

**NOTES ON THE SIDE EVENT:
“FROM DEATH PENALTY TO AN OFFICIAL MORATORIUM”
Tuesday 23 October 2018**

The side event was:

- *Hosted by the Permanent Representations of Belgium, Benin, Ivory Coast and France, the Office of the United Nations High Commissioner for Human Rights and ECPM*
- *Moderated by Andrew Gilmour, Assistant Secretary-General for Human Rights*

OPENING STATEMENTS:

ANDREW GILMOUR, ASSISTANT SECRETARY-GENERAL FOR HUMAN RIGHTS, OPENING REMARKS

The death penalty is one of the most controversial issues of the human rights agenda. There has been progress on the moratorium, which is very positive. While some governments still insist on their sovereign cultural or religious right to persist with the practice of executing people, for an increasing number of people around the world such executions are a moral abomination. This is all the more so given the irreversibility of the sentence; the grotesque discrimination that is so often involved; and the frequency with which it is later established that those sentenced to death were in fact innocent of any crime.

This meeting is our second death penalty event in less than a month. During General Assembly High-Level week in September, we convened one of the most important UN human rights for some time. It was entitled “Death Penalty, Poverty and Legal Representation” and its premise was that where executions are carried out, they disproportionately affect the poor, while those who cannot afford reasonable legal representation are fortunately spared.

One of the panelists was an African American who had the misfortune to be arrested and then convicted by an all-white jury in the US for a crime that he had not committed and in a state he had never actually set foot in. He spent 27 years in prison – 20 years on death row – kept in the cruelest conditions. And yet he spoke from this platform with striking grace and dignity, in one of the most powerful testimonies I have ever heard at the UN.

What the UN Human Rights office is seeking to do is to reduce the number of death sentences and executions even when it is not possible to bring about abolition. In particular we are seeking to put an end to the execution of people who were convicted of crimes carried out while they were juveniles; those who people convicted of drug offences; those with mental disabilities; and those whose trials were marred by gross unfairness and torture.

Plus of course there is the ongoing and important campaign for a moratorium, for which I am deeply grateful to our co-sponsors, and from whom we will hear brief statements before turning to our panelists.

MARC PECSTEEN, PERMANENT REPRESENTATIVE OF BELGIUM TO THE UNITED NATIONS

- Highlighted that there has been a positive trend on the matter of death penalty, in the last decade the number of countries that officially abolished the death penalty has decreased
- Several countries ended in practice either by declaring an official Moratorium or by refraining from carrying out executions
- 140 countries are abolitionist in law or in practice, which is more than double the countries who still retain death penalty
- Belgium underscored to be a strong supporter of the abolition of death penalty, emphasizing that this is a process that takes time
- In Belgium, the last execution in peace time took place in 1963, during war times the last execution was in 1950
- The country abolished the death penalty in war and peace times in 1996 and only in 2005 this was introduced in the Constitution. There were 46 years between the last execution and the abolishing in law. He emphasized that this demonstrates that the moratorium can be a very useful instrument as a first step towards abolition of death penalty and that is a process that takes time
- Stressed that the focus of this side event is to try to understand how to halt the death penalty and how to bring about progress in this field
- Reminded that next year it will be 20 years since the GA adopted the Optional Protocol to the International Covenant on Civil and Political Rights which aims to abolish death penalty
- Invited countries to the 7th world congress against death penalty, hosted by Belgium, in Brussel, in 2019, hoping that this will be another milestone in abolishing death penalty

JEAN-CLAUDE F. DO REGO, PERMANENT REPRESENTATIVE OF BENIN TO THE UNITED NATIONS

- Opened saying that the death penalty represents a very sensitive and controversial topic
- “This is a battle that we need to fight altogether, and a lot of work still needs to be done”
- Emphasized that this resolution is about adopting a moratorium as a way to stop the death penalty. This resolution highlights that the death penalty application undermines the human dignity and that the death penalty is irreversible and irreparable

- Reported that the movement in favor of the abolition of the death penalty has been spreading and amplifying across the world
- Described the experience of Benin, as follows:
 - The right to life which is entrenched in article 3 of the Universal Declaration of Human Rights is sacred to the country.
 - The country has introduced the abolition of the capital punishment in its Constitution. The country adhered to the Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, in 2012. This Protocol was officially implemented on 5 October 2012
- Continued by stating that the epilog of the progressive actions undertaken to abolish the capital penalty in Benin was on 5 June 2018, when the national assembly adopted a new penal code in favor of the abolishment of the death penalty
- Stated that Benin's delegation regards the death penalty as a cruel and inhuman sanction and the symbol of failure of the justice system, as the death penalty is a discriminatory tool which affects the most vulnerable and poor in society
- Benin integrated a new objective in its agenda, which consists of becoming a more open country, ensuring that everyone has access to a fair justice and promising to implement institutions which are efficient, responsible and open to everyone. This objective is part of the actions that the country will undertake in order to meet the 2030 agenda. This shows that the country puts human dignity and human treatment at the core of its objectives
- A regional and national conference was organized in July 2014, in partnership with the African Commission, in order to discuss about the death penalty and raise awareness to the African community on the importance of abolishing the death penalty

LÉON HOUADJA ADOM KACOU, PERMANENT REPRESENTATIVE OF COTE D'IVOIRE TO THE UNITED NATIONS

- Emphasized that the side event represents an important platform to discuss death penalty
- Stressed that it is important to raise awareness about such a delicate and sensitive issue which concerns the UN and the European Union with respect to violation of human rights
- Highlighted that his delegation is calling for the application of the universal principles of human rights
- Underscored that the country adopted the Optional Protocol to the International Covenant on Civil and Political Rights which aims to abolish death penalty as the country considers human rights and human conditions sacred and abolished the death penalty as a result

- Stressed that the death penalty undermines the human condition, human dignity and the freedom of a person and all these principles are at the basis of article 2 of the country's Constitution. The Constitution that abolished the death penalty was implemented in 2016, in article 3 which emphasizes the right to life. The right to life is regarded as sacred in the country and hence cannot be violated
- Stated that the death penalty is an issue with universal values which has several applications
- Called for the international community to respect the main principles of international human rights. The country considers human rights to be sacred and this is why it has applied a moratorium on execution. The Constitution of the country is based on the inviolability of human rights
- Pointed that a positive trend has been detected on the matter of death penalty, as proved by the increasing number of countries who have been moving away from death penalty
- 29 countries have respected with implementing a moratorium on execution as a starting point to resolve the death penalty issue
- After the adoption of this resolution, declared that momentum was being built in Africa. Stated that the country is committed to convince other African countries to move in this direction and install a moratorium
- The country organized the third African Conference Against the Death Penalty in April 2018
- Said that the country's Ministry of Justice affirmed the rejection of the death penalty in the country
- Reiterated that it is up to the states to create collective awareness as to why the use of death penalty is fundamentally bad and the human rights implications of using such punishment instrument
- Stressed that human culture needs to grow in the countries

FRANÇOIS DELATTRE, PERMANENT REPRESENTATIVE OF FRANCE TO THE UNITED NATIONS

- Pointed that the death penalty is losing ground throughout the world
- However, the examples by Burkina Faso and Gambia about taking steps in abolishing the death penalty show that some positive progress is being made
- France abolished the death penalty in its own Constitution in 2007
- Emphasized that it is clear that no progress can be taken for granted even if the death penalty continues to lose ground
- Identified violations of human rights as a consequence of using the death penalty, due to the discriminatory obligations that offend human beings, the execution of torture and the degrading treatments

- Shed light on the fact that countries like China, Saudi Arabia, Iran and Pakistan have not respected the international standards for human rights in their practice of using the death penalty
- Stressed that Nelson Mandela criteria for detention are often neglected for convicted people in a world where there is already a strong sense of insecurity, where people ask to re-introduce the death penalty
- Underscored that there is an urgent need to engage in dialogue in order for countries to jointly advance towards humanity and the official moratorium
- France has evidence that since the abolition of the death penalty in 1981, the number of crimes was significantly reduced
- Strongly emphasized that the use of death penalty as a punishment for crime has been proven to be ineffective, inhumane and unfair
- A lot of countries nowadays have figures in favor of abolition, but dialogue is necessary in order to convince the rest of the world to stop capital punishment
- Stressed that today many countries are opposed to the death penalty and that other countries can be convinced to abolish it by promoting freedom and human rights
- Underscored that this dialogue should be inclusive in order to bring together human rights institutions, NGOs, civil societies, the High Commissioner for Human Rights who would all be able to provide substantial support to this cause, encouraging countries to bring together this dialogue, encouraging more solid, sovereign, political decisions all act as powerful influencers in this process