

11th Europe and World Day Against the Death Penalty

"When Cambodia Could Further Lead the Way"

By

Jean-François CAUTAIN, Ambassador of the European Union to Cambodia

and

Wan-Hea LEE, Representative

Office of the United Nations High Commissioner for Human Rights, Cambodia

On this 10th of October 2013, citizens of the world will acknowledge the progress made globally in human dignity and civilisation, by celebrating the 11th World Day against the Death Penalty.

The death penalty undermines human dignity and is irreconcilable with human rights, in particular the most sacred of all human rights, the right to life. The death penalty invariably entails cruel, inhuman and degrading treatment in violation of international law. The death penalty fails to provide deterrence to criminal behaviour, and its application is marred with opacity, inequity and discrimination. Any miscarriage of justice -inevitable in any legal system- is irreversible.

It is therefore encouraging that the global trend towards abolition continues to be positive. Over the last 20 years, the number of countries that have abolished the death penalty by law for all crimes has grown from 55 to 97. Today, more than 150 countries -more than 2/3 of the countries of the world- have abolished the death penalty or do not practice it. The United Nations General Assembly adopted for the fourth time last December a resolution on moratoriums on the use of the death penalty, aiming to abolish it, once again with an increased number of States voting in favour, including Cambodia.

But we cannot sit content with the progress. There are, also, worrying developments. Several states have resumed executions, including States with long standing *de facto* moratoriums; others have reintroduced the use of the death penalty or extended its scope in their legislation.

It is in such context that the voice against the death penalty should always be stronger. "It is crucial that leaders champion abolition, and encourage their neighbours and allies to follow the same path. Even though the great majority of states no longer apply the death penalty, this majority does not speak with a sufficiently strong and united voice", stressed the United Nations High Commissioner for Human Rights Navi Pillay at the 5th World Congress against the Death Penalty last June.

The Kingdom of Cambodia continues to be an example in the fight against death penalty and can be legitimately proud of the way it has drawn the lessons from the past and became a respected regional abolitionist, both by law and by conviction. Cambodia is a country of deep civilisation and culture. It is one of only two

countries to have abolished capital punishment in ASEAN and has the longest continuous period of abolition, having banned the death penalty for all crimes since 1989. As such the Kingdom sets an example to the whole region. 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 four United Nations General Assembly resolutions on a moratorium on the use of the death penalty in 2007, 2008, 2010 and December 2012. Both the European Union (EU) and the United Nations (UN) Office of the High Commissioner for Human Rights would like to strongly commend Cambodia for this. We would also welcome Cambodia entrenching its stand against the death penalty, regionally and internationally, by becoming party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, on the permanent abolition of the death penalty.

The EU holds a strong and principled position against the death penalty and its abolition worldwide represents one of the main objectives of its human rights policy. On 16 June 2010, EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission Catherine Ashton declared in her speech in the European Parliament: "Looking ahead, I want to see what more we can do to support the abolition of the death penalty world-wide. I want to assure this House that work on abolishing the death penalty is a personal priority for me. And I will see to it that work advances both bilaterally and in multi-lateral fora, beginning with the UN in September."

Worldwide, the EU joins forces with other international organisations and multilateral bodies active in promoting the abolition of the death penalty, in particular the UN system. Both jointly and separately, the UN and the EU support efforts to restrict the use of, to establish a moratorium on, and to permanently abolish of the death penalty.

ASEAN countries regrettably maintain divergent policies when it comes to the death penalty. Half of its members have abolished it, either in law - Cambodia and the Philippines -, or in practice - Myanmar, Laos and Brunei Darussalam. But the other half is still retentionist, even though Singapore among them recently observed a short moratorium before introducing some restrictions on the use of the death penalty. More than ever, the EU and the Office of the UN High Commissioner for Human Rights in Cambodia reiterate their appreciation for Cambodia's support for a global moratorium. We encourage the Kingdom to be a leader in working towards a regional moratorium on the death penalty at ASEAN level.

Useful recent documents:

EU

[EU Guidelines on Death Penalty, April 2013](#)

UN

["Moving Away from the Death Penalty, Lessons from National experiences", OHCHR report on the first Global Panel on the abolition of the death penalty, 3 July 2012, New York](#)

[Report of the UN Secretary General to the UN General Assembly: "Moratorium on the use of the death penalty", 3 August 2012, A/67/226](#)

[UN General Assembly Resolution on "Moratorium on the use of the death penalty", adopted on 11 December 2012, A/RES/67/176](#)

[Report of the UN Secretary General to the UN Human Rights Council: "Question of the Death Penalty", 1 July 2013, A/HRC/24/18](#)