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**STATEMENT**

**Paris, 10 October 2023**

**2023 WORLD DAY AGAINST THE DEATH PENALTY**

**On 10 October 2023, the UIA-IROL will once again join the World Coalition Against the Death Penalty and abolitionist activists around the world to commemorate the 21st World Day Against the Death Penalty.**

For this 21<sup>st</sup> World Day against the Death Penalty, the World Coalition has chosen the theme, "The death penalty: An irreversible torture", in order to address the relationship between the application of capital punishment and torture or other cruel, inhuman or degrading treatment or punishment (CIDP), following on the 2022 World Day<sup>1</sup>.

**The UIA-IROL reaffirms its commitment to the universal abolition of the death penalty and urges States to cease applying capital punishment in all circumstances, in order to comply with human rights as recognised by international law.**

In 2022, the 20<sup>th</sup> World Day against the Death Penalty provided an opportunity to reflect on the fact that the application of the death penalty puts States that apply it in contravention to international standards prohibiting torture and cruel, inhuman or degrading treatment or punishment (CIDP), peremptory norms of international law (*jus cogens*)<sup>2</sup>. Throughout the criminal process, people sentenced to capital punishment are, in fact, subjected to unacceptable treatments<sup>3</sup>.

In addition to the physical or psychological torture sometimes inflicted during interrogation, the death row phenomenon experienced by people awaiting execution is likely to cause severe mental and physical suffering, constituting cruel, inhuman or degrading treatment. This was the reasoning adopted by the European Court of Human Rights<sup>4</sup>, followed by other regional courts<sup>5</sup> and the Human Rights Committee<sup>6</sup>. Moreover, execution itself inflicts suffering that is tantamount to torture and cruel, inhuman or degrading punishment, whatever the method of execution<sup>7</sup>. Discrimination based on gender, poverty, age, sexual orientation or religious or ethnic minority status, which is regularly faced by those sentenced to death further aggravates the cruel, inhuman and degrading treatment meted out under this practice.

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<sup>1</sup> See UIA-IROL, [20th World Day against the Death Penalty - DEATH PENALTY: A ROAD PAVED WITH TORTURE](#), 10 October 2022.

<sup>2</sup> World Coalition Against the Death Penalty, FIACAT and other forty organisations, [Position Paper, The death penalty and the prohibition of torture and cruel, inhuman or degrading treatment or punishment](#), August 2023.

<sup>3</sup> World Coalition Against the Death Penalty, [Report 2022 World Day against the Death Penalty](#), June 2023.

<sup>4</sup> European Court of Human Rights, [Soering v. The United Kingdom](#), Application no. 14038/88, 7 July 1989, § 111, § 111 ; European Court of Human Rights, [Einhorn v. France](#), Application no. 71555/01, 16 October 2021, § 26.

<sup>5</sup> I/A Court H.R., [Case of Hilaire, Constantine and Benjamin et al. v. Trinidad and Tobago](#), 21 June 2002, § 168.; IACHR, [Report No. 71/18 Case 12.958, Merits. Russell Bucklew. United States](#), 10 May 2018 § 91.

<sup>6</sup> Human Rights Committee, [General Comment No. 36 - Article 6: right to life](#), CCPR/C/GC/36, 30 October 2018, § 40.

<sup>7</sup> See for instance: European Court of Human Rights, [Case of Al-Saadoon and Mufdhi v. the United Kingdom](#), Application no. 61498/08, 4 October 2010, § 115 ; United Nations Committee against Torture, [Consideration of reports submitted by States Parties under Article 19 of the Convention, United States of America](#), CAT /C/USA/CO/2, 25 July 2006, § 31.

Lastly, the death penalty creates unjustifiable pain for those close to the condemned person, particularly their children. It causes cruel, inhuman or degrading treatment or punishment, as well as severe transgenerational trauma.

*"The death penalty only creates new suffering. Experience shows that in most cases the relatives of the victims unfortunately do not find peace through the execution of the perpetrator. Instead, suffering and pain [are] inflicted on another family – the relatives of the perpetrator. Several times on the day of an execution, I looked into the faces of those whose father, brother, son had their lives taken away by state violence. I witnessed their despair, saw the abysmal horror in their eyes"<sup>8</sup>.*

Today, 112 States have abolished the death penalty for all crimes and nine States for ordinary crimes<sup>9</sup>. At the end of 2022, there were 28,282 known death row inmates in the world<sup>10</sup>.

The UIA-IROL will continue to call on States to join the global trend towards the abolition of the death penalty.

**The aim of this mobilisation is, above all, to fight for the protection of the rights of those facing the death penalty. The aim is not to pit abolitionist theses against retentionist theses, but to defend the human rights of the nearly 30,000 people condemned to death around the world.**

We invite you to find out more about the 21<sup>st</sup> World Day, to join the debate on the death penalty constituting irreversible torture and to call for the abolition of capital punishment in all States and in all circumstances.

As is the case every year, we encourage UIA members and the legal community to get involved and support the efforts undertaken by the abolitionist community.

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## More about UIA-IROL

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*The Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL) promotes the Rule of Law and supports and defends, in particular, (1) lawyers, judges and human rights defenders who are harassed, threatened and/or persecuted in the exercise of their professions, (2) the independence of the legal and judicial professions, and (3) the UN Basic Principles on the Role of Lawyers, especially in defense of human rights.*

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<sup>8</sup> 21<sup>st</sup> World Day Against the Death Penalty, [Testimonies. Torture and the Death Penalty](#), p. 15: testimony of Gabi Uhl, Chairperson of the German Coalition to Abolish the Death Penalty, who witnessed three executions by the state of Texas.

<sup>9</sup> World Coalition Against the Death Penalty, [21<sup>st</sup> World Day Against the Death Penalty, Facts and Figures 2022-2023](#).

<sup>10</sup> Amnesty International Belgium, [La peine de mort en 2022 : Faits et chiffres](#) (FR), 16 May 2023.