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**The death penalty: developments since December 2022**

*Submission to the Secretary General’s report on a moratorium*

*on the use of the death penalty*

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This note provides an overview of developments in States’ domestic laws, policies, and practices on the death penalty since December 2022.

**Positive Developments**

*Domestic laws and policies in moving away from the death penalty*

Several countries have continued the trend to move away from the death penalty through legislation. In December 2022, **Zambia** passed a bill to abolish the death penalty for all crimes.[[1]](#footnote-1) In April 2023, **Malaysia** abolished the mandatory death penalty for all 11 offences.[[2]](#footnote-2) The revision has retroactive effect, allowing those on death row to have a resentencing hearing, though some death sentences have been reconfirmed through this process.[[3]](#footnote-3) In July 2023, **Ghana’s** Parliament voted to remove the death penalty for ordinary crimes, although the death penalty remains in the country’s Constitution for high treason.[[4]](#footnote-4) Also in July, **Pakistan** removed the death penalty for drug offences under the *Control of Narcotic Substances Act*, making it ‘the first country to abolish the death penalty for drug offences in over a decade’.[[5]](#footnote-5) However, judges have reportedly continued imposing death sentences for drug offences as recently as January 2024, highlighting the need for information dissemination to judges, prosecutors, and lawyers.[[6]](#footnote-6)

In the United States, 29 states have either abolished capital punishment or discontinued executions through executive actions. In **Washington,** the Governor signed in April 2023 a legislation removing the death penalty from the state’s laws, five years after the Washington Supreme Court had declared the death penalty unconstitutional.[[7]](#footnote-7) In October 2023, the **Pennsylvania** House Judiciary Committee voted in favour of a bill to repeal the death penalty, a first step towards abolition at the state-level.[[8]](#footnote-8)

Abolition is also anticipated in **Kenya,** where theChief Justice sent a proposal to the Parliament in October 2023 calling for the abolition of the death penalty for certain crimes, to bring the country in line with international human rights norms.[[9]](#footnote-9) In March 2024, **Zimbabwe’s** Cabinet approved a bill that will abolish the death penalty if passed by Parliament.[[10]](#footnote-10) In April 2024, **Taiwan’s** Constitutional Court is set to hear arguments on the constitutionality of the death penalty. The Court is required to render a decision within three months.[[11]](#footnote-11)

Other positive developments include the adoption in December 2022 of a new Criminal Code in **Indonesia.** The new law no longer lists the death penalty as a ‘principal punishment’, but as a punishment to be applied ‘alternatively, as a last resort’.[[12]](#footnote-12) The new law also created a ‘probationary period’ of 10 years, after which death sentences may be commuted if certain conditions are met.[[13]](#footnote-13)Also in December 2022, the African Court on Human and Peoples’ Rights found **Tanzania’s** mandatory death penalty for murder to violate the right to life.[[14]](#footnote-14) The Court has previously made similar rulings concerning Tanzania, and criticised the country’s non-compliance with judicial orders mandating amendment of its mandatory capital laws.[[15]](#footnote-15)

*International commitments*

In October 2023, **Armenia** ratified Protocol No. 13 to the European Convention on Human Rights, thus formalising its abolition of the death penalty in all circumstances, including wartime. The country’s ratification came into effect on 1 February 2024, almost two decades after it first signed the instrument in 2006.[[16]](#footnote-16) **Azerbaijan** signed the Protocol in March 2023, although it is yet to ratify the instrument.[[17]](#footnote-17) **Ghana**, **Liberia**, and **Uganda** voted in favour of the UN’s biennial resolution calling for a moratorium on the use of the death penalty for the first time in 2022.[[18]](#footnote-18) **Myanmar,** which previously abstained from voting, voted in favour of the resolution.[[19]](#footnote-19)

**Negative trends: Upsurge in executions and expansion of the scope of the death penalty**

An upward trend in the number of executions continues in **Iran** (853 executions in 2023, a 48% increase from 2022 and the highest since 2015; 481 executions were for drug-related offences);[[20]](#footnote-20) **Iraq** (13 male prisoners executed on 25 December 2023, the largest number of prisoners executed in one day since 2020);[[21]](#footnote-21) **Saudi Arabia** (at least 172 executions in 2023 including 6 women);[[22]](#footnote-22) and **Singapore** (16 executions during March-November 2023 including one woman; all for drug-related offences).[[23]](#footnote-23) This was the highest number of executions in Singapore in over a decade.[[24]](#footnote-24) In February 2024, Singapore executed a man convicted of murder—the first execution for murder since 2019.[[25]](#footnote-25) **Kuwait**, which had not carried out executions during 2017-2021, executed 7 individuals in 2022, followed by 5 in July 2023.[[26]](#footnote-26)

Some countries expanded the scope of the death penalty. **Belarus**—the last country in Europe to retain the death penalty in law and practice—has introduced a new law prescribing the death penalty for State officials and military personnel convicted of high treason, which entered into force in March 2023. This follows a 2022 amendment designating attempted terrorism as a capital offence.[[27]](#footnote-27) **Uganda**, despite its vote in favour of the 2022 UN Resolution on the moratorium on the use of the death penalty, introduced a new capital offence of ‘aggravated homosexuality’ in May 2023, and subsequently charged a man under the new legislation.[[28]](#footnote-28) The **Democratic Republic of Congo**, which voted against the 2022 UN Resolution for the first time,[[29]](#footnote-29) approved in March 2024 a proposal to lift the unofficial moratorium since 2003.[[30]](#footnote-30) Although the proposal concerned only military personnel convicted of treason, the final circular issued by the Ministry of Justice expanded the scope to include terrorism and urban banditry resulting in death, thus affecting both military and civilians.[[31]](#footnote-31)

In the United States, 2 laws were passed in **Florida** in April 2023. One lowered the threshold for the imposition of the death penalty by requiring only 8 of the 12 jurors to agree on a death sentence (almost all states require a unanimous jury verdict, except Alabama which requires at least 10 jurors to vote for the death penalty).[[32]](#footnote-32) Florida also expanded the application of the death penalty by passing a new law, providing for a discretionary death penalty for the rape of a child below 12 years old.[[33]](#footnote-33) No person in the US has been executed for an offence other than murder since 1964; and the US Supreme Court has previously ruled that the imposition of capital punishment for the rape of a child where the crime did not result in death was unconstitutional.[[34]](#footnote-34)

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