission to Zambia and Malawi, coordinating the participation of senior government officials from neighbouring countries in dialogues and exchanges of experiences on steps to abandon the death penalty and encouraging both countries to end capital punishment for all crimes.

There is still work to be done. In 2023, death sentences were recorded in 19 countries. The Democratic Republic of Congo (DRC) lifted its 20-year moratorium on the death penalty following the announcement in March 2024 by Justice Minister Rose Mutombo. Worryingly, 37 people have been sentenced to death on charges of attempting a coup d'état in the DRC.

Multilaterally, for the latest UN General Assembly resolution of 2022 on a moratorium on the use of the death penalty, 29 African countries voted in favour of the biennial resolution. There is hope that, given the number of countries that are moving away from the death penalty on the African continent, more nations on the African continent will be able to vote in favour of the 2024 resolution.

With regard to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Protocol), although 27 African countries had abolished the death penalty, only 15 States had ratified the Protocol. And in Africa, the draft additional protocol to the African Charter on Human and Peoples' Rights on the abolition of the death penalty has not yet been adopted. The adoption of this protocol would be a historic step that would reflect the clear move away from the death penalty on the African continent.

As we mark the World Day Against the Death Penalty, it is important to note that of the 54 countries in Africa, 52 did not carry out executions in 2023; whereas 40 countries have abolished the death penalty or have not carried out any executions for more than ten years, despite the fact that the continent faces myriad challenges, including poverty, insecurity due to conflict and drought, many of which are due to climate change and the resulting mass migrations and health crises.

The continent's remarkable progress towards abolishing the death penalty and strengthening the respect, protection and fulfilment of the right to life of its peoples serve as a powerful reminder that meaningful change is not only possible, but within reach. Indeed, there seems to be a growing awareness in Africa that the death penalty is a cruel and inhuman punishment, radically contrary to human dignity, which disproportionately affects the most disadvantaged and marginalized people in all societies. That perpetuates injustice and presents the constant risk of executing innocent people, a risk that no justice system should tolerate.

The advances in Africa are not only a regional success, but a global inspiration, encouraging other nations to follow similar steps and reaffirming the reality of our shared humanity. These developments reflect a deep commitment to human rights and justice, marking an encouraging abolitionist trend that serves as a powerful example for the rest of the world.

*Judge Navi Pillay is president of the International Commission against the Death Penalty; Sylvie Kayitesi is a commissioner of the CIPM; and the former President of the Government José Luis Rodríguez Zapatero is an honorary member of the*

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