

DEATH PENALTY

Excerpt from the
UNDG Guidance Note on
Human Rights for Resident
Coordinators and UN Country
Teams

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UNITED
NATIONS
DEVELOPMENT
GROUP

Death penalty

Key points and messages that the Resident Coordinator should know about the issue

- The United Nations system opposes the use of the death penalty in all circumstances.
- Because it is irreversible, capital punishment is opposed even when backed by legal process.
- The global trend is towards abolition. Currently, more than 160 of 193 Member States of the UN have either abolished the death penalty or do not practice it.
- An increasingly large number of States from all regions have acknowledged that the death penalty undermines human dignity and that its abolition contributes to the enhancement and progressive development of human rights.

Relevant international standards

- Several international and regional human rights instruments prohibit the use of capital punishment or encourage its abolition and/or strictly limit its application. In particular, the Second Optional Protocol to the [International Covenant on Civil and Political Rights](#) (ICCPR), aiming at the abolition of the death penalty, states that “no one within the jurisdiction of a State Party to the present Protocol shall be executed”. Currently, the Protocol is ratified by 81 States. The [Convention on the Rights of the Child](#) (CRC) specifically prohibits capital punishment “for offences committed by persons below eighteen years of age”.
- In countries that have not abolished the death penalty, international human rights law requires, as a minimum, full compliance with the clear restrictions prescribed in particular in article 6 of the ICCPR. However, in accordance with the last paragraph of article 6, the ICCPR provides that “nothing in this article shall be invoked to delay or prevent the abolition of capital punishment in any State party to the Covenant”.
- Since 2007, the General Assembly has adopted four resolutions (62/149, 63/138, 65/206 and 67/176). These resolutions called on States that maintain the death penalty to establish a moratorium on the use of the death penalty with a view to its abolition, and in the meantime, to restrict the number of offences which it punishes and to respect the rights of those on death row.
- In accordance with the [Guidance Note of the Secretary-General on the UN Approach to Rule of Law Assistance](#), “the UN will neither establish nor directly participate in any tribunal that allows for capital punishment”.

Role that the Resident Coordinator and UN Country Team can play in promoting the issue

- The RC and UN Country Team can play a critical role to advance the abolition of the death penalty, including through actively advocating for the abolition of the death penalty, implementation of relevant international human rights standards and ratification of the Second Optional Protocol to the ICCPR. In recent years, several RCs and UN agencies have carried out such activities. For example: In September 2014, the RC in Kiribati sent a letter to the President of Kiribati urging him to reconsider the reintroduction of the death penalty, and thus adhere to the country’s previous endorsement of resolution 65/206 adopted by the General Assembly on 21 December 2010: moratorium on the use of the death penalty;
- In January 2014, the RC in Papua New Guinea advocated against the reintroduction of the death penalty in the country, including through issuing public statements;
- Since 2013, UNICEF and OHCHR in Yemen have advocated for the immediate suspension of the use of the death penalty for crimes committed by persons under 18 years of age, and have provided technical

support for the establishment of a specialized forensic committee that uses the latest scientific methods to determine the most accurate age of death row prisoners;

- In December 2013, UNDP and the Ministry of Justice in Viet Nam organized a conference on reduction of the death penalty, and a report has been submitted recommending a reduction.

Support and tools available from the United Nations system

- Reports of the Secretary-General to the HRC on the question of the death penalty;
- Reports of the Secretary-General to the General Assembly on moratorium on the use of the death penalty;
- Quinquennial reports of the Secretary-General to the Economic and Social Council (ECOSOC) on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty;
- OHCHR, [Moving away from the death penalty: Lessons from national experience](#) (2012);
- OHCHR, [Moving away from the death penalty: Arguments, trends and perspectives](#) (2014);
- [OHCHR website on the Death Penalty](#).