**Request for information from the OHCHR relating to the Secretary General’s report on the question of the death penalty pursuant to decision 18/117 and resolution 22/11 of the Human Rights Council**

**Submission of Ireland**

**March 2020**

Ireland remains steadfast in its opposition to the use of the death penalty in all cases and in all circumstances. Accordingly, Ireland, together with the rest of the EU Member States, seeks the universal abolition of the death penalty.

In countries where the death penalty remains a criminal punishment, Ireland consistently calls for a moratorium on its use, and remains particularly concerned by the execution of minors, pregnant women and persons with disabilities.

The death penalty constitutes cruel, inhuman and degrading treatment and punishment. Ireland opposes the use of capital punishment in particular due to its finality and irreversible nature. There is no compelling evidence to show that the death penalty serves as a deterrent to crime. In addition, evidence shows a disproportionate use of capital punishment on persons from marginalised or lower income backgrounds owing to inabilities in accessing quality legal representation.

**National Position**

The death penalty was abolished for all but a very limited class of crimes by the Criminal Justice Act 1964, and was abolished in full by the Criminal Justice Act 1990.

In June 2001, Ireland became one of the few countries in the world where citizens voted by referendum to insert an article into the Constitution explicitly forbidding the use of the death penalty. The Twenty-first Amendment of the Constitution Act 2001 subsequently inserted Article 15.5.2 into Bunreacht na hÉireann (Constitution of Ireland), which states:

*“The Oireachtas shall not enact any law providing for the imposition of the death penalty”*

Additionally, Section 19 of the Extradition Act 1965 provides that extradition shall not be granted for an offence which is punishable by death under the law of the requesting country. Where an offence is punishable by death, extradition shall not be granted unless the requesting country gives such assurance as the Minister for Justice and Equality considers sufficient that the death penalty will not be carried out.

Section 3(1) of the Criminal Justice (Mutual Assistance) Act 2008 also provides that mutual legal assistance shall be refused if there are reasonable grounds for believing that providing the assistance may result in the person being subjected to torture or to any other contravention of the European Convention on Human Rights.

**Ireland’s Ratification of International Treaties and Protocols**

Ireland became a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty on 18 June 1993. The Second Optional Protocol commits each State Party to take all necessary measures to permanently abolish the death penalty within its own jurisdiction.

Ireland has signed and ratified Protocol No. 6 and Protocol No. 13 of the European Convention on Human Rights, which provide for the abolition of the death penalty. As a member of the European Union, Ireland is also required under the EU Charter of Fundamental Rights to respect human rights, including the right to life, when giving effect to EU law. The Charter prohibits the use of the death penalty.

**Additional Information**

Ireland continues to support UN and EU initiatives aimed at building international support for the universal abolition of the death penalty. Ireland has consistently supported and co-sponsored the EU-led resolution entitled “Moratorium on the use of the Death Penalty” at the United Nations General Assembly Third Committee, most recently at its 73rd session. Ireland has been among the strongest supporters of strengthening language in this resolution, including the insertion of language calling upon States not to impose capital punishment on persons with mental or intellectual disabilities.