

7th World Congress Against the Death Penalty – Workshop on new strategies for abolition

Brussels, 1 March, 11.30-1.30pm

State of play on abolition – an overview of threats and opportunities

Key points for presentation by Chiara Sangiorgio, Adviser on the Death Penalty at Amnesty International

[Greetings and thanks]

1. Introduction:

-There is no doubt that we live and work in **challenging times**, with a fast-changing socio-political landscape which requires us to be ahead of the game. While the strategies we have deployed so far have given us many successes, we need to consider if these are still going to lead us to the **desired outcome in next three to five years**.

-We cannot talk of new strategies and approaches **without having a solid analysis of the context** in which we intend to apply them – this should include good analysis of **stakeholders and influencers** involved, as well as of **threats and opportunities**.

-In my presentation, I aim at considering the **state of play** on the death penalty and some of the **developing trends** we need to be mindful of when developing new strategies on its abolition, no matter at what level we operate (international, regional, national, or local). Please forgive me that the limited time that we have will only allow me to sketch a very broad picture, but I hope this will help set the scene for more detailed conversations in the group work today and hopefully in the weeks and months to come.

2. State of play:

-My starting point is a short consideration of the results of the action we did to support the successful adoption of the **2018 UN General Assembly (UNGA)** resolution on a moratorium on the use of the death penalty on 17 December. The resolution was adopted with an increased number of votes in favour (121 compared to 117), while **35** voted against and **32** abstained. The support was higher than in December 2016 but lower than in November 2018.

-[talk through the slide] For the first time, **Dominica, Libya, Malaysia and Pakistan** changed their vote to support the resolution, while **Antigua and Barbuda, Guyana and South Sudan** moved from opposition to abstention. **Equatorial Guinea, Gambia, Mauritius, Niger, and Rwanda** once again voted in favour of the call for a moratorium on executions, having not done so in 2016.

Five countries reversed their 2016 votes, with **Nauru** moving from voting in favour to voting against and **Bahrain and Zimbabwe** switching from abstention to opposition. **Congo and Guinea** changed from voting in favour to abstention.

After the vote, the Pakistan government declared to the media that it was a mistake and it intended to vote against the resolution. We understand that voting mistakes happened also to some countries that wanted to vote in favour of the resolution.

-Opponents of the resolution were also successful at getting a so-called "**wrecking amendment**" in the resolution, which introduced once again a paragraph that recalls the sovereign right of each state to determine their criminal justice systems in line with their obligations under international law. This was supported also with a significant increase of votes in favour, 96 which is 24 more than in 2016.

-At a closer look, a great deal of changes happened last year – whether at the Third Committee, at plenary, on co-sponsorship or on the weakening amendment – as the table shows. But most changes appear to be in the Africa region, as well as among Pacific Islands states. [\[talk through the slide\]](#)

-However, what was also very significant last year was that it has become clear we are carrying out our lobbying efforts in a **significantly different context**. The atmosphere that surrounds discussions on the moratorium resolutions at the UNGA has always been charged, since the very first back in 2007. What became apparent last year is that opponents have been lobbying hard and had even adopted **some of our "techniques"** – already in June we heard that many states had been approached by opponents asking for their support for the sovereignty amendment; we heard of letters being sent to different missions in New York and in capital, up to mid-December, asking states not to support the resolution; we heard that opponents joined a meeting of a regional group to present their concerns on the resolution. These were only the things what we heard of.

It was also significant that more states joined the opponents of the resolution in actively lobbying against the resolution: while the delegations of Egypt and Singapore have been active in this role for many years, we heard last year for the first time that China and the USA had also made approaches, including in capital.

-I am using the work we have been doing on the UNGA moratorium resolutions as an example, or even forewarning, of how changes in the world affairs are compelling us to think through how they affect our strategies and how we might need to think differently going forward. It is untenable for us to rely on the fact that the majority of the world's countries have abolished the death penalty, or assume that all abolitionist countries will be equally prepared to support our cause.

We have seen very recently the clear example of the UK, with its authorities stating that it is fine to provide legal assistance without seeking assurances that the death penalty will not be imposed; and we have seen how the death penalty played a significant role in the diplomatic stand-off between Canada, China and the USA. We have also seen four men being sentenced to death for the murder of a Chinese businesswoman in August last year under the Anti-Terrorism law, which provides for the death penalty - while the Criminal Code which does not longer has it as an applicable punishment. Their defence lawyer regretted the judgment and the resort to the anti-terrorism law, alleging political interference in the case.¹

3. PEST and SWOT analysis

-What I am going to do next is to very broadly try to map out some of the changes or factors that I believe is critical we consider as we define our strategies going forward.

¹ Le Figaro, Tchad: quatre hommes condamnés à mort pour le meurtre d'une Chinoise, 27 August 2018, <http://www.lefigaro.fr/flash-actu/2018/08/27/97001-20180827FILWWW00308-tchad-quatre-hommes-condamnes-a-mort-pour-le-meurtre-d-une-chinoise.php>

For this exercise I will use the PEST and SWOT analysis², a method we have been using for well over a decade at Amnesty International and I know other colleagues here are also familiar with. It consists of tracing the Political, Economic, Social and Technological factors that define the context in which we operate, whatever level that is; and of considering for each area the Strengths, Weaknesses, Opportunities and Threats that might affect how we think about our work going forward.

To compile this analysis I have relied on the work of think tanks, academics, commentators and colleagues from our movement.³ This is by far not an exhaustive list and I have tried to focus more on factors that would affect us more closely. I do hope it offers some “food for thought” for this workshop. If there is interest, I would be happy for this conversation to continue beyond this Congress, informally, perhaps under the aegis of the World Coalition Against the Death Penalty.

4. Political

-New foreign policy agendas: China’s belt and road initiative; US foreign policy re-alignments; Russian Federation economic stagnation and politics of aggression; Saudi Arabia foreign diplomacy and alliance in conflict

-Challenging landscape in Europe? Brexit; Migration; GSP+ agreements and changes in trade partnerships

-Decline in multilateralism and joint (human rights) stewardship:⁴ USA and Human Rights Council, but also Non-Proliferation Treaty and also Philippines’s example on EJE, Protocol to African Charter on Abolition of Death Penalty;

-Populism:⁵ USA, India, Latin America, Trans-Atlantic partnership

-Crisis of the left: solution from progressive left?

5. Economic

-Competing human rights priorities: how will this affect support for death penalty work by traditional donors, including EU?

² Johnson, G., Scholes, K., ‘Exploring corporate strategy—Text and cases’, Hemel Hempstead: Prentice-Hall, 1993

³ For example, Chatham House, <https://www.chathamhouse.org/publication/chatham-house-expert-perspectives-2018-risks-and-opportunities-international-affairs>

⁴ Criddle, Evan J. and Fox-Decent, Evan, Mandatory Multilateralism (February 4, 2019). 113 American Journal of International Law (2019 Forthcoming). Available at SSRN: <https://ssrn.com/abstract=3328928>

⁵ Frank A. StengelDavid B. MacDonaldDirk Nabers, Populism and World Politics, Exploring Inter- and Transnational Dimensions, Palgrave Macmillan, 2019

-Shrinking "liberal" middle class in Europe and USA?⁶

-Crowdfunding: easier for "smaller" causes or projects?

-Is technology changing traditional distribution of wealth? See emergence of challengers' banks for example, but also Netflix or Amazon in relation to production and distribution of films

6. Social

-Rising middle class in some regions (ASEAN) and developing States; shrinking middle class in developing countries --> results of Malaysia elections example of this?

-Income inequality: new movements?⁷

-"Glocalized" patterns of activism:⁸ i.e., Occupy movement, participatory activism; duality between dissatisfaction with the system and reliance on new social media

-Redefinition of activism: is "click activism" activism?

-Intersecting global and local strategies of the religious movements in relation to human rights, democracy, and justice⁹

7. Technological

-New security challenges

-Faster communications and reactions

-More horizontal system of information and promotion

-People read more, but also less

-Crowded space: everyone has an opinion, opposition is louder

⁶ Peter Temin, *The Vanishing Middle Class - Prejudice and Power in a Dual Economy*, The MIT Press, 2018

⁷ Mads Andreas Elkjær, Torben Iversen, 'The Political Representation of Economic Interests: Subversion of Democracy or Middle-Class Supremacy?', Harvard University, www.people.fas.harvard.edu/~iversen/PDFfiles/Elkjaer&Iversen2018.pdf

⁸ Henry Jenkins, Sangita Shresthova, Liana Gamber-Thompson, Neta Kligler-Vilenchik, Arely Zimmerman, 'By Any Media Necessary: The New Youth Activism' New York University Press, 2016

⁹ See, for example, Emmanuel Karagiannis, 'The New Political Islam: Human Rights, Democracy, and Justice', University of Pennsylvania Press, 2018