



Capital Punishment in the Commonwealth: The *de facto* abolitionist dilemma

Commonwealth Law Conference, GOA 2023

Saul Lehrfreund

Co-Executive Director, The Death Penalty Project

The Death Penalty Project

The Death Penalty Project (DPP) is a legal action NGO with special consultative status before the United Nations Economic and Social Council.

We provide free representation to people facing the death penalty worldwide, with a focus on the Commonwealth. We use the law to protect prisoners facing execution and promote fair criminal justice systems, where the rights of all people are respected.

We believe the death penalty is a cruel and inhuman punishment that discriminates against the poorest and most disadvantaged members of society. We want to see it consigned to history.



Abolition of the death penalty

In 1971 the United Nations General Assembly set the goal to achieve universal abolition of the death penalty

ICCPR Article 6

6 (6). Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Human Rights Committee (CCPR) General Comment 36 - Adopted November 2018

50. Article 6, paragraph 6 reaffirms the position that States parties that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future. The death penalty cannot be reconciled with full respect for the right to life, and abolition of the death penalty is both desirable and necessary for the enhancement of human dignity and progressive development of human rights. It is contrary to the object and purpose of article 6 for States parties to take steps to increase de facto the rate and extent in which they resort to the death penalty, or to reduce the number of pardons and commutations they grant.

The death penalty worldwide 2023



116

Abolitionist for all crimes

8

Abolitionist for ordinary crimes

33

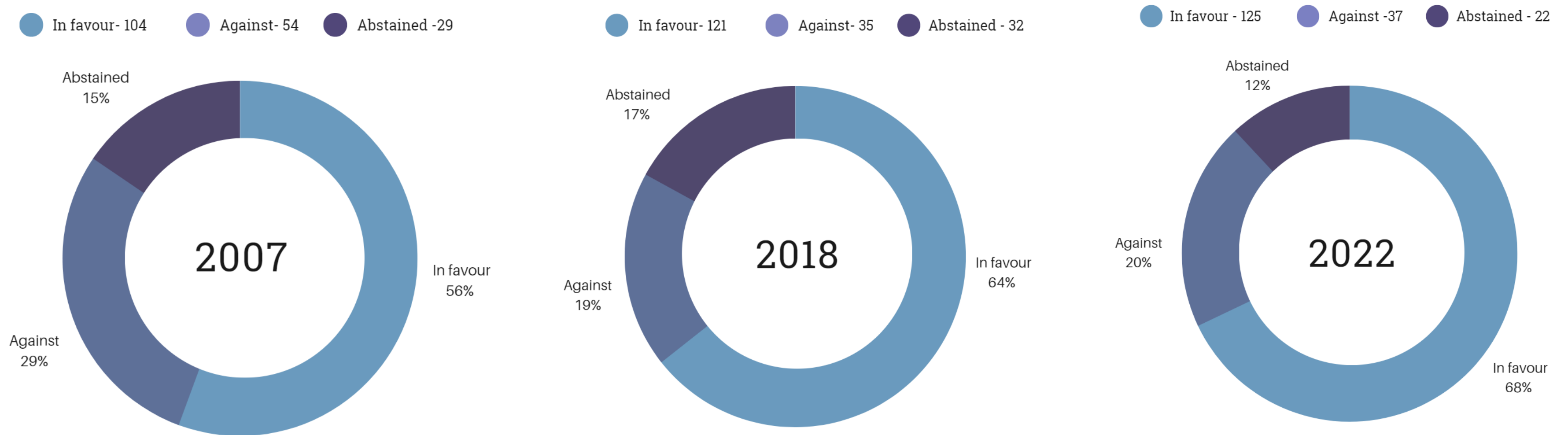
Retentionist states

41

Abolitionist de facto

Global pace of change

UN General Assembly Resolution - Moratorium on the use of the Death Penalty held every two years



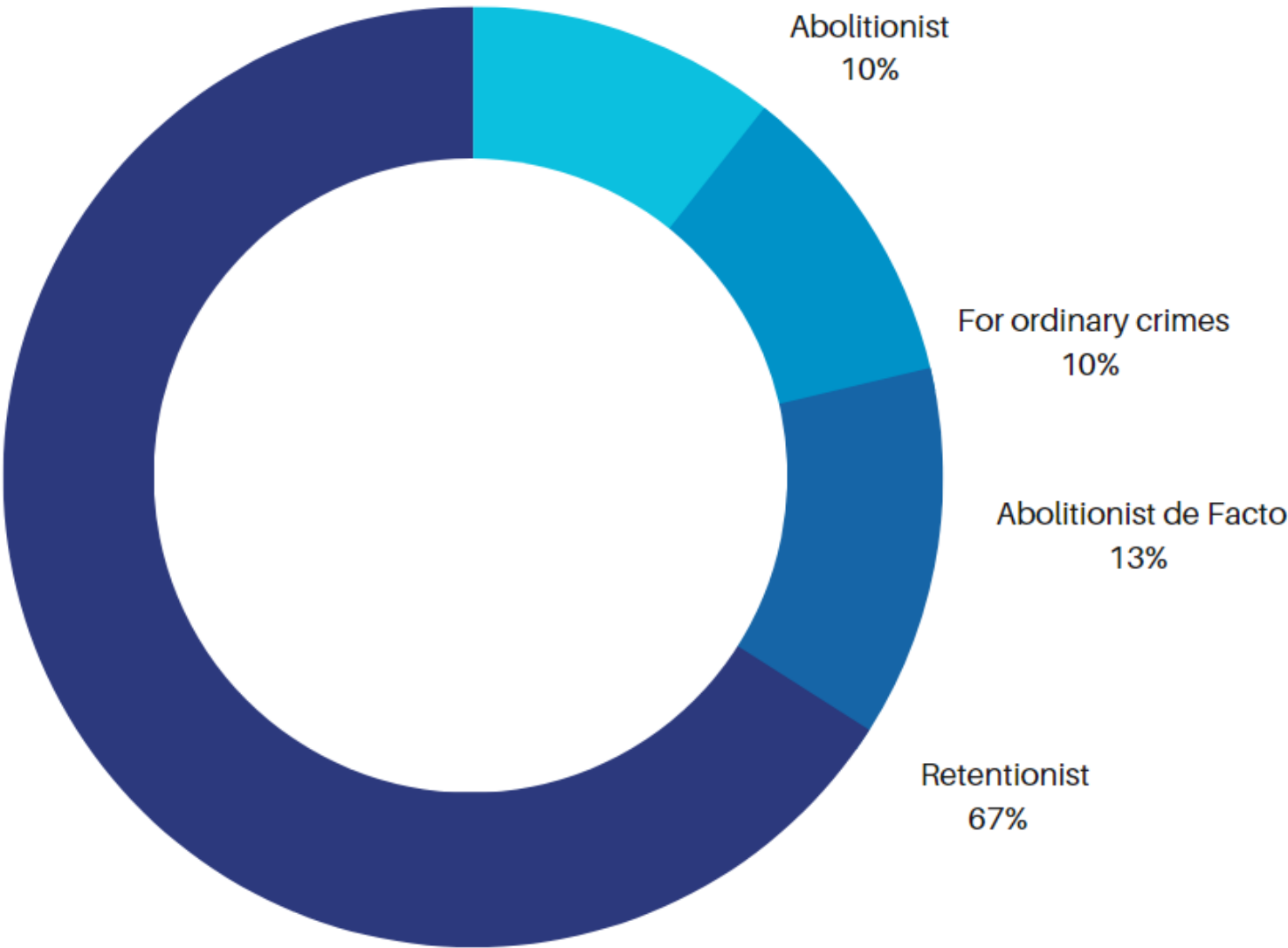
Number of abolitionist countries has increased at an unprecedented rate since 1988. The pace of change is reflected in the voting patterns at the UN. Successful votes in 2007, 2008, 2010, 2012, 2014, 2016, 2018, 2020 and 2022 strengthen the call for a global moratorium on executions, with an increasing level of support at each vote.



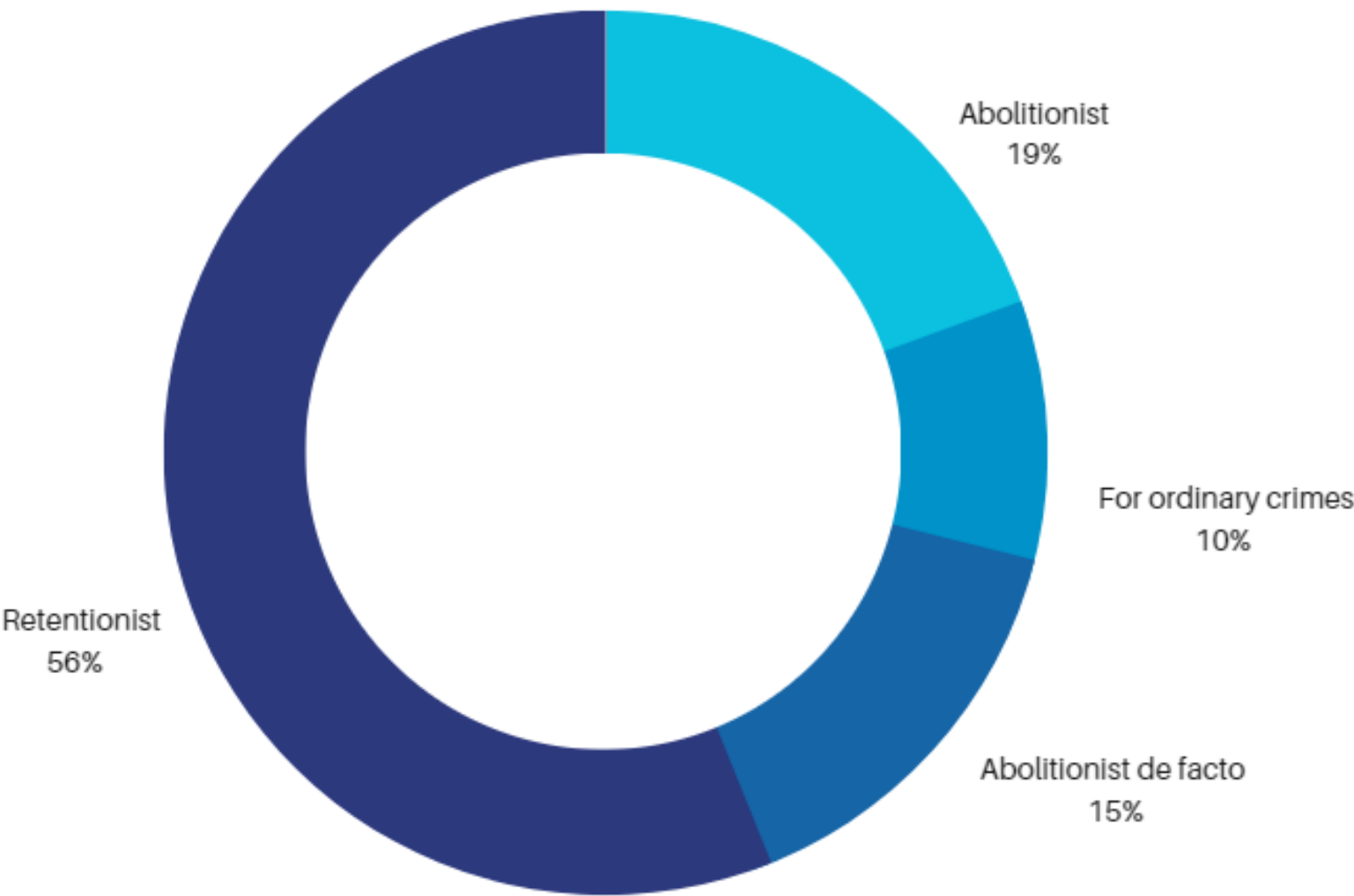
Death sentences and executions - the global picture 2022

- At least 579 executions were carried out across 18 countries
- At least 2,052 death sentences were recorded
- At least 28,670 people were on death row by end of 2021
- 2021 saw a 20% increase in executions from 2020, but a significant fall from a peak of 1,634 executions in 2015
- Three countries – Iran, Egypt, and Saudi Arabia, accounted for 80% of all recorded executions (not including China and Vietnam)

1988 – A Snapshot of Abolition

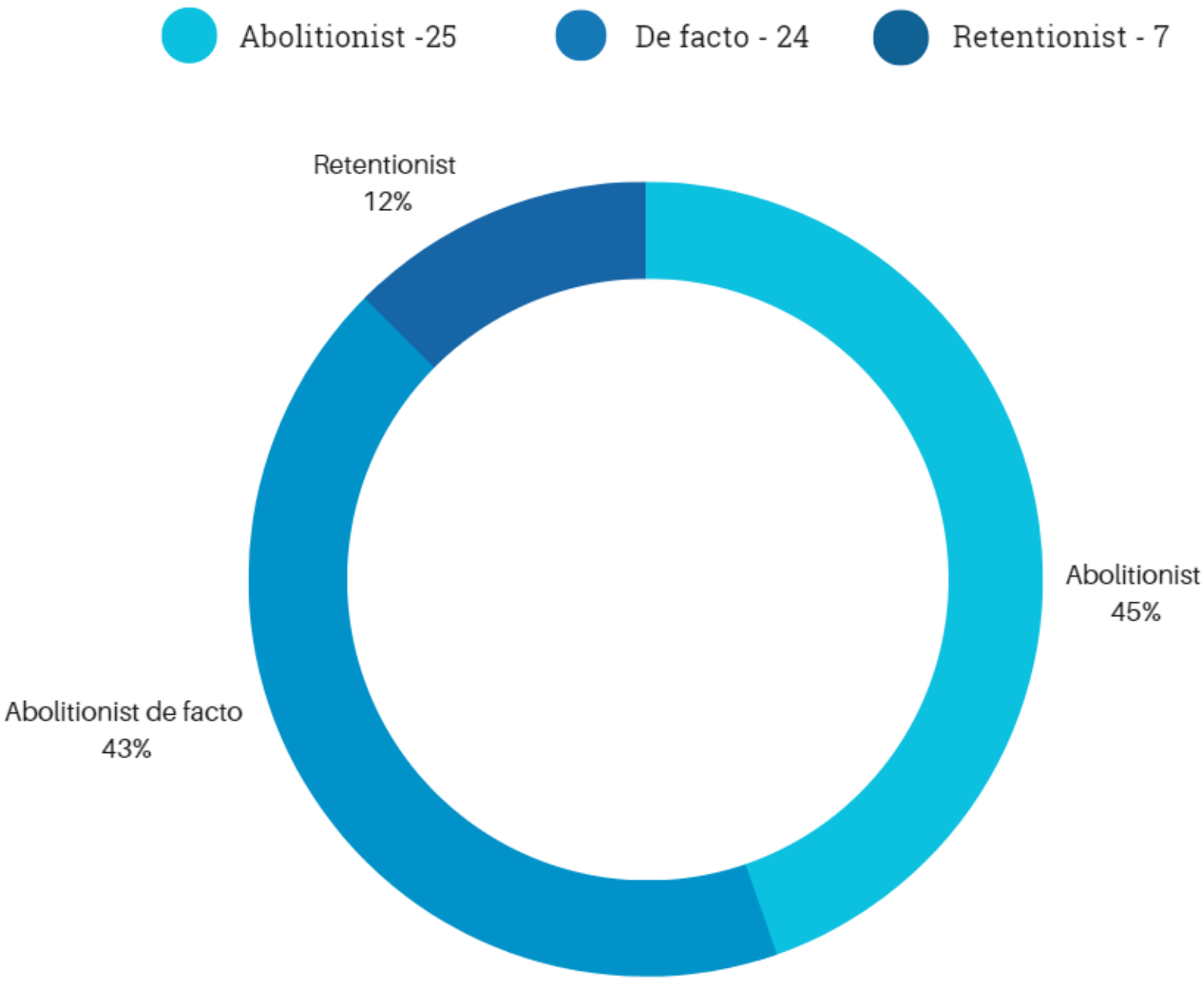


Abolition in the Commonwealth 1988

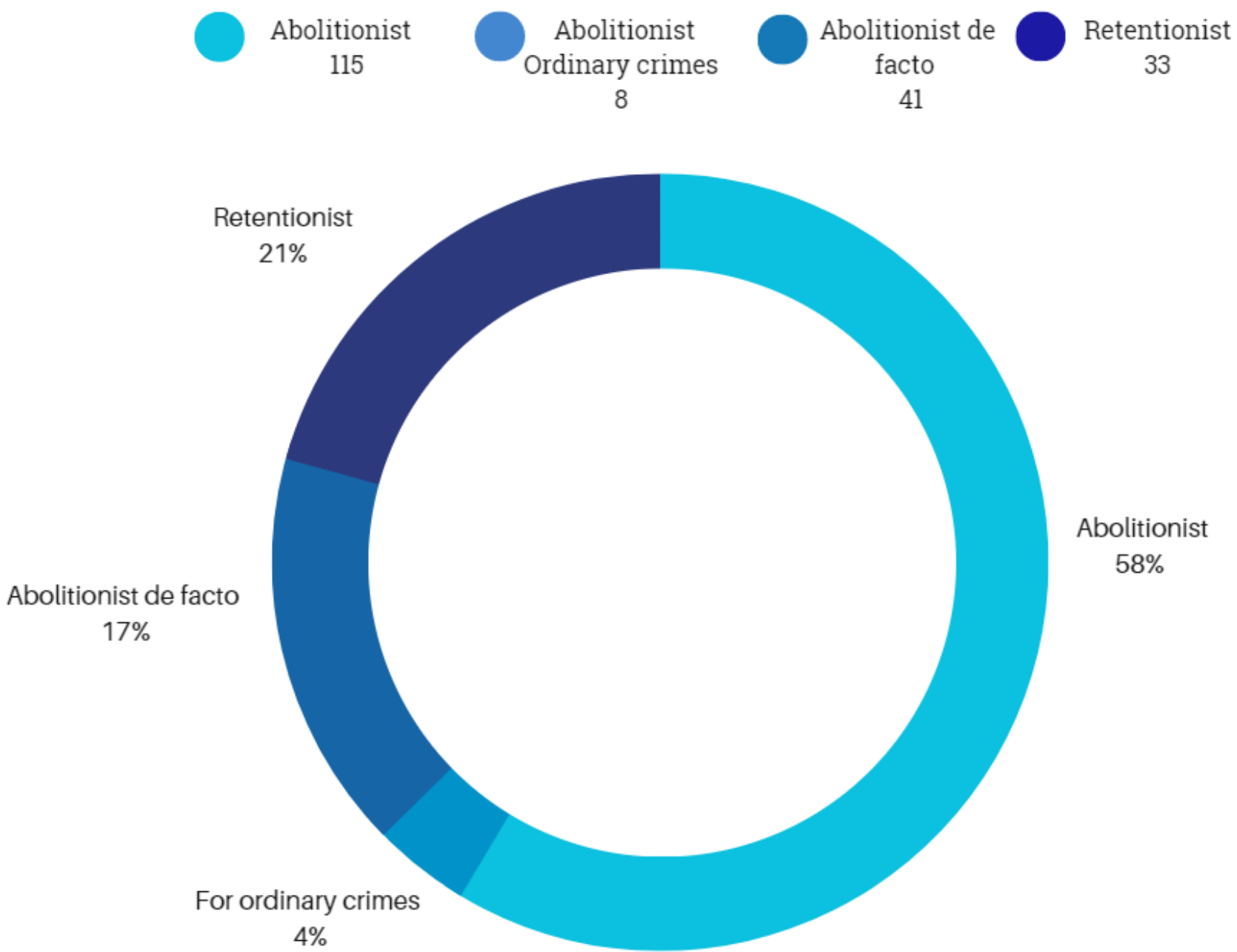


Abolition globally 1988

2023 – Comparing the Pace of Abolition: Global v Commonwealth



Abolition in the Commonwealth 2023



Abolition globally 2023

The Death Penalty in the Commonwealth

	Caribbean	Africa	Asia	Americas	Europe	Pacific	Total
Abolitionist states	0	11	1	1	2	10	25
Abolitionist for ordinary crimes	0	0	0	0	0	0	0
Abolitionist de facto	10	9	2	2	0	1	24
Retentionist states	0	2	5	0	0	0	7

Retentionist (Year of Last Execution)	Abolitionist de facto (Year of Last Execution)	Abolitionist (Year of Abolition)
Bangladesh (2021)	Antigua and Barbuda (1989)	Australia (1985) (For ordinary crimes 1984)
Botswana (2021)	Bahamas (2000)	Canada (1998) (For ordinary crimes 1976)
India (2020)	Barbados (1984)	Cyprus (2002) (For ordinary crimes 1983)
Malaysia (2017)	Belize (1986)	Fiji (2015) (For ordinary crimes 1979)
Nigeria (2016)	Brunei Darussalam (1957)	Gabon (2010)
Pakistan (2018)	Cameroon (1997)	Gambia (2018)
Singapore (2022)	Dominica (1986)	Kiribati (1979)
	Eswatini (1983)	Malta (2000) (For ordinary crimes 1971)
	Ghana (1993)	Mauritius (1995)
	Grenada (1997)	Mozambique (1990)
	Guyana (1997)	Namibia (1990)
	Jamaica (1988)	Nauru (2016)
	Kenya (1987)	New Zealand (1989) (For ordinary crimes 1961)
	Lesotho (1995)	Papa New Guinea (2022)
	Malawi (1992)	Rwanda (2007)
	Maldives (1952)	Samoa (2004)
	St. Kitts (2008)	Seychelles (1993)
	St. Lucia (1995)	Sierra Leone (2021)
	St Vincent (1995)	Solomon Islands (1978) (For ordinary crimes 1966)
	Sri Lanka (1976)	South Africa (1997) (For ordinary crimes 1995)
	Tanzania (1994)	Togo (2008)
	Tonga (1982)	Tuvalu (1976)
	Trinidad and Tobago (1999)	United Kingdom (1998) (For ordinary crimes 1965)
	Uganda (2004)	Vanuatu (1980)
		Zambia (2022)
7	24	25

Thank you

