Submission to the Office of the High Commissioner for Human Rights on the IMPLEMENTATION OF UN GENERAL ASSEMBLY RESOLUTION 75/183 OF 16 DECEMBER 2020 ON “moratorium on the use of the death penalty”

22 April 2022 ACT 50/5498/2022

In its resolution 75/183 of 16 December 2020 “Moratorium on the use of the death penalty”, the UN General Assembly requested the UN Secretary-General to report to its 77th session on the implementation of that resolution.

In this submission, Amnesty International highlights key developments it recorded on the global use of the death penalty since 16 December 2020, as well as some reflections on the need to better integrate the promotion and protection of human rights, including through the abolition of the death penalty, in initiatives on crime prevention and criminal justice reforms.

**1. KEY DEVELOPMENTS TOWARDS ABOLITION SINCE 16 DECEMBER 2020**

**1.1 Abolition of the death penalty, ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights and initiatives to these aims**

On 29 December 2021, the President of **Kazakhstan**, Kassym-Jomart Tokayev, signed into law a bill abolishing the death penalty for all crimes.[[1]](#footnote-2) The bill provided for the commutation of the last remaining death sentence and came into force in January 2022.

The parliament in **Sierra Leone** unanimously adopted the Abolition of the Death Penalty Act 2021 on 23 July 2021. The Act abolishes the death penalty for all crimes, removing it from the Criminal Code and other legislation, including military law.[[2]](#footnote-3) At the time of finalization of this submission, Amnesty International understands that the Act is in the process of finalization, official signing by the President and gazetting. While Article 16(1) of Sierra Leone’s Constitution still allows for the death penalty to be imposed, a government report from December on its plans to seek amendments to the Constitution includes amending this Article so as to remove the death penalty.[[3]](#footnote-4)

On 20 January 2022, the Parliament of **Papua New Guinea** considered and adopted the Criminal Code (Amendment) Bill 2022. The bill amends the Criminal Code to remove death penalty for all offences and is yet to be certified at the time of finalization of this submission.

On 24 March 2021, former Governor of **Virginia** Ralph S. Northam signed into law a bill that abolished the death penalty in the US state, making it the 23rd state and the first southern state to abolish the death penalty in the USA.[[4]](#footnote-5)

**Armenia** became a state 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 March 2021; **Kazakhstan** ratified the treaty on 24 March 2022.

In April 2021, the Parliamentary Committee on institutions, democracy and judicial and administrative affairs of the **Central African Republic**[[5]](#footnote-6) concluded its examination of a Bill for the total abolition of the death penalty, first proposed in 2018.[[6]](#footnote-7) The Committee heard from experts and human rights NGOs and, in its report, recommended that the Bill be adopted by parliament.[[7]](#footnote-8)

A Private Member’s Bill was proposed to **Ghana**’s parliament in June 2021 by Francis-Xavier Sosu, the Member of Parliament for Madina. Itprovides for the abolition of the death penalty, as a first step, from the country’s Criminal and Other Offences Act.[[8]](#footnote-9) At the time of finalization of this submission, the proposed Bill is being prepared for a first reading, with discussions ongoing on expanding it to cover provisions in the Armed Forces Act[[9]](#footnote-10) that impose the death penalty.

As the 117th session of Congress began on 3 January and the Biden administration in the **USA** prepared to take office following an electoral commitment to work for abolition of the death penalty at federal and state level, US Representatives Ayanna Pressley and Adriano Espaillat and US Senator Richard Durbin reintroduced their bills to abolish the federal death penalty, which they had first tabled in July 2019.[[10]](#footnote-11)

On 29 December Datuk Seri Dr Wan Junaidi Tuanku Jaafar, Minister in the Prime Minister’s Department (Parliament and Law) of **Malaysia**, announced that the findings of a special committee established in 2019 to consider alternatives to the death penalty would be presented to the Cabinet; and that draft legislation to amend the country’s death penalty laws was expected to be tabled in parliament by the third quarter of 2022.[[11]](#footnote-12)

In November, three Senators and national elections candidates of **the Philippines** who had previously proposed or supported the reintroduction of the death penalty announced that they had changed their position to oppose the move.[[12]](#footnote-13) It was further reported that in a letter dated 8 November to the Senate Secretary, Senator Panfilo Lacson, withdrew his authorship of Senate Bill No. 27, or “An Act Reinstituting the Death Penalty in the Philippines”, and asked that the billno longer be considered for deliberations by the Committees on Justice and Human Rights, and on Constitutional Amendments and Revision of Codes.[[13]](#footnote-14)

**1.2 Moratoriums on executions**

On 1 July 2021, **US** Attorney General Merrick Garland announced a formal, but conditional, moratorium on federal executions, pending review of the Addendum to the Federal Lethal Injection Protocol, the Manner of Federal Executions regulations, and amendments to the Justice Manual adopted by the previous administration.[[14]](#footnote-15)

**Gambia**, **Malaysia, Russian Federation** and **Tajikistan**, as well as the **US** states of California, Oregon and Pennsylvania continued to observe official moratoriums on executions.

**1.3 Global trends: recorded executions and death sentences in 2021**

Amnesty International recorded 579 executions in 2021, an increase of 20% on the 2020 recorded total (483). Despite the rise, the 2021 figure remained among historical-low totals, constituting the second-lowest figure for global executions the organization has recorded since at least 2010.

As in previous years, the recorded global totals are minimum figures and do not include the thousands of executions that Amnesty International believed were carried out in China, where data on the death penalty is classified as a state secret. The figures were also affected by the extremely limited access to information that Amnesty International had for two other countries that are also believed to resort to the death penalty extensively: North Korea, for which it was impossible to independently verify reports, and Viet Nam, which also classified data as a state secret. Secretive state practices also did not allow the organization to gather full figures for several other countries, including Belarus.

Amnesty International recorded executions in 18 countries, the same number as in 2020 – and the lowest figure of known executing countries since the organization began keeping records.

No executions were known to have been carried out in India, Qatar and Taiwan – all countries that executed people in the previous year. After a hiatus of several years, three countries resumed executions, Belarus and Japan carrying out their first executions since 2019 and the United Arab Emirates the first since 2017. In the USA, Mississippi and Oklahoma executed people for the first time since 2012 and 2015, respectively.

Three countries – Iran (at least 314), Egypt (at least 83) and Saudi Arabia (65) – accounted for 80% of all known executions.

The overall increase in the recorded global total was primarily linked to rises in execution totals in Iran (from at least 246 in 2020, a 28% increase) and Saudi Arabia, which more than doubled its recorded 2020 total (27 to 65). Other noticeable increases were documented in Somalia (from at least 11 in 2020 to at least 21 in 2021); South Sudan (from at least 2 in 2020 to at least 9 in 2021); and Yemen (from at least 5 in 2020 to at least 14 in 2021).

Amnesty International recorded a decrease of 22% in executions in Egypt (at least 83), which had tripled its execution tally in 2020 (at least 107); of 62% in Iraq (at least 45 in 2020 and at least 17 in 2021); and 35% in the USA (17 in 2020 and 11 in 2021).

The total number of death sentences recorded by Amnesty International in 2021 increased by 39% on the 2020 global figure. At least 2,052 new death sentences have been imposed, up from at least 1,477 in the previous year. Variations in the nature and availability of information on death sentences for some countries, including Laos, continued to affect Amnesty International’s assessment and ability to accurately compare trends.

Globally, two more countries (56) were known to have imposed death sentences in 2021, compared to 2020 (54). No new death sentences were recorded in Bahrain, Comoros, Laos and Niger – all countries that were known to have sentenced people to death in 2020. Ethiopia, Guyana, Maldives, Oman, Tanzania and Uganda all imposed death sentences in 2021 after they were not believed to have done so in 2020.

Significant increases in the number of death sentences imposed were recorded in several countries, partly because of proceedings resumed more fully after the lifting of Covid-19-related restrictions or more frequent resort to virtual hearings, including in Bangladesh, India and Pakistan; or because of the adoption of legislation facilitating greater resort to the death penalty, including in Myanmar.

At the end of 2021, at least 28,670 people were under sentence of death.

**1.4 Imposition of the death penalty for drug-related offences in 2021**

Amnesty International recorded 134 executions for drug-related offences in two countries – China (+) and Iran (132 out of at least 314, 42%).[[15]](#footnote-16) This was 23% of the 2021 total, up from 30 in 2020. Information on Viet Nam, which is very likely to have carried out such executions, was unavailable.

220 new death sentences for drug-related offences were known to have been imposed in 11 countries: Bangladesh (2 out of at least 181, 1%), Egypt (10 out of at least 356, 3%), Indonesia (94 out of at least 114, 82%), Iran (+), Malaysia (5 out of at least 14, 36%), Pakistan (2 out of at least 129, 2%), Singapore (8 out of 10, 80%), Sri Lanka (1 out of at least 8, 13%), Thailand (+), UAE (1 out of at least 9, 11%) and Viet Nam (93 out of at least 119, 78%). This was 11% of the 2021 recorded global total and represented an increase of 23% from 2020 (179).

On 18 January 2021, **Saudi Arabia**’s Human Rights Commission said in an official statement that a moratorium on executions for drug-related crimes had been put in place in 2020.[[16]](#footnote-17) By the year’s end, the authorities took no formal steps to either amend the Saudi Drugs and Narcotics Control Law or clarify how the moratorium was to take effect. However, no drug-related executions were recorded in 2021.

**1.5 Imposition of the death penalty by special or military courts in 2021**

According to information available to Amnesty International, during 2021 military courts sentenced civilians to death in Cameroon, the Democratic Republic of the Congo, Myanmar and Yemen. Special courts imposed death sentences in Bangladesh, Egypt, Jordan, Pakistan, Palestine (State of) and Yemen.

Shortly after taking power in a coup in **Myanmar** on 1 February, the military imposed a state of emergency under the authority of the Chairman of the State Administration Council, Senior General Min Aung Hlaing, and on 16 March issued Martial Law Order 3/2021.[[17]](#footnote-18) Among other concerns, Order 3/2021 transferred the authority to try cases of civilians to special or existing military tribunals, for a wide range of offences including those involving the death penalty, through summary proceedings and without right to appeal. Those sentenced to death could seek a reversal of the decision by the Chairman of the State Administration Council.[[18]](#footnote-19) Amnesty International gathered media reports and other limited information relating to at least 86 death sentences being imposed between February and December 2021, mostly announced through military-controlled media. The death sentences were imposed by military tribunals or, in one case, a juvenile court on referral from a military tribunal. Available information indicates that the proceedings were summary, with the defendants unable to access legal representation.[[19]](#footnote-20)

**1.6 Use of the death penalty against children and people with psycho-social or intellectual disabilities in 2021**

According to information available to Amnesty International, during 2021 four people were executed for crimes that occurred when they were **below 18 years of age** in Iran (3) and Yemen (1); Amnesty International believed that other people in this category remained on death row in Maldives (5), Myanmar (at least 2) and Iran (80).

People with **psycho-social or intellectual disabilities** were known to be under sentence of death in several countries, including Japan, Maldives, Singapore and USA.

**Amnesty International calls on countries that still retain the death penalty to abolish it for all crimes.**

**Pending this, the organization calls on states to immediately establish a moratorium on executions with a view to fully abolishing this punishment; and to strictly observe safeguards and restrictions on the use of the death penalty, as set out in international law and standards.**

**2. ABOLITION AS A STEP IN BROADER REFORMS TO PROMOTE AND PROTECT HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE**

As more and more countries take steps to establish moratoriums on executions and abolish the death penalty, the question of alternatives to it and the set goals of reformation and social rehabilitation of those in detention – enshrined under Article 10(3) of the International Covenant on Civil and Political Rights – should take centre-stage, highlighting the urgent need for better integration of the promotion and protection of human rights, including the abolition of the death penalty, in crime prevention programmes and criminal justice reforms.

Regrettably, in March 2021 the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice failed to condemn the use of the death penalty and omitted references to moratoriums on executions and abolition in its final declaration.[[20]](#footnote-21) However, the declaration reaffirmed, among other points, the commitment of UN Member states to “fully promote and protect all human rights and fundamental freedoms, as well as to uphold the principle of human dignity, in the impartial administration of justice and throughout all our efforts in preventing and combating crime” (para.18); and to “promote a rehabilitative environment in correctional facilities, including through designing and implementing effective treatment programmes based on an individual assessment of the needs and risks of offenders, and provide offenders with access to vocational and technical training and educational programmes to support them to develop the necessary skills for reintegration” (para. 37).

Amnesty International calls on **all UN Member states and relevant UN bodies and mechanisms**, **including the UN General Assembly,** to make the promotion and protection of human rights, including the abolition of the death penalty, an integral component of programmes to prevent crime and improve criminal justice systems globally.

1. The Deputy Prime Minister of Kazakhstan confirmed in a letter to Amnesty International that the new death penalty abolition law was published in the official newspaper, Egemen Kazakhstan, on 30 December 2021. [↑](#footnote-ref-2)
2. Amnesty International, “Sierra Leone: Abolition of death penalty a major victory”, 25 July 2021, [amnesty.org/en/latest/news/2021/07/sierra-leone-abolition-of-death-penalty-a-major-victory/](https://www.amnesty.org/en/latest/news/2021/07/sierra-leone-abolition-of-death-penalty-a-major-victory/) [↑](#footnote-ref-3)
3. See also Report on the Review of the 2017 Government White Paper on the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991), December 2021, p. 7. [↑](#footnote-ref-4)
4. Former Virginia Governor Ralph S. Northam, “Governor Northam signs law repealing death penalty in Virginia”, 24 March 2021, [governor.virginia.gov/newsroom/all-releases/2021/march/headline-894006-en.html](https://www.governor.virginia.gov/newsroom/all-releases/2021/march/headline-894006-en.html) [↑](#footnote-ref-5)
5. République centrafricaine, Rapport de la commission institutions, démocratie, judiciaire et affaires administratives sur la proposition de loi portant abolition de la peine de mort et modifiant certaines dispositions de la loi portant code pénal centrafricain, 21 April 2021, on file with Amnesty International. [↑](#footnote-ref-6)
6. République centrafricaine, Assemblée Nationale, “Loi portant abolition de la peine de mort en République centrafricaine” (no date), on file with Amnesty International. [↑](#footnote-ref-7)
7. Committee report, Conclusions. [↑](#footnote-ref-8)
8. Criminal and Other Offences Act 1960 Act 29. [↑](#footnote-ref-9)
9. The Armed Forces Act 1962 Act 105. [↑](#footnote-ref-10)
10. House Bill H.R.97 – Federal Death Penalty Abolition Act of 2021; House Bill H.R. 262 – Federal Death Penalty Prohibition Act; Senate Bill S.582. [↑](#footnote-ref-11)
11. Star, “Decision on abolishment of death penalty only after special committee submits findings, says law minister”, 29 December 2021, [thestar.com.my/news/nation/2021/12/29/decision-on-abolishment-of-death-penalty-only-after-special-committee-submits-findings-says-law-minister](https://www.thestar.com.my/news/nation/2021/12/29/decision-on-abolishment-of-death-penalty-only-after-special-committee-submits-findings-says-law-minister) [↑](#footnote-ref-12)
12. PhilStar, “Lacson, Sotto reverse long-standing support for death penalty”, 4 November 2021, [philstar.com/headlines/2021/11/04/2139033/lacson-sotto-reverse-long-standing-support-death-penalty](https://www.philstar.com/headlines/2021/11/04/2139033/lacson-sotto-reverse-long-standing-support-death-penalty); Inquirer, “Pacquiao blinks on death penalty but firm on stand vs same-sex marriage”, 9 November 2021, [newsinfo.inquirer.net/1512347/pacquiao-changes-tone-on-death-penalty-but-firm-on-stand-vs-same-sex-marriage](https://newsinfo.inquirer.net/1512347/pacquiao-changes-tone-on-death-penalty-but-firm-on-stand-vs-same-sex-marriage) [↑](#footnote-ref-13)
13. Senate of the Philippines, “De Lima welcomes Lacson’s withdrawal of death penalty bill, pushes anew for qualified reclusion perpetua”, 15 November 2021, [legacy.senate.gov.ph/press\_release/2021/1115\_delima2.asp](https://legacy.senate.gov.ph/press_release/2021/1115_delima2.asp) [↑](#footnote-ref-14)
14. US Department of Justice, “Attorney General Merrick B. Garland imposes a moratorium on federal executions; orders review of policies and procedures”, 1 July 2021, [justice.gov/opa/pr/attorney-general-merrick-b-garland-imposes-moratorium-federal-executions-orders-review](https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-imposes-moratorium-federal-executions-orders-review); and Office of the Attorney General, “Moratorium on federal executions pending review of policies and procedures”, 1 July 2021 [justice.gov/opa/page/file/1408636/download](https://www.justice.gov/opa/page/file/1408636/download) [↑](#footnote-ref-15)
15. For the preparation of its annual reports on the global use of the death penalty, Amnesty International indicates with “+” when it has corroborated executions, death sentences or persons under sentence of death (more than one) in a country but had insufficient information to provide a credible minimum figure. When calculating global and regional totals, “+” has been counted as 2, including for China. [↑](#footnote-ref-16)
16. HRC International (Official Twitter account of the Saudi Human Rights Commission), Twitter post, 18 January 2021, [twitter.com/HRCSaudi\_EN/status/1351087958565281793](https://twitter.com/HRCSaudi_EN/status/1351087958565281793): “#Saudi Arabia drastically decreases application of death penalty in 2020.” [↑](#footnote-ref-17)
17. Martial Law Order 3/2021, 16 March 2021, [gnlm.com.mm/martial-law-order-3-2021/#article-title](https://www.gnlm.com.mm/martial-law-order-3-2021/#article-title). In a 2018 report, Amnesty International named Senior General Min Aung Hlaing among those who should be investigated for responsibility for crimes against humanity perpetrated as part of a widespread and systematic attack against the Rohingya population in northern Rakhine State. Amnesty International, “*We Will Destroy Everything”: Military Responsibility for Crimes against Humanity in Rakhine State, Myanmar* (Index: ASA 16/8630/2018), 27 June 2018, [amnesty.org/en/documents/asa16/8630/2018/en/](https://www.amnesty.org/en/documents/asa16/8630/2018/en/) [↑](#footnote-ref-18)
18. For a more comprehensive analysis, see International Commission of Jurists, “Myanmar: Martial law is another dangerous escalation of repression”, 17 March 2021, [icj.org/myanmar-martial-law-is-another-dangerous-escalation-of-repression/](https://www.icj.org/myanmar-martial-law-is-another-dangerous-escalation-of-repression/); “Myanmar: A year after military takeover, no rule of law or judicial independence”, 10 February 2022, [icj.org/myanmar-a-year-after-military-takeover-no-rule-of-law-or-judicial-independence/](https://www.icj.org/myanmar-a-year-after-military-takeover-no-rule-of-law-or-judicial-independence/) [↑](#footnote-ref-19)
19. For example, Irrawaddy, “Myanmar junta using prison courts to try political prisoners”, 9 April 2021, [irrawaddy.com/news/burma/myanmar-junta-using-prison-courts-try-political-prisoners.html](https://www.irrawaddy.com/news/burma/myanmar-junta-using-prison-courts-try-political-prisoners.html) [↑](#footnote-ref-20)
20. UNODC, “Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development”, 7-18 March 2021, [unodc.org/documents/commissions/Congress/21-02815\_Kyoto\_Declaration\_ebook\_rev\_cover.pdf](https://www.unodc.org/documents/commissions/Congress/21-02815_Kyoto_Declaration_ebook_rev_cover.pdf); see also Amnesty International, UN Crime Congress: Abolition of the death penalty must be an integral part of crime prevention programmes and criminal justice reforms (Index: ACT 50/3785/2021), 5 March 2021, [amnesty.org/en/documents/act50/3785/2021/en/](https://www.amnesty.org/en/documents/act50/3785/2021/en/); “World Drugs Day: UNODC must integrate ending drug-related executions in its work” (Index: ACT 50/4347/2021), 26 June 2021, [amnesty.org/en/documents/act50/4347/2021/en/](https://www.amnesty.org/en/documents/act50/4347/2021/en/) [↑](#footnote-ref-21)