For the 70th anniversary of the Universal Declaration of Human Rights (UDHR) in 2018, the universality of fundamental human rights was celebrated all around the world. It was reaffirmed at the highest level by the UN Secretary-General, Mr. António Guterres; the UN High Commissioner for Human Rights, Ms. Michelle Bachelelet; and several independent human rights experts. Just as the right to life, as enshrined in the UDHR in its Article 3, is a universal human right; the death penalty is a universal issue and the fight for its abolition is a universal fight.

Today, some 170 UN States have either abolished capital punishment in law or have a de facto moratorium on executions. Despite this global trend towards abolition, the death penalty continues to be applied in several parts of the world, most often in violation of numerous fundamental human rights and core human rights treaties and standards. The death penalty most severely affects the inherent right to life of every individual and, in practice, tends to be used in a discriminatory manner, disproportionately against individuals from the most vulnerable groups, such as racial or ethnic groups and minorities, people from lower socio-economic backgrounds, LGBT people; that is, those less able to defend themselves. It can constitute a political tool, used to limit individual freedoms (such as freedoms of expression, thought and religion) and against political opponents and human rights defenders. People facing the death penalty are often subjected to torture or other cruel, inhumane or degrading treatment, and see their procedural rights frequently disregarded, leading to death sentences based on trials that violate the basic norms and standards of fair trial and due process. Moreover, the death penalty is frequently applied for offences other than the “most serious crimes” in clear contravention to international law.

Conditions of detention in death rows around the world do not comply with international standards and can amount to torture or other cruel, inhumane or degrading treatment or punishment. Individuals that have been sentenced to death are often being detained in isolation, in insalubrious cells and quarters, without proper access to food, sanitation, or basic health care. They are frequently being denied their rights to visits from their families and their legal counsels, as well as their right to petition for pardon. Detention conditions such as these can have severe physical and psychological consequences, and are further exacerbated by the constant expectation of execution or, in the alternative, the often indefinite prolongation of death row due to extended proceedings or de facto moratoria.

In light of those several issues, we, as independent experts of the Human Rights Council, recall that:

• The death penalty is not a reliable deterrent and does not make society safer. On the contrary, when a State judges that life is not sacred, it spreads that idea among its inhabitants. Thus, violence leads to violence; in the end, countries which use the death penalty have higher crime rates than abolitionist countries.

The death penalty is not fair, it is about vengeance which perpetuates the cycle of violence and suffering, whereas, on the contrary, justice aims to reparation the situation.

We also reaffirm that, although the death penalty is not explicitly prohibited under international law, it is almost impossible to practice it without violating some of the most fundamental human rights, such as, most notably, the freedom from torture and other cruel, inhumane, and degrading treatments or punishments. Moreover, all human rights treaties and documents addressing the human rights are to be understood not as openly condoning it, but as a framework to restrict its use in view of its ultimate abolition; as set out in paragraph 6 of the Article 6 of the International Covenant on Civil and Political Rights (ICCPR) and as recently restated in the General Comment no. 36 of the Human Rights Committee.

On the occasion of the 7th World Congress Against the Death Penalty, we therefore call upon States, as a matter of policy aiming to ensure compliance with both the letter and the spirit of the most fundamental norms of human rights law, to commit to the universal abolition of capital punishment by:

- Ensuring that all judicial decisions are being carried out in complete respect of international standards of fair trial and due process, including the specific provisions on the rights of those facing the death penalty;
- Adopting an official moratorium on death sentences and executions, pending the total abolition of the death penalty;
- Adhering to the Second Optional Protocol to the ICCPR and supporting the UN biennial resolutions, of the HRC, on the question of the death penalty; and of the UNGA, on a universal moratorium on the use of the death penalty.

The death penalty is not solely a matter of national criminal justice; it is also a fundamental issue of human rights and, indeed, of national and global governance based on fairness, justice and human dignity. We reassert our commitment to universal abolition of the death penalty and encourage all stakeholders, whether States, international and intergovernmental organisations, NHRIs or civil society, to support our call.

Signatories:

- Ms. Agnès Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions
- Ms. Fionnuala Ní Aoláin, Special Rapporteur for the promotion and protection of human rights and fundamental freedoms in the fight against terrorism
- Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders
- Mr. Nils Melzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
- Ms. Anaïs Marin, Special Rapporteur on the situation of human rights in Belarus
- Mr. Philip Alston, Special Rapporteur on extreme poverty and human rights
- Ms. E. Tendayi Achiume, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
- Mr. Dainius Puras, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
- Mr. Ahmed Shaheed, Special Rapporteur on freedom of religion or belief
- Mr. Javaid Rehman, Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
- Mr. Yuval Shany, Chair of the United Nations Human Rights Committee

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