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Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

High-level panel discussion on the question of the death penalty

Report of the Office of the High Commissioner for Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolutions 26/2 and 42/24. It provides a summary of the high-level panel discussion on the question of the death penalty held on 23 February 2021 at the forty-sixth session of the Council. The panel discussion addressed the human rights violations related to the use of the death penalty, in particular with respect to whether the use of the death penalty has a deterrent effect on crime rates.

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I. Introduction

1. Pursuant to its resolution 26/2, the Human Rights Council held its fourth biennial high-level panel discussion on the question of the death penalty on 23 February 2021, at its forty-sixth session.
2. The panel was chaired by the President of the Human Rights Council, Nazhat Shameem Khan. An opening statement was delivered by the United Nations High Commissioner for Human Rights, Michelle Bachelet. The panellists were the Minister of Justice of Chad, Djimet Arabi; the Commissioner of the International Commission against the Death Penalty, Tsakhia Elbegdorj; a member of the Human Rights Committee, Arif Bulkan; and a Professor of Criminology from Oxford University, United Kingdom of Great Britain and Northern Ireland, Carolyn Hoyle.

II. Opening remarks and statements

3. In her introductory remarks, the President of the Human Rights Council reminded the Council that the panel discussion was being held pursuant to its resolutions 26/2 and 42/24. In resolution 42/24, the Council had decided that the discussion would address violations related to the use of the death penalty, in particular with respect to whether the use of the death penalty has a deterrent effect on crime rates.
4. In her opening remarks, the High Commissioner for Human Rights began by emphasizing the fundamental nature of the issue to be considered by the panel. She underlined that there was no evidence that the death penalty deterred crime more effectively than any other punishment. On the contrary, studies suggested that in some States that had abolished the death penalty, murder rates had remained unaltered or had even declined.¹ Studies had also shown that it was the certainty of punishment, rather than its severity, that deterred people from committing a crime. As such, the rule of law was the true deterrent.
5. The High Commissioner listed a number of reasons to move away from the death penalty, in addition to its failure to deter crime. She noted the severe mental and physical suffering inflicted by its imposition on the persons concerned and their family members. Arbitrary and discriminatory application of the death penalty often disproportionately affected the poor and economically vulnerable, those belonging to religious or ethnic minorities, lesbian, gay, bisexual, transgender and intersex communities, persons with disabilities, foreign nationals, indigenous peoples and marginalized members of society. There was no such thing as a mistake-proof judiciary. Miscarriages of justice resulting in a person's death were unacceptable consequences entailing a State's violation of the fundamental right to life.
6. The High Commissioner stressed the need to make publicly available studies and statistics regarding the use of capital punishment in order to enable informed debates. Article 6 of the International Covenant on Civil and Political Rights set out specific safeguards that should ensure that the death penalty was applied only for "the most serious crimes", a term that must be read restrictively and appertain only to crimes of extreme gravity involving intentional killing.² She also referred to the safeguards guaranteeing the protection of the rights of those facing the death penalty, which had been approved by the Economic and Social Council,³ and were equally applicable in countries that had not yet ratified the Covenant.

¹ Daniel S. Nagin and John V. Pepper, eds., *Deterrence and the Death Penalty* (Washington, D.C., National Research Council of the National Academies Press, 2012), p. 3; David T. Johnson, "Does the death penalty deter homicide in Japan?", Asian Law Centre Briefing Paper (2017); Susan Munroe, "Abolition of capital punishment in Canada", Thought.com, 21 July 2019; *Pathways to Justice: Implementing a Fair and Effective Remedy following Abolition of the Mandatory Death Penalty in Kenya – An expert report submitted by The Death Penalty Project upon invitation by the Government Sentencing Task Force* (2019).

² Human Rights Committee, general comment No. 36 (2018), para. 35.

³ See www.ohchr.org/en/professionalinterest/pages/deathpenalty.aspx.

7. The High Commissioner reiterated the Secretary-General's view that the death penalty had no place in the twenty-first century. While acknowledging that there were causes for concern, she remarked on encouraging international trends towards abolition. She commended Kazakhstan for having passed a law on ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and encouraged it to amend its national legislation to be in full compliance with that instrument, including through constitutional amendments. She also encouraged the Government of Chad to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, in the wake of the abolition of the death penalty in national law in May 2020. Furthermore, she welcomed the pledge by the Government of the United States of America to work towards ending the death penalty, both at the federal and state levels.

8. The High Commissioner concluded by highlighting the fact that the vast majority of States, with a variety of legal systems, traditions, cultures and religions, had either abolished the death penalty in law or did not carry it out in practice. In 2020, 123 States had voted in favour of General Assembly resolution 75/183 on a moratorium on the use of the death penalty. Congratulating all those States that had either abolished or taken steps away from the death penalty, the High Commissioner encouraged others to consider moving in the same direction, recognizing that as long as the death penalty was in use, it undermined human dignity and denied individuals their most basic right upon which all other rights depended: the right to life.

III. Contributions of the panellists

9. In his remarks, Mr. Arabi noted that, in May 2020, Chad had become an abolitionist State. Since its independence, Chad had endured much violence and the death penalty had been provided for in its 1967 Criminal Code. A moratorium on the use of the death penalty had existed from 1990 to 2015. In the wake of the terrorist attacks in 2015, the country had adopted a special law allowing for the resumption of the use of the death penalty for terrorist acts. Nevertheless, in 2017, it had commenced a revision of its Criminal Code and its Code of Criminal Procedure in order to bring them into line with international norms and standards. In May 2020, the country had unanimously adopted an amendment to Law No. 003/PR/2020, enabling it to fully abolish the death penalty for all crimes. Prior to that, Chad had improved security systems in penitentiary institutions and built additional remand centres, in line with international standards.

10. Mr. Arabi noted that the abolition of the death penalty had paved the way for the commutation of all death sentences and for ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. He commended his country's leadership for promoting and protecting human rights and civil society partners for their support of the Government's initiatives. The Government recognized that the death penalty was a violation of the right to life and constituted cruel, inhuman and degrading treatment. By completely abolishing the death penalty, in spite of the increase in the number of acts of terrorism, Chad had joined in the growing global abolitionist trend and implemented the recommendations it had accepted under the universal periodic review in 2013 and 2018.

11. Mr. Arabi concluded by stating that the abolition of the death penalty in Chad could be considered a strong and positive message to those who had committed terrorist acts and wished to re-establish themselves within the law, that even if they were liable for prosecution, they would not run the risk of being executed. The death penalty was not an effective response to combating terrorism. Chad, as a leading country within the Group of Five for the Sahel, recognized the importance of seeking to humanize the legal framework and strengthen judicial cooperation.

12. In his statement, Mr. Elbegdorj noted the importance of the choice that country leaders had when addressing the death penalty, highlighting the choice he had made to abolish the death penalty when he had been President of Mongolia. The three main lessons learned from that experience were the importance of political will and continued leadership; the need to

take a step-by-step approach to decision-making and international support; and the importance of maintaining the status of a death penalty-free country.

13. Mr. Elbegdorj stressed that there had been no increase in violent crime after the abolition of the death penalty in Mongolia. While there had been discussions about reintroducing the death penalty, public opinion had shifted and the increase in the amount of support for abolition of the death penalty was a positive development for Mongolia. Arguments based on the deterrent effect of the death penalty on crime rates were weak and not supported by the facts. When discussing punishment, it was not the severity, but the certainty of the punishment that mattered more. Capital punishment was final and ran the risk of destroying an innocent life.

14. Mr. Elbegdorj concluded by noting that State killing had no moral justification and violated the basic tenets of human rights. When States had such power, they also had the power to abuse it. He urged all States to be vigilant until all death sentences had been commuted. Lastly, he highlighted the fact that more than two thirds of States had abolished the death penalty in practice, and congratulated Chad and Kazakhstan, which had recently taken steps towards its abolition.

15. Mr. Bulkan began by noting that empirical evidence suggested that the death penalty was ineffective as a deterrent to crime. On the contrary, there were many well-known international examples from Canada, Eastern European countries and parts of the United States of America where the abolition of the death penalty or moratoriums on its use had resulted in dramatic declines in homicide rates. Countries that retained the death penalty and continued to implement it showed no comparable success in reducing their homicide rates. He referred to a groundbreaking study⁴ in which the authors had concluded that only a very small proportion of deaths recorded as murder had led to conviction. Between 1998 and 2002 in Trinidad and Tobago, the police had recorded 633 deaths as murder; of that number, only 33 cases, or 5 per cent, had resulted in a conviction for murder by the end of 2005. Only 8 per cent of those convictions had been upheld on appeal. The resolution rate varied by the type of murder committed. Some 17 per cent of recorded homicides were killings committed in the course of domestic situations, but accounted for 52 per cent of the murders solved. Paradoxically, therefore, the type of murder likely to be emotionally driven and less deterred by knowledge of the death penalty was also the type most likely to be solved.

16. Mr. Bulkan also highlighted the fact that the study had found that the death penalty was an impediment to conviction. Witnesses failed to come forward and jurors were reluctant to convict for murder because of the mandatory death penalty, returning verdicts of manslaughter or outright acquittal.

17. Mr. Bulkan concluded with three key implications of the death penalty as a policy choice. First, there was a high degree of arbitrariness in the way the death penalty was applied. Second, the death penalty was not only applied to what were arguably the most heinous crimes. Third, there were long delays in trial, while convictions were extremely hard to obtain and maintain on appeal. He also noted that the death penalty was applied to the most vulnerable in society and there was no humane way to implement it. In a fallible world, it was prone to mistakes. He suggested that a more meaningful approach to deterring crime would be to strengthen law enforcement systems in order to ensure that crimes were solved and to improve the justice system. Maintaining the death penalty had, at best, only symbolic appeal and was not an efficient or effective response to violent crime.

18. Ms. Hoyle stated that Governments often justified their retention of capital punishment by asserting that it was an effective deterrent to crime and research suggested that citizens believed that. Criminologists had adopted various methods to investigate deterrence, but while some studies had found deterrent effects from the risk of detection and arrest by law enforcement, they had been unable to demonstrate deterrent effects from the severity of punishments. Specifically, they had not been able to establish that the death penalty deterred the crime of murder. The deterrence theory required that those who

⁴ Roger Hood and Florence Seemungal, *A Rare and Arbitrary Fate: Conviction for Murder, the Mandatory Death Penalty and the Reality of Homicide in Trinidad and Tobago* (Centre for Criminology, University of Oxford, 2006).

committed crimes for which the death penalty was imposed were rational actors, capable of weighing up the benefits of a criminal act with the risks of being apprehended and subjected to eventual punishment – in that case, possible execution.

19. Ms. Hoyle referred to studies that had been conducted in Australia, Canada, Singapore, South Africa and the United States of America, as well as in Hong Kong, China, and in European countries, which had all concluded that there was no evidence to suggest that the death penalty deterred individuals from committing murder to a greater extent than the threat of life imprisonment. Analysis of hundreds of deterrence studies had found that, while deterrent effects could be found in relation to minor crimes, there were no such effects on murder of any punishment, including execution.⁵ Reviewing five decades of research evidence on deterrence, the American National Research Council had concluded that the belief in deterrence was unreliable and in many studies wrong.⁶ Homicide rates had been declining since the early 1990s across all states in the United States of America, both retentionist and abolitionist. States that had abolished the death penalty in the past two decades had not seen an increase in murder rates and nor had those that had retained it. Moreover, over the past 20 years, homicide rates in states with the death penalty had been higher than in states without it.⁷

20. Ms. Hoyle stressed that murder rates were affected by many factors beyond the criminal justice process. However, if the death penalty had a deterrent effect, there would not be a fall in murder rates following abolition of the death penalty. Yet, the murder rate had fallen in several countries following abolition, including Australia and Canada and across Eastern Europe. South Africa still had a high murder rate, but it was lower than it had been before the abolition of the death penalty. A study comparing murder rates in Singapore, which utilized the death penalty for murder, with those in Hong Kong, China, where the death penalty had been abolished, showed no difference, even though executions had ended in Hong Kong, China, 30 years before.⁸ Similarly, data on drug trafficking suggested that the death penalty did not deter drug offences.

21. With regard to public opinion, Ms. Hoyle referred to the example of the United Kingdom of Great Britain and Northern Ireland, where in the 1960s, while the general public had not demanded abolition, the Government had led that policy step and public opinion had soon followed. Similar developments had been observed elsewhere in Europe.

22. Ms. Hoyle concluded by acknowledging that the death penalty was an affront to human rights. Arbitrariness was endemic in capital punishment systems and would remain so. Race, gender and caste were clearly correlated with legal decision-making in all retentionist countries. Furthermore, research had found that mental health and disability often intersected with poverty and class to create acute vulnerabilities in the criminal process, which limited defendants' abilities to defend themselves and to present mitigating evidence at trial or appeal. Research also strongly indicated that arbitrariness was inherent in all criminal justice systems through which the death penalty continued to be imposed; it was highly unlikely that any system could guarantee the absence of arbitrariness. In light of the lack of evidence of a deterrent effect, and given the arbitrariness inherent in every legal system, arguments based on the deterrent effect of the death penalty on crime rates should not be allowed to influence penal policy.

⁵ Dieter Dölling and others, "Is deterrence effective? Results of a meta-analysis of punishment", *European Journal on Crime Policy and Research*, vol. 15, Nos. 1–2 (June 2009).

⁶ Nagin and Pepper, eds., *Deterrence and the Death Penalty*.

⁷ See <https://deathpenaltyinfo.org/facts-and-research/murder-rates/murder-rate-of-death-penalty-states-compared-to-non-death-penalty-states>.

⁸ Franklin E. Zimring, Jeffrey Fagan and David T. Johnson, "Executions, deterrence, and homicide: a tale of two cities," *Journal of Empirical Legal Studies*, vol. 7, No. 1 (March 2010).

IV. Summary of the discussion

23. During the interactive phase of the panel discussion, the following delegations spoke: Australia, Botswana, Burkina Faso, Cabo Verde,⁹ Croatia, Egypt, Fiji, Iran (Islamic Republic of), Iraq, Italy, Kazakhstan, Liechtenstein,¹⁰ Mexico, Namibia, Portugal, Saudi Arabia, Singapore,¹¹ South Africa, Spain, Sweden,¹² Switzerland,¹³ Timor-Leste and the United Kingdom of Great Britain and Northern Ireland.

24. One regional organization, the European Union, took the floor. Two national human rights institutions, the Commission on Human Rights of the Philippines and the National Human Rights Council of Morocco, also took the floor. The following non-governmental organizations took the floor: Amnesty International, Center for Global Nonkilling, International Federation of Action by Christians for the Abolition of Torture, and International Lesbian and Gay Association.¹⁴

A. General remarks on the use of the death penalty

25. Many delegates from States with a range of legal systems, traditions, cultures and religions expressed their opposition to the use of the death penalty in all circumstances and at all times. Delegates welcomed the trend towards the universal abolition of the death penalty and commended the States that had recently ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. They called on other countries to follow suit.

26. Several delegates expressed their concern that the death penalty was often invoked arbitrarily and discriminatorily, affecting the most vulnerable members of society. It was used disproportionately against the poor, people with intellectual or psychosocial disabilities and minority groups. A large number of people were sentenced to death on discriminatory grounds or for specific forms of behaviour that should not have been criminalized in the first place. It was imposed in non-legitimate ways, such as sentencing people for having expressed an opinion, being part of a political group or exercising freedom of religion. The death penalty continued to be used to punish consensual sex between same-sex adults. Delegates believed that reducing socioeconomic inequalities, investing in education and training of youth and embracing diversity could go far towards crime reduction and building safer societies.

27. Delegates expressed concern that death sentences continued to be imposed in violation of international human rights norms and standards, including the right to a fair trial. It was vital that capital punishment trials provided all possible safeguards to ensure a fair trial and effective legal representation at all stages of the proceedings, as well as adherence to the highest of evidentiary standards. The International Covenant on Civil and Political Rights provided that, in countries which had not abolished the death penalty, sentence of death may

⁹ On behalf of the Community of Portuguese-speaking Countries: Angola, Brazil, Cabo Verde, Equatorial Guinea, Guinea-Bissau, Mozambique, Portugal, Sao Tome and Principe, and Timor-Leste.

¹⁰ Also on behalf of: Austria, Slovenia and Switzerland.

¹¹ Also on behalf of: Afghanistan, Bahrain, Bangladesh, Brunei Darussalam, Cameroon, Egypt, Ethiopia, India, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Maldives, Nigeria, Oman, Papua New Guinea, Qatar, Saudi Arabia, South Sudan, Sudan, Syrian Arab Republic, Tajikistan, Uganda and Zimbabwe.

¹² Also on behalf of: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania and Norway.

¹³ Also on behalf of a group of States that had sponsored the resolution establishing the panel: Belgium, Benin, Costa Rica, France, Mexico, Mongolia and Republic of Moldova.

¹⁴ Statements by the following delegations were not delivered owing to a lack of time: Armenia, Azerbaijan, Cambodia, Cameroon, Chile, Ecuador, Montenegro, Nepal, Pakistan, Russian Federation, Uruguay, Venezuela (Bolivarian Republic of), Advocates for Human Rights, Americans for democracy & human rights in Bahrain, Association culturelle des Tamouls en France, Association internationale pour l'égalité des femmes, Elizka Relief Foundation, Ensemble contre la peine de mort, Health and Environment Program, Institut international pour les droits et le développement, Iuventum, eV, Sikh Human Rights Group, Stichting Choice for Youth and Sexuality, The Institute for Protection of Women's Rights and Villages unis/United Villages.

be imposed only for “the most serious crimes”. Those were limited to extremely serious crimes only, involving intentional killing. Thus, the death penalty must never be applied as a sanction against forms of lesser conduct such as adultery, apostasy or blasphemy. Similarly, although potentially serious in nature, drug-related, sexual or terrorist offences that did not result directly and intentionally in death could never serve as the basis for the imposition of the death penalty.

28. Some delegates were particularly concerned about recent developments in some States, aimed at reinstating the death penalty. They underlined that the death penalty was an irrevocable punishment that violated the inalienable right to life, which was non-derogable in all circumstances. Attempting to protect life by taking life was an irreconcilable contradiction that also neglected other goals of punishment, such as the rehabilitation of the perpetrator. Delegates recognized that all methods of capital punishment could inflict inordinate pain and suffering and highlighted an emerging consensus among States that the imposition and execution of the death penalty could therefore amount to torture and other cruel, inhuman and degrading treatment or punishment.

29. Some delegates indicated that States had a sovereign right to develop criminal justice laws for their own countries in line with their own notions of justice and retribution. Citing public opinion and an emphasis on balancing victims’ rights with those of the perpetrators, they maintained that the death penalty was an important part of their criminal justice system and an effective deterrent against what their societies regarded as the most serious crimes, implemented with due process of law, judicial safeguards and multiple layers of review. Some emphasized that there was no consensus on what constituted “the most serious crimes”, so each State had a sovereign right to define such crimes and determine appropriate legal penalties, in accordance with their international law obligations, without interference from other States.

30. Some delegates indicated that the issue of the death penalty continued to be divisive and cause controversy between abolitionist and retentionist States in various forums. They encouraged collaborative and constructive engagement and dialogue and encouraged retentionist States to shift towards moratoriums on the death penalty.

31. A majority of delegates referred to the broad support for General Assembly resolution 75/183 of December 2020 on a moratorium on the use of the death penalty. A number of States echoed that sentiment in their statements, calling for universal abolition of the death penalty.

B. No evidence that the death penalty has a deterrent effect on crime rates

32. Many delegates stressed that there was no conclusive evidence that the death penalty had a deterrent effect on acts of crime. Deterrence was the most common rationale for retaining the death penalty in retentionist countries. The deterrence theory implied that people refrained from committing any crime punishable by death out of fear of execution. The extensive research that had been conducted into that theory had demonstrated that it was not grounded in evidence. A number of domestic and comparative studies conducted around the world had concluded that there was no credible evidence that the death penalty had a greater deterrent effect on crime than imprisonment. The deterrent hypothesis instead distracted public attention away from much-needed, longer-term solutions that could be more effective in addressing crime and its root causes. It also assumed that people committed serious crimes after rationally considering the consequences of their actions. Most importantly, the deterrence argument failed to address the human rights of those who were sentenced to death. Many delegates expressed their firm views that certainty, not severity, of punishment was what deterred crime.

33. Many delegates highlighted the fact that capital punishment was ineffective, citing statistics, studies and their own national experiences with abolishing the death penalty and comparing crime rates with and without capital punishment to demonstrate that capital punishment had no appreciable impact on crime rates. One delegate referred to his country’s experience of abolition, which exposed the flaws in the argument that the death penalty deterred crime. The last execution in that country had occurred in 1967 and the death penalty

had been progressively removed in the years that had followed. Since then, crime rates had continued to rise and fall in response to a wide range of factors. In other words, the abolition of the death penalty had had no appreciable impact on crime rates in his country, strongly suggesting that the death penalty had no deterrent effect.

34. Delegates noted that research suggesting that there was some deterrent effect was flawed in at least two respects. First, even in jurisdictions carrying out executions, non-capital sanctions tended to be the most common criminal penalties. Second, studies failed to analyse potential criminals' perception of the risk of execution and their behavioural response. Moreover, there was no consensus on appropriate methodology to study deterrent effects because too many other factors could influence outcomes.

35. Some delegates referred to the findings in the 2019 report of the Secretary-General that there was no evidence that the death penalty deterred drug-related crime more than other methods of punishment or that it affected crime reduction.¹⁵ Similarly, the claims made by retentionist States facing threats of terrorist attacks that the death penalty deterred such acts were seen as unfounded.

36. One delegate noted that, already in the eighteenth century, the criminologist Cesare Beccaria had argued that there was no credible evidence that the death penalty was a deterrent to crime or contributed to a safer society. The death penalty did not make societies safer. On the contrary, State executions prolonged a pointless cycle of violence and provoked a sense of injustice. Some delegates emphasized that global practices showed that human rights were universal and that the retentionist States' arguments based on deterrence were not supported by evidence. Some delegates encouraged members of the Human Rights Council to take the opportunity to raise awareness of the fact that there was no proof that the death penalty deterred crime and to promote improvements in law enforcement practices in compliance with international human rights standards.

C. Information sharing, transparency and public opinion

37. Several delegates stressed that a public debate on the merits and effects of the death penalty was essential to abolition. States must make available transparent and objective information on the lack of a deterrent effect of the death penalty, as well as data disaggregated by age, gender, nationality and other relevant criteria on the implementation of the death penalty. Objective information was needed to help shift the public discourse on the death penalty in retentionist States. It was important to focus international attention and efforts to change the status quo in retentionist countries through information-sharing, transparency and education.

38. A number of delegates stressed that abolishing the death penalty was a question of political will, not culture or tradition. They stressed the importance of educating the public about the flaws of the death penalty. Transparency and information-sharing, including on the number of persons sentenced to death, the specific charges, the number of persons on death row and the number of executions, were important to change public perception of the death penalty.

39. Other delegates observed that support for the death penalty was based on a misrepresentation of the crime context in countries and a lack of information on the true nature of criminal activities. Research showed that many persons were worried about becoming victims of crime, and thus supported the death penalty. However, when presented with fuller information, including on alternative punishments, the majority did not prefer the death penalty.

40. Many delegates stressed that, in addition to public officials leading the way with transparent statistics, data sharing and education, civil society played a crucial role in the campaign to abolish capital punishment across different jurisdictions and should continue to do so.

¹⁵ [A/HRC/42/28, para. 10.](#)

D. Improving the rule of law and preventive measures to deter crimes

41. Delegates asserted that the best deterrent was the rule of law. More effective judicial systems should be the highest priority. The death penalty was subject to human error and wrongful convictions and was irreversible, and thus should not be seen as a punishment properly within the ambit of the rule of law. Instead, delegates suggested that alternatives to the death penalty should be sought, so that any miscarriages of justice could be rectified.

42. Some delegates stressed that crime was a structural problem that needed to be addressed comprehensively, nationally and internationally, including through laws and regulations, in accordance with human rights norms and standards. The death penalty often distracted attention away from much-needed systemic reforms in crime prevention, policing, investigations and prosecutions that would contribute to strengthening the principal factor that research showed deterred crime: the certainty of apprehension. Delegates suggested that efforts should be made to improve law enforcement practices, in compliance with international human rights standards.

V. Conclusions

43. The panel concluded that the majority of States currently supported the abolition of the death penalty. It expressed concern that some States were considering reinstating the death penalty and called for the international community to work closely with government officials, parliamentarians, law enforcement officials, the judiciary, national human rights institutions and civil society, including those who supported the abolition of the death penalty, with a view to their deciding to remain abolitionist.

44. The panel indicated that there was no evidence to support the proposition that the death penalty had a deterrent effect that reduced the crime rate. It urged States to rely on evidence, social sciences and expert views that showed the ineffectiveness of the death penalty. Misconceptions around the deterrent effect of the death penalty should be clarified with the help of leadership at all political levels and through cooperation among States.

45. The panel underlined the economic costs of the death penalty, including many associated costs, such as those arising from defence appeals, legal representation, costs on death row, implementation of executions and other costs. It reiterated that the death penalty was often applied discriminatorily to vulnerable and marginalized members of society. Poverty reduction, improved education and non-discrimination were more effective measures to prevent violent crime.

46. The panel noted that the fight against terrorism was often advanced as justification for retaining the death penalty, and that such contentions had slowed process towards abolition in several countries. Life imprisonment prevented the risk of terrorists attaining martyr status. Terrorism was not likely to be deterred by the death penalty, as perpetrators were in any event often ready to die for their causes. While States were justifiably concerned about security and threats of terrorism posed to it, a stronger approach would focus on improving techniques of criminal investigation, evidence gathering and international cooperation. The panel recommended strengthening preventive measures within criminal justice systems and legal cooperation in extradition contexts.

47. The panel reiterated that those in government, the media, civil society and religious leaders, among others, had an important role to play to educate and inform the public about the flaws associated with the administration of the death penalty, particularly the systemic and inevitable violations of human rights that were associated with the death penalty. In the absence of accurate information, the public debate could not be truly meaningful. Public opinion surveys showed that public support for the death penalty diminished as people became aware of cases of wrongful convictions. Such support was also reduced when people knew that the death penalty was applied to a wider range of offences than they had believed, and for offences that they did not believe to be sufficiently serious. In several countries, majority opinion rejected the

death penalty when presented with alternatives such as life imprisonment. The public supported social measures, education and poverty reduction as answers to reduce crime rates. At the same time, the panel noted that many countries had proceeded to abolish the death penalty even in the absence of popular support for abolition.
