



International Commission against the Death Penalty  
Opinion piece: UN moratorium of the death penalty

By Mohammed Bedjaoui, Commissioner, International Commission against the Death Penalty  
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We live in a turbulent world, in which humanity faces many challenges, and too often hope seems in short supply. But on one particular social issue – set to be high on the international community's agenda over forthcoming weeks – real progress is being made and further positive change is possible.

That issue is capital punishment. Across humanity's sprawling and diverse global community, there is a growing and deepening recognition that this abhorrent practice has no place in modern and effective justice systems.

This week the United Nation's Social, Humanitarian Cultural Affairs Committee, more commonly known as the UN's Third Committee, will debate and vote on a resolution calling for a global moratorium on the death penalty. Following this, the resolution will be tabled at the 67<sup>th</sup> UN General Assembly in December.

If successful, the resolution – although, as with all such UN resolutions, not legally binding – will send a powerful political and moral message to the minority of countries still clinging to capital punishment that it is time to turn away from this cruel, inhuman and degrading punishment.

It is hard to overstate progress on this issue. A watershed moment came five years ago when, in December 2007, the UN's 62<sup>nd</sup> General Assembly first adopted a resolution calling for a universal moratorium on the death penalty, with a view to abolition. It was a historic victory for justice, achieved despite a tense behind-the-scenes saga of political attempts to weaken or even destroy the resolution.

The achievement was reinforced by two further UN General Assembly resolutions, in Decembers 2008 and 2010. On each occasion, the vote supporting the call for a moratorium gathered strength: rising from 104 votes to 106 and then 109, while those states voting negatively fell from 54 to 46 to 41.

These groundbreaking developments are important because the death penalty is a toxic and destructive punishment that causes untold injustice and suffering. Clearly, it is cruel and a violation of the right to life. Clearly too, execution is irrevocable and there is no appeal from the grave.

Yet capital punishment is also deeply and fundamentally flawed. Executions do not deliver public safety or deter violent crime – instead they endorse violence, sometimes fueling cycles of violence and retribution. It is no surprise the states that have abolished the death penalty often have lower murder rates than those that have yet to do so.

The death penalty is also frequently used in an arbitrary and discriminatory manner, sometimes for political reasons and sometimes after unfair trials – or even after confessions extracted under torture or duress.

So it is welcome to see the UN's inspiring resolutions being accompanied by a global trend towards abolition that has gathered pace dramatically in recent years.

As recently as the late 1970s, only 16 countries had abolished the death penalty for all crimes. Today, abolitionist nations are the overwhelming majority. More than two-thirds of nations, over 150 countries according to the UN, have now rejected the death penalty or do not carry out executions. In 2011, only 21 out of 198 countries carried out executions: a drop of more than a third over the last decade.

Nevertheless, there is no room for complacency, and the forthcoming UN vote for a global moratorium is a key opportunity for nations to take a stand against this ultimate denial of human rights.

There are hopes that several nations that previously voted negatively or abstained will have the foresight and political courage to vote positively on this occasion. In Africa, Asia and the Greater Caribbean there are countries that have not carried out executions for years – sometimes for decades. Some of these countries also take legal and humanitarian action to protect their citizens from the death penalty in third countries.

It is to be hoped that such states will also support this year's UN resolution, and that they will seize the opportunity to strengthen respect for the 'right to life'. By supporting the call for a global moratorium on the death penalty, they can take a bold step towards ensuring better, fairer justice around the world. Future generations will wonder why we waited so long.

Ends

Mohammed Bedjaoui is a Commissioner of the International Commission against the Death Penalty – an independent body led by a group of high-profile Commissioners from across the world. Mr Bedjaoui is former Foreign Minister of Algeria (2005-2007), and Judge, International Court of Justice (1982-2001). See [www.icomdp.org](http://www.icomdp.org).