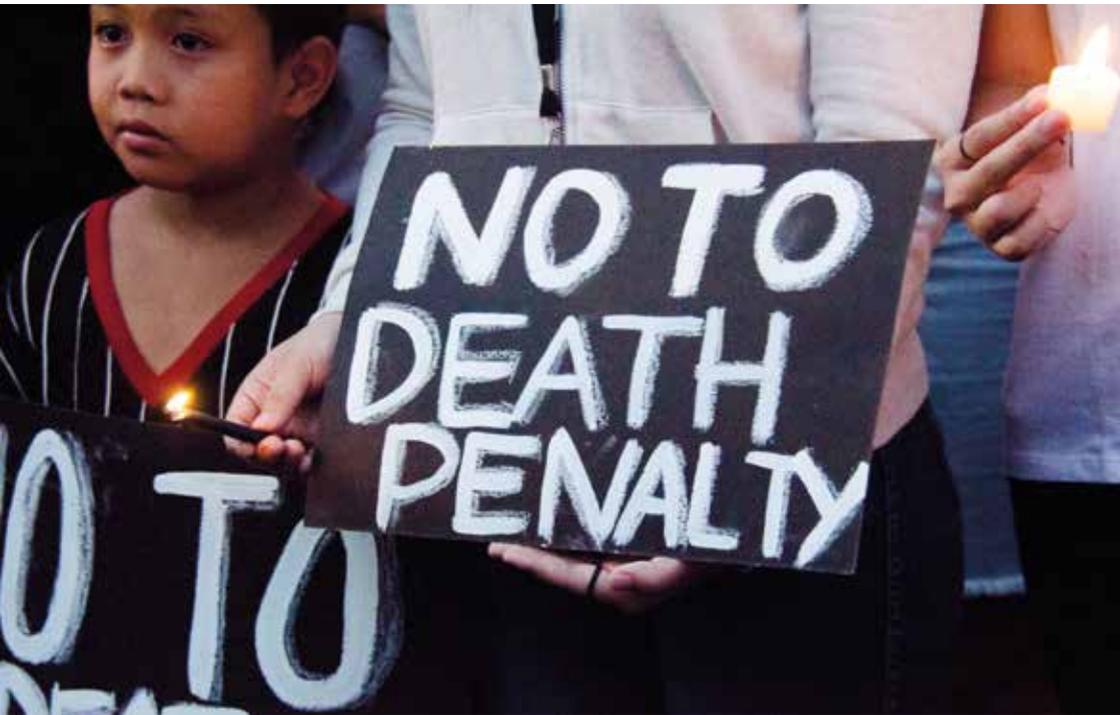


FDFA Action Plan for the Universal Abolition of the Death Penalty 2017–2019



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Foreign Affairs FDFA

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Overview

Switzerland categorically rejects the death penalty under any circumstances and is committed to a world without capital punishment. This action plan sets out how Switzerland aims to encourage other states to abolish the death penalty and how it endeavours to deter states from reinstating it. At the same time, Switzerland is working towards restricting the legal and political scope for using capital punishment internationally. The main focus here is a series of resolutions initiated by Switzerland at the UN Human Rights Council highlighting the negative consequences of capital punishment for the protection of human rights.

The action plan is based on the Federal Council's Foreign Policy Strategy 2016–19¹, the Dispatch on International Cooperation 2017–20² and the FDFA's Human Rights Strategy 2016–19³ and sets out these strategies in specific terms in relation to the abolition of the death penalty. It reinforces Switzerland's foreign policy objective of assuming a leading role in the global abolition movement together with like-minded states and partners from civil society, the judicial system and politics.

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- 1 FDFA: Foreign Policy Strategy 2016–19: Federal Council report on the priorities for the legislative period. Bern, 2016.
 - 2 Dispatch of 17 February 2016 on International Cooperation 2017–20 (BBl 2016 2333)
 - 3 The FDFA's Human Rights Strategy 2016–19 (FDFA, Bern, 2016) covers the bilateral and multilateral instruments of Swiss foreign policy on human rights and provides for action plans which set out Switzerland's commitment in specific areas.

1. International developments

Over recent years and decades, one state after the next has abolished capital punishment or at least suspended it, leaving only a minority of states still applying this punishment which is not compatible with human rights. The number of executions in states such as China, Iran and Saudi Arabia nevertheless remains high which means that thousands of people are put to death each year worldwide.⁴ Some states (e.g. the Philippines) are even considering the reinstatement of the death penalty.

The death penalty had been completely abolished in 106 countries by mid-2017.⁵ That is five countries more than in 2013 when the FDFA adopted its first strategy on the universal abolition of the death penalty. A further seven countries only recognise the death penalty in special criminal proceedings, in particular martial law. Of the remaining 92 countries, 48 no longer carry out executions and have therefore effectively or even legally introduced a moratorium. The global trend towards abolition of capital punishment is therefore continuing. Of the 199 countries in total, only 38 – just under 20% – actually still apply the death penalty today. Whereas capital punishment was the norm a few decades ago, it is the exception today.

International law recognises the death penalty as a permissible criminal sanction if certain re-

quirements are met. It is generally undisputed under customary law that the execution of pregnant women, persons with mental disabilities and persons under the age of 18 at the time when the offence was committed is prohibited. The International Covenant on Civil and Political Rights (ICCPR) also permits states which have not yet abolished the death penalty to apply it under certain conditions.⁶ 83 states worldwide have nevertheless ratified the Second Optional Protocol⁷ to the ICCPR, which prohibits the death penalty in times of peace.

Capital punishment was abolished in stages in Europe. While the European Convention on Human Rights (ECHR) of 1950 still expressly permits the death penalty, Protocol no. 6 from 1983 (AP 6) prohibits capital punishment in times of peace and Protocol no. 13 of 2002 (AP 13) outlaws it under any circumstances, including in times of war.⁸ According to the European Court of Human Rights, a pending death sentence also violates the prohibition of torture and inhuman or degrading treatment or punishment in accordance with art. 3 ECHR. The Parliamentary Assembly of the Council of Europe requires accession candidates to immediately suspend the death penalty and to ratify Additional Protocol no. 6. The Parliamen-

4 The information available indicates that at least 1,032 people were executed in 2016, the majority of them in Iran (at least 567), Saudi Arabia (at least 154), Iraq (at least 88) and Pakistan (at least 87). The figures do not include executions in China as no reliable information exists on the number carried out there. It is nevertheless assumed that an estimated several thousand people are put to death each year in China which is more than in the rest of the world combined (Amnesty International: Death Sentences and Executions 2016. London, 2017).

5 See Annex.

6 Article 6 of the International Covenant of 16 December 1966 on Civil and Political Rights stipulates that the death penalty may only be imposed for the most serious crimes.

7 Second Optional Protocol of 15 December 1989 to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

8 Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, ECHR); Protocol no. 6 of 28 April 1983 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty; Protocol no. 13 of 3 May 2002 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Complete Abolition of the Death Penalty.

tary Assembly developed this procedure after the adoption of the 1983 protocol. Today, the death penalty contravenes European ordre public and is incompatible with the ECHR and the fundamental values and membership of the Council of Europe.

Outside of Europe too, an increasing number of state representatives and experts share Switzerland's position that the death penalty violates several fundamental human rights. Under Switzerland's legal position, the death penalty by definition violates both the guarantees of peremptory international law (particularly the prohibition of torture and inhuman or degrading treatment or punishment) as well as other fundamental human rights obligations (e.g. the right to life).

However, there have also been setbacks in recent years. The information available indicates that a record number of at least 1,663 people were executed in 2015.⁹ This number fell in 2016, but the number of death sentences reached a new record with at least 3,117 confirmed cases.¹⁰

In recent times, there have also been several states which resumed executions after a moratorium lasting a number of years (e.g. Pakistan, Jordan, Chad). In others, the reinstatement of the death penalty is being discussed or specific initiatives have even been launched to this end, generally in the context of combating terrorism or narcotics-related crime (e.g. Philippines, Turkey). Reinstatement is of particular concern as once a state has abolished the death penalty and ratified the relevant international treaties, it can essentially no longer reintroduce it.

In light of this situation, the universal abolition of the death penalty is clearly a long-term process that requires significant, broad-based and coordinated commitment from Switzerland and its partners. However, Switzerland's efforts can enable it to visibly strengthen its role as a defender of human rights and an internationally responsible actor and partner.

9 Amnesty International: Death Sentences and Executions 2015. London, 2016.

10 Amnesty International: Death Sentences and Executions 2016. London, 2017.

2. Switzerland's commitment

With its strategy on the universal abolition of the death penalty for the period 2013–16, the FDFA made activities against capital punishment a priority of Swiss foreign policy. Through political advocacy, international initiatives and local projects, Switzerland has made a major contribution to the international abolition movement over recent years.

Through this Action Plan, Switzerland is reaffirming its desire to continue playing a leading role in efforts aimed at the universal abolition of the death penalty together with its partners. It also regards it as a contribution to the protection of human rights and the promotion of peace and security in the world in future. It reaffirms the vision of a world without capital punishment by 2025.

The 2017–19 Action Plan on the Universal Abolition of the Death Penalty is based on the Federal Council's Foreign Policy Strategy 2016–19, the Dispatch on International Cooperation 2017–20 and the FDFA's Human Rights Strategy 2016–19 and sets them out in specific terms in relation to the abolition of capital punishment. It is therefore systematically and coherently coordinated with the various instruments available to foreign policy on human rights. The financial resources required for its implementation will be provided from the framework credit on measures to promote peace and human security.

Through the Action Plan, Switzerland aims to contribute to continuing the global trend towards the abolition of the death penalty despite resistance. The following objectives will be pursued in particular:

- » More countries will have abolished capital punishment by the end of 2019 than at present;
- » Fewer countries will enforce the death penalty and fewer people will lose their lives as a result of capital punishment;
- » The binding international minimum standards on the application of the death penalty should be complied with to a greater extent (e.g. death penalty only for the most serious crimes).

2.1 Capital punishment contravenes human rights

A growing number of courts, states and international organisations today share the view that the death penalty not only violates human dignity and the right to life, but also infringes on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. The decision as to whether the death penalty should be imposed in a certain case is often made with a certain degree of arbitrariness. Statistics indicate that certain groups of people are often disadvantaged in a discriminatory way in such proceedings. These include the poor, ethnic or religious minorities, women, foreigners and gay, lesbian, bisexual, transgender or intersex people¹¹. There is a significant risk here of the death sentence violating procedural rights and the principle of equality before the law.

¹¹ A study from the US, for example, shows that for the same criminal offence the likelihood of black perpetrators being sentenced to death was up to three times higher than that of white offenders (Paternoster, Ray: Racial Disparity in the Case of Duane Edward Buck. 2012 at <https://assets.documentcloud.org/documents/616589/buck-paternoster-report.pdf>).

In addition to the person sentenced, capital punishment also violates the dignity and rights of other persons concerned, in particular close family members and children (e.g. right to respect for child welfare, right to protection against physical and mental violence).¹²

A highly problematic aspect of the death penalty is that any miscarriages of justice, which occur in all judicial systems, can not be reversed. Innocent people are continually being executed¹³, which is unacceptable in a state governed by the rule of law.

In many countries the death penalty is also imposed for offences not deemed the most serious crimes under the International Covenant on Civil and Political Rights. Crimes considered serious according to international practice are those which result in death directly and due to deliberate action. In particular, they do not include narcotics-related offences which are punishable by the death penalty in some countries, above all in Asia. Other criminal offences where no death is caused but which are punishable by capital punishment in some states include economic crime, (e.g. corruption), adultery, apostasy (the renunciation of a religion), abduction, insulting the Prophet Mohammed and various crimes against the state.

Capital punishment and arbitrary killing

The right to life protects people against arbitrary killing by state security forces. However, security forces may use violence – even if this results in death – where this is absolutely necessary and proportionate and if they are acting in self-defence or providing emergency aid. The bar must be set high in this respect. For example, police officers cannot kill persons suspected of involvement in drugs crime except for in self-defence or actual emergency situations. The prohibition on arbitrary killing also applies under emergency law.

The death penalty can also constitute arbitrary killing if the authorities fail to meet the conditions of international law on the imposition and implementation of a death sentence (see 2.1). In this respect, the abolition of the death penalty lowers the risk of arbitrary killing. Some authors go a step further and establish a relationship between the death penalty and social acceptance of state killing in general. The abolition of the death penalty contributes towards a loss of legitimacy for the killing of people by state bodies, thus further marginalising and stigmatising arbitrary killing.¹⁴

¹² United Nations General Assembly: 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. 2015. A/HRC/30/18. p. 13.

¹³ There are dozens of known cases in the US, for example, where people wrongfully sentenced to death have been executed (25 Wrongfully Executed in US, Study Finds, The New York Times, 14 November 1985). In 2015, Amnesty International recorded 51 cases worldwide in six countries (China, Egypt, Nigeria, Pakistan, Taiwan and the US) where, after sentencing and the conclusion of the appeals process, people were exonerated before their execution under the criminal law system (Amnesty International: Death Sentences and Executions 2015. London, 2016).

¹⁴ Roger Hood and Carolyn Hoyle: The Death Penalty: A Worldwide Perspective. Oxford University Press, 2015. p. 4.

2.2 The death penalty is not a suitable means of deterrence or atonement

No scientific evidence has been produced to date to prove that the death penalty acts as a greater deterrence to potential offenders than other severe punishments. It therefore has no impact on the prevention of crime, violence and violent extremism.

The death penalty is frequently misused to eliminate political opponents. While capital punish-

ment may satisfy the need for retribution, it does not provide redress for the victims of crime and their families.

Particularly in fragile situations, the death sentence entails the risk of further alienating citizens from their state rather than promoting confidence in the state and its judicial system. Capital punishment is ill-suited to a constitutional state that puts the law above the use of violence and strives to protect all of its inhabitants.

The death penalty and terrorism

The death penalty is often justified by the fight against terrorism. 65 states impose the death penalty for acts of terrorism. People have been executed for terrorism in 15 states over the past 10 years and death sentences have been passed in 12 further states for the same offence.¹⁵ The fight against terrorism was indicated as a reason for people being executed again in Pakistan in 2014 and in Chad in 2015. Both countries had previously observed a moratorium for several years. Jordan also ended its moratorium in 2014 due to the fight against terrorism.

The death penalty for acts of terrorism is problematic for several reasons.

Firstly, terrorism offences are sometimes so broadly or vaguely formulated in national law that the principle of the rule of law is not adhered to, making arbitrary application possible.

Secondly, the principles of the rule of law and human rights – in particular, the procedural guarantees – are often not adhered to in the case of suspected terrorists and people are sentenced in fast-track procedures or by military courts.

Thirdly, the death penalty is just as ineffective as a deterrence to potential terrorists as it is to other criminals. It even accommodates suicide attackers and martyrs.

Fourthly, the use of capital punishment for terrorist offences often represents symbolic politics. It is a relatively easy way for politicians and authorities to demonstrate a hard line and a strong will in the fight against terrorism, but does not help to resolve the problem. On the contrary, if the death penalty is misused for political ends, this plays into the hands of those calling for violence against the state. Instead of preventing violence and fostering dialogue and reconciliation, capital punishment provokes retaliation and can spark new conflicts.

¹⁵ World Coalition Against the Death Penalty: The Death Penalty and Terrorism: Detailed Fact Sheet. 2016. At https://www.worldcoalition.org/media/resourcecenter/EN_WD2016_Factsheet.pdf

2.3 Abolition promotes human rights, peace and security

By advocating the abolition of the death penalty, Switzerland is promoting the protection of human rights and making a contribution to sustainable peace and security.¹⁶ By advocating the abolition of the death penalty, Switzerland is promoting the protection of human rights and making a contribution to sustainable peace and security.

2.4 Abolition removes obstacles to international judicial assistance

Swiss citizens also currently run the risk of being sentenced to death or executed abroad. The universal abolition of the death penalty therefore also benefits Swiss who go abroad for private or business reasons in a very direct way.

The death penalty is also an obstacle to international judicial assistance. Switzerland cannot extradite anyone facing a death sentence or execution in the destination country.¹⁷ In this respect, the universal abolition of the death penalty also contributes to improving international judicial assistance which is in Switzerland's interests.

¹⁶ See Foreign Policy Strategy 2016–19 (FDFA, Bern, 2016).

¹⁷ Art. 37 para. 3 of the Federal Act on International Mutual Assistance in Criminal Matters (AS 1982 846)

3. Lines of action and measures

Line of action I:

Encouraging states to abolish the death penalty or deterring them from reinstating it

Many states point to their sovereignty when it comes to deciding whether or not to apply capital punishment. Switzerland therefore primarily focuses on dialogue with these states. It strives to encourage states to abolish the death penalty or at least restrict or suspend its application as an initial step towards abolition at a later date.

The starting point is adherence to binding international minimum standards which are still being violated by many states (e.g. death penalty only for the most serious offences, no death penalty for minors or people with mental disabilities).

On the path to abolition, Switzerland supports the following interim steps in particular:

- » Reducing the number of offences for which the death penalty can be imposed;
- » No mandatory use of the death penalty without judicial discretion;
- » Effectively suspending the enforcement of death sentences and legally establishing a moratorium;
- » Also abolishing the death penalty in martial law or emergency law;
- » Ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- » Ratifying applicable regional agreements (e.g. Additional Protocol 13 to the ECHR).

Measure 1:

Addressing the issue of the death penalty in bilateral exchanges

In bilateral exchanges with governments, Switzerland addresses the issue of the death penalty and encourages steps towards its abolition. To this end, Switzerland uses the existing structures, whether political meetings and consultations between presidents, ministers, state secretaries and ambassadors or specific human rights consultations and dialogues at various levels.

Measure 2:

Undertaking diplomatic intervention in specific cases (demarches)

In specific cases or in the event of developments causing concern – for example, the violation of minimum standards on human rights or the resumption of executions after a moratorium – Switzerland intervenes at diplomatic level. Such a demarche is considered based on the circumstances of the individual case and can take place bilaterally or multilaterally, confidentially or publicly, also with a press release if required.

Successful intervention in Iran

Iran is one of the countries that imposes the most death sentences and carries out the most executions. In 2016, at least 567 executions were carried out. Switzerland regularly intervenes in such serious cases, such as when people are executed for offences committed when they were minors. In several cases, Switzerland – together with partner states – has succeeded in preventing such executions through coordinated demarches. In addition to such selective intervention in specific cases, Switzerland also regularly addresses the issue of the death penalty in political consultations in the aim of encouraging Iran to use capital punishment less often and to eventually abolish it completely.

Measure 3:

Raising the issue of the death penalty in country-specific multilateral processes and debates

Switzerland actively takes part in processes and debates concerning particular countries within multilateral institutions (e.g. the Universal Periodic Review (UPR) at the UN Human Rights Council, the addressing of country situations at the UN Human Rights Council and General Assembly, interactive dialogues with UN special rapporteurs on particular countries or situations). Switzerland uses these processes and debates to tackle the issue of the death penalty and to call upon the state concerned to abolish it or to at least take steps in this direction.

Measure 4:

Supporting specific initiatives and projects in particular countries

Switzerland supports specific initiatives and projects promoting the abolition of the death penalty in certain countries to strengthen the aforementioned measures or as part of its bilateral commitment in the field of human rights in general. The emphasis here is placed on countries to which Switzerland has special access or that play an important role in Swiss foreign policy. In particular, these are countries of major importance to Swiss policy on human rights and peace promotion (e.g. China, Egypt, India, Iran, Lebanon, Nigeria, Sri Lanka, Tunisia, Vietnam and Zimbabwe). Switzerland deploys human security advisers from the Swiss Expert Pool for Civilian Peacebuilding in many of these places and works with local partner organisations.

Cartoon strip portrayals of the death penalty contribute to the abolition debate in the US

Windows on Death Row is the title of an exhibition created by the Swiss political cartoonist Patrick Chappatte together with the journalist Anne-Frédérique Widmann that has visited various venues in the US and Europe since 2015. The exhibition features work by some of the best-known political cartoonists in the US who look at capital punishment from various perspectives. What is remarkable about this exhibition is the fact that it also displays work by prisoners on death row who produced the drawings while waiting to be executed. The exhibition raises questions about politics, morality and discrimination and thus makes a contribution to the debate on the death sentence in the US and other countries.

Line of action II:
**Shaping the international
framework for prohibition of the
death penalty and strengthening
relevant institutions**

Complementing its commitment in relation to individual states, Switzerland also endeavours to achieve international consensus on universal prohibition of capital punishment because it cannot be brought into line with the international norms on human rights. It is undertaking efforts internationally to increasingly restrict the political and legal scope for individual states in imposing the death penalty. It supports the global trend towards abolishing the death penalty and efforts to firmly establish the legal conviction and practice of international controlling bodies (e.g. UN Human Rights Committee) according to which the death penalty in essence violates human rights.

Measure 5:
**Strengthening the right to life and
other relevant human rights**

The death penalty violates or affects a number of human rights, not just those of the person sentenced but also other people concerned, particularly their relatives. Through its foreign policy on human rights, Switzerland is strengthening these rights and holding states to their obligations. This increases the pressure on states which still apply the death penalty while also restricting the scope for using capital punishment.

Measure 6:
**Undertaking and supporting
initiatives aimed at abolishing
the death penalty at the UN**

Switzerland is undertaking and supporting initiatives at the UN to deprive capital punishment of its legitimacy and basis under international law. The most important Swiss initiative is submitting the resolution on the impact of the death penalty on the protection of human rights every two years at the UN Human Rights Council.

Switzerland continues to develop this initiative and – together with partner states – is planning to introduce a new text in September 2019 to highlight further aspects of the incompatibility of the death sentence with human rights. It also actively supports the initiatives of other states and in particular the resolutions of the UN General Assembly on a moratorium on the use of the death penalty throughout the world. The next one will be put to the vote in 2018. Switzerland advocates further developing the content of the resolution and lobbies for increased support from the UN member states.

The death penalty violates human rights – UN resolutions at Switzerland’s initiative

At Switzerland’s initiative, the UN Human Rights Council adopted a resolution addressing the protection of human rights in relation to the death penalty for the first time in 2014. The resolution states that capital punishment not only violates the rights of the person sentenced but also other persons concerned. A second resolution, which was again produced under Switzerland’s leadership in 2015, called upon states to consider capital punishment in the light of the absolute prohibition of torture. In 2017, Switzerland – together with its partners on the UN Human Rights Council – put forward another resolution this time focusing on the issue of discrimination in relation to the death penalty.

Measure 7:

Supporting UN institutions and their mechanisms in abolishing capital punishment

Both the UN Secretary-General and the UN High Commissioner for Human Rights clearly oppose the death penalty. Switzerland supports the Office of the High Commissioner in its efforts to abolish the death penalty in terms of content and financially. The Head of Department takes part in high-ranking UN events on this issue. Switzerland continues to focus on ensuring that the holders of special procedure mandates (e.g. the UN special rapporteur on torture or the UN special rapporteur on extrajudicial executions) address the issue of the death penalty and supports them in promoting and better protecting the relevant human rights.

Measure 8:

Supporting regional initiatives and institutions and their mechanisms in abolishing the death penalty

Regional organisations play a key role in the abolition of the death penalty, as illustrated by the example of the Council of Europe, which adopted the world’s first agreement on the prohibition of capital punishment in 1982 (Protocol no. 6 to the ECHR). Switzerland supports the efforts of such organisations and their mechanisms (e.g. the International Organisation of La Francophonie, the African Union). On one hand, it works towards ensuring that regional instruments – usually in the form of additional protocols to regional human rights conventions – are ratified and implemented. On the other, it helps to establish such instruments in regions where they do not yet exist and also supports specific projects and initiatives in this context.

Line of action III:
Stepping up cooperation with
like-minded states and strengthening
key actors in the abolition movement,
particularly in civil society

Switzerland cooperates with other states and key actors in its efforts towards the universal abolition of the death penalty. Switzerland contributes its expertise and strengths in such cooperation, thus enhancing complementarity and improving the use of synergies.

Measure 9:
Developing specific initiatives
with like-minded states

Switzerland collaborates with like-minded states from all regions of the world and coordinates with them, whether at the UN or in the context of demarches in specific individual cases. It intensifies cooperation with certain states, develops joint initiatives and supports their initiatives where it deems this expedient. In this respect, it takes account of the added value of the respective partnership in the context (e.g. supra-regional coalition) and the profile of its activities.

Measure 10:
Supporting key civil society
actors and their initiatives

Switzerland is committed to strengthening civil society in accordance with the FDFA's Human Rights Strategy 2016–19. This also applies with regard to the abolition of capital punishment where civil society organisations can support Switzerland's activities, on one hand, and Switzerland can assist with the efforts of civil society on the other. There are countless

non-governmental organisations (NGOs) and civil society initiatives which are opposed to the death penalty. Switzerland works with actors that make a decisive and unique contribution to the abolition of the death penalty in a particular context.

World Congress Against the Death
Penalty – Switzerland in the
global abolition movement

The World Congress Against the Death Penalty is the largest and most important international event concerning the abolition of the death penalty. It is organised every three years in a different country by the NGO Ensemble contre la peine de mort (ECPM). Representatives of NGOs, governments, international organisations, parliaments and judicial authorities from all over the world come together to exchange experiences, develop joint strategies and formulate political demands.

The Congress promotes dialogue and collaboration between all actors that play a role in the abolition of capital punishment both from countries which have already abolished it as well as those where it is still imposed. The FDFA regularly takes part in the World Congress and supports it financially. In 2010, Switzerland hosted the event in Geneva. It will take place for the seventh time in Brussels in 2019.

Measure 11:

Maintaining dialogue with other key players and supporting and strengthening them in particular initiatives

In addition to civil society organisations, there are other actors who have a major influence on the abolition debate, depending upon the situation. These are primarily members of parliament, lawyers, judges, criminologists, penal system personnel and national human rights institutions committed to the issue. For example, criminal lawyers play an important role when contesting the legality of the death penalty in strategically selected legal proceedings. In an ideal scenario, this results in the state's supreme court declaring the death penalty illegitimate. MPs can forge alliances and put forward motions on the abolition of capital punishment.

Switzerland supports such initiatives, where appropriate, and cooperates with the organisers. It takes account of the respective strengths of the actors and the complementarity of the initiatives.

When public opinion is interpreted incorrectly

Many governments justify the death penalty by claiming that the people support it. The public opinion argument plays a major role in the debate on the reinstatement of the death penalty in various countries. States point to public opinion to retain the death penalty, as is the case in Japan. To explore this argument in depth, the lawyers of the Death Penalty Project commissioned a scientific study that was supported by the FDFA.

In "The Public Opinion Myth: Why Japan Retains the Death Penalty"¹⁸ researchers reviewed government opinion polls and carried out their own surveys. They conclude that the majority of Japanese citizens would support the abolition of capital punishment if the government took the initiative and changed its position on the death penalty.

Studies from other countries come to a similar conclusion, allowing the argument that the population demands the death penalty to be challenged in political debate.

18 Mai Sato and Paul Bacon: "The Public Opinion Myth: Why Japan retains the death penalty". The Death Penalty Project, 2015.

Appendix: Status of universal abolition

As of August 2017

Countries which have completely abolished the death penalty (106)

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Bulgaria, Burundi, Cambodia, Cabo Verde, Canada, Colombia, Cook Islands*, Congo (Republic of), Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Holy See*, Honduras, Hungary, Iceland, Ireland, Italy, Kiribati, Kosovo*, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niue*, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, Switzerland, Timor-Leste, Togo, Turkey, Turkmenistan, Tuvalu, Ukraine, UK, Uruguay, Uzbekistan, Vanuatu, Venezuela

Countries which only recognise the death penalty in special criminal proceedings (in particular martial law) (7)

Brazil, Chile, El Salvador, Guinea, Israel, Kazakhstan, Peru

Countries which have suspended the enforcement of the death penalty (moratorium)¹⁹ (48)

Algeria, Antigua and Barbuda, Bahamas, Barbados, Belize, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Comoros, Cuba, Democratic Republic of the Congo, Dominica, Eritrea, Ghana, Grenada, Guatemala, Guyana, Jamaica, Kenya, Laos, Lebanon, Lesotho, Liberia, Malawi, Maldives, Mali, Mauritania, Morocco, Myanmar, Niger, Papua New Guinea, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, South Korea, Sri Lanka, Swaziland, Tajikistan, Tanzania, Tonga, Trinidad and Tobago, Tunisia, Uganda, Zambia, Zimbabwe

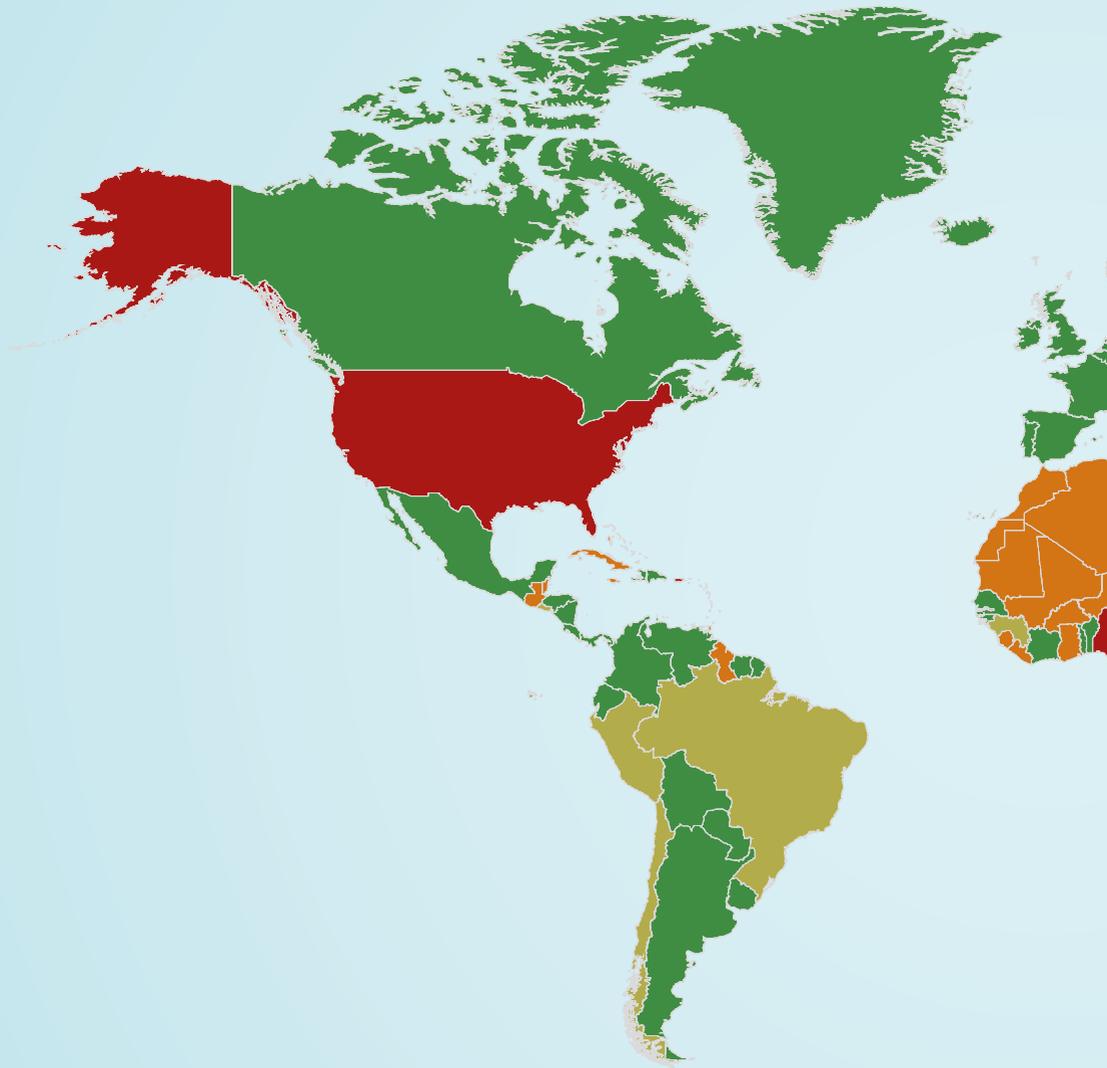
Countries which still use and enforce the death penalty (38)

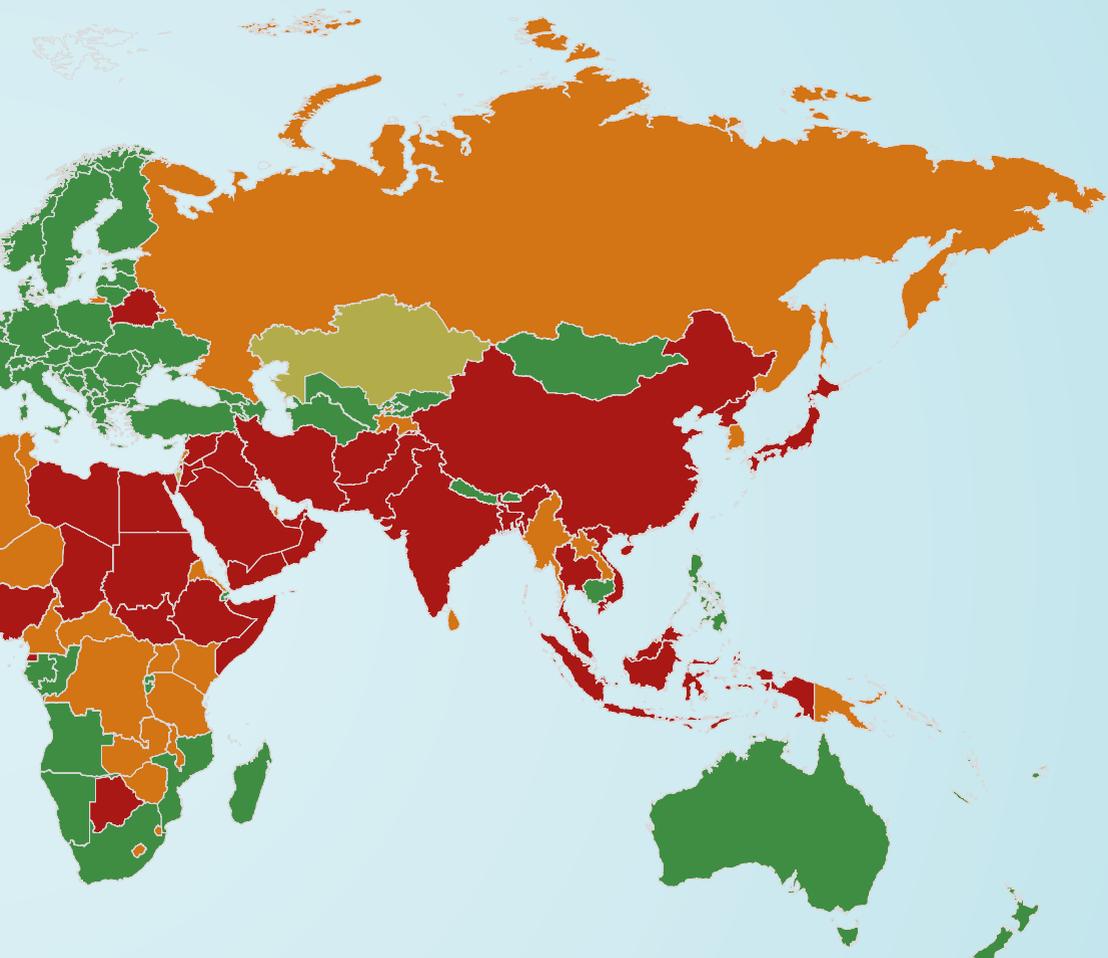
Afghanistan, Bahrain, Bangladesh, Belarus, Botswana, Chad, China, Egypt, Equatorial Guinea, Ethiopia, Gambia, India, Indonesia, Iran, Iraq, Japan, Jordan, Kuwait, Libya, Malaysia, Nigeria, North Korea, Oman, Pakistan, Palestine (State of)*, Saint Kitts and Nevis, Saudi Arabia, Singapore, Somalia, South Sudan, Sudan, Syria, Taiwan*, Thailand, United Arab Emirates, USA, Vietnam, Yemen

Total number of countries: 199 (UN: 193, other: 6)

¹⁹ These include countries which have officially introduced a moratorium (legally or politically) or have not enforced the death penalty for at least ten years.

* Not a member of the UN.





-  Countries which still use and enforce the death penalty
-  Countries which have suspended enforcement of the death penalty (moratorium)
-  Countries which only recognise the death penalty in special criminal proceedings (in particular martial law)
-  Countries which have completely abolished the death penalty

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