

46th session of the Human Rights Council

Biennial high-level panel discussion on the question of the death penalty

Theme: Human rights violations related to the use of the death penalty, in particular with respect to whether the use of the death penalty has a deterrent effect on crime rate

Concept note

- Date and venue:** 23 February 2021, 9 to 11 a.m., Assembly Hall, Palais des Nations, Geneva
(will be broadcast live and archived on <http://webtv.un.org>)
- Objectives:** The panel discussion aims for an exchange of views to address the human rights violations related to the use of the death penalty, in particular with respect to whether the use of the death penalty has a deterrent effect on crime rate.
- Chair:** H.E. Ms. Nazhat Shameem Khan, President of the Human Rights Council
- Opening statement:** Ms. Michelle Bachelet, United Nations High Commissioner for Human Rights
- Panellists:**
- H.E. Mr. Djimet Arabi, Minister of Justice of Chad (*video message*)
 - Mr. Tsakhia Elbegdorj, Commissioner of the International Commission against the Death Penalty (*video message*)
 - Mr. Christopher Arif Bulkan, Member of the Human Rights Committee (*video message*)
 - Ms. Carolyn Hoyle, Professor of Criminology at the University of Oxford (*video message*)
- Outcome:** The expected outcomes of this thematic discussion are:
- States and relevant stakeholders will learn from shared experiences.
 - The Council will be better informed about human rights violations related to the use of the death penalty, in particular with respect to whether the use of the death penalty has a deterrent effect on crime rate.
 - The Office of the United Nations High Commissioner for Human Rights (OHCHR) and other relevant stakeholders will be better informed of the needs of States and other entities in this area.
 - OHCHR will prepare a report on the panel discussion in the form of a summary.
- Mandate:** In resolution 26/2, the Human Rights Council decided to convene biennial high-level panel discussions in order to further exchange views on the question of the death penalty.
- In resolution 42/24, the Human Rights Council decided that the 2021 biennial high-level panel discussion would address the human rights violations related to the use of the death penalty, in particular with respect to whether the use of the death penalty has a deterrent effect on crime rate. The Council requested that OHCHR organize the panel discussion and liaise with States, relevant United Nations bodies, agencies, treaty bodies, special procedures and regional human rights mechanisms, as well as with parliamentarians, civil society, including non-governmental organizations, and national human rights institutions with a view to ensuring their participation in the panel discussion. The Council further requested that OHCHR prepare a summary report on the panel discussion for submission to the Human Rights Council at its forty-eighth session.
- Format:** The panel discussion will be limited to two hours. The opening statement and initial presentations by the panellists will be followed by an interactive discussion divided into two segments. A maximum of one hour will be set aside for the podium, including opening

statements, panellists' presentations and their responses to questions and concluding remarks. The remaining hour will be reserved for two segments of interventions from the floor for States and observers (2x12), national human rights institutions (2x1) and non-governmental organizations (2x2).

The list of speakers for the discussion will be established through the online inscription system and, as per practice, statements by high-level dignitaries and groups of States will be moved to the beginning of the list. Each speaker will have two minutes to raise issues and to ask panellists questions. Delegates who have not been able to take the floor due to time constraints will be able to upload their statements on the online system to be posted on the HRC Extranet.

Background: Report A/HRC/42/28 of the Secretary-General to the Human Rights Council examined the consequences arising at various stages of the imposition and application of the death penalty on the enjoyment of the human rights of persons facing the death penalty and other affected persons. The report noted that there was no evidence that the death penalty deterred drug-related crime more than other methods of punishment.¹ The Secretary-General concluded that there was little evidence that the death penalty had an impact on reducing levels of crime, so resumption of use of the death penalty was inconsistent with the aim of crime reduction. The report also highlighted that transparent and accurate information was vital to policymakers, civil society and the general public to enable informed debate on the death penalty and its impact.²

A 2011 study by the United Nations Office on Drugs and Crime of global trends in homicide showed that following the abolition of capital punishment in eastern Europe in the early 1990s, homicide rates declined. Studies in countries in different regions showed no change in homicide rates despite increases or ban in executions.³

Governments in many retentionist countries argue that total prohibition is not yet established as a human rights norm. They refer to their sovereign right to determine their own laws and criminal justice practices, often drawing on public support for the death penalty, and in particular belief in its deterrent effect.⁴ In previous high-level panel discussions it was emphasized that, in the absence of objective information, the public might be reluctant to accept and support abolition efforts. It was therefore of paramount importance that countries that still applied the death penalty ensured that studies and statistics regarding its use were made publicly available, so that public discussion and evaluation of its use could be promoted and a moratorium established. The public should not be deprived of objective and transparent information on the issue and its effects on society.⁵

In its resolution 42/24, the Council called upon States that have not yet abolished the death penalty to make available relevant information, disaggregated by gender, age, nationality and other applicable criteria, with regard to their use of the death penalty, inter alia, the charges, number of persons sentenced to death, the number of persons on death row, the number of executions carried out and the number of death sentences reversed, commuted on appeal or in which amnesty or pardon has been granted, as well as information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, including on the obligations of States with regard to the use of the death penalty.

¹ A/HRC/42/28, paragraph 10.

² A/HRC/42/28, paragraph 47.

³ Moving Away from the Death Penalty: Arguments, Trends and Perspectives, p. 71. Available at: <https://www.ohchr.org/EN/newyork/Documents/Moving-Away-from-the-Death-Penalty-2015-web.pdf>

⁴ Ibid p.69.

⁵ A/HRC/27/26, paragraph 42.

Background documents:

- Human Rights Council resolutions [42/24 of 27 September 2019](#) and [26/2 of 26 June 2014](#) on the question of the death penalty;
- General Assembly resolutions [62/149 of 18 December 2007](#), [63/168 of 18 December 2008](#), [65/206 of 21 December 2010](#), [67/176 of 20 December 2012](#), [69/186 of 18 December 2014](#), [71/187 of 19 December 2016](#), [73/175 of 17 December 2018](#) and [75/183 of 16 December 2020](#) on a moratorium on the use of the death penalty;
- Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty - Yearly supplement of the Secretary-General to his quinquennial report on capital punishment (2019) ([A/HRC/42/28](#))