

Abolition of the death penalty: a growing worldwide trend

“There is no right more sacred than the right to life,” recalled the United Nations High Commissioner for Human Rights Navi Pillay at a high-level panel on the death penalty in New York last July.

She noted the increasing large number of UN Member States that have acknowledged that the death penalty undermines human dignity, and that its abolition, or at least a moratorium on its use, contributes to the enhancement and progressive development of human rights.

The death penalty or capital punishment constitutes the ultimate form of punishment that is by taking the life of a person convicted of a crime. Where the death penalty persists, conditions for those awaiting execution are often horrifying, leading to aggravated suffering.

Today, 10 October, the World Coalition Against the Death Penalty and abolitionists worldwide celebrate the 10th anniversary of World Day against the Death Penalty, a global initiative supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR).

In Cambodia, both OHCHR and the United Nations Office on Drugs and Crime (UNODC) welcome the Royal Government of Cambodia’s repeated stand against the use of the capital punishment.

Cambodia has been at the forefront in abolishing the death penalty in Asia, in particular among ASEAN countries. Cambodia is one of only two countries to have abolished capital punishment in ASEAN (the other being the Philippines) and has the longest continuous period of abolition, having banned the death penalty for all crimes since 1989. This situation became constitutionally entrenched in 1993 with Article 32 of the Cambodian Constitution that explicitly abolished capital punishment.

In recent years, the Royal Government of Cambodia has repeatedly reaffirmed its commitment to the abolition of the death penalty by consistently voting in favour of the United Nations General Assembly resolutions on a moratorium on the use of the death penalty in 2007, 2008 and 2010. These resolutions also called for a restriction of the number of offences punishable by death, the publication of information on the use of the death penalty, respect for the international standards that provide safeguards guaranteeing the protection of those facing death penalty; and a commitment not to reintroduce the death penalty once it is abolished. In December 2012, the UN General Assembly will again vote on a fourth resolution on a moratorium on the death penalty.

Cambodia’s abolition of the death penalty is all the more laudable in light of the heinous crimes witnessed in the country during the Khmer Rouge period. The sentencing by a Cambodia court of Kaing Guek Eav to life imprisonment for such serious crimes has reinforced the message that Cambodia has renounced the use of the death penalty in theory and in practice.

The great majority of countries in the world that have abolished the death penalty have also ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). Ratification of the Protocol, which aims at ending capital punishment, sends a clear signal to the international community on this important human rights issue.

It comes therefore as no surprise that several United Nations Member States recommended to Cambodia to ratify the Optional Protocol during Cambodia's Universal Periodic Review in 2009 – a recommendation accepted by Cambodia, as another demonstration of the Kingdom's stand on the issue.

“The right to life is the most fundamental of all human rights,” remarked UN Secretary-General Ban Ki-moon at the New York meeting, encouraging all Member States to follow the growing worldwide trend toward the abolition of the death penalty.

“It lies at the heart of international human rights law,” he continued. “The taking of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process.”

The Royal Government of Cambodia has already shown great leadership by becoming the first ASEAN member to ratify the Optional Protocol to the Convention against Torture (OPCAT). In this important year in which Cambodia is holding the ASEAN Chair, the Royal Government of Cambodia could demonstrate similar leadership on the issue of the death penalty by becoming the second ASEAN member, after the Philippines, to be a State party to the ICCPR Second Optional Protocol.

Mr. James Heenan, Representative *a.i.*, OHCHR
Mr. Olivier Lernet, Country Manager, UNODC