

Joint Message to Aim for the Abolishment of the Death Penalty
in All Countries and Regions of the World

The Japan Federation of Bar Associations, the International Association of Lawyers (UIA) and the Delegation of the European Union (EU) to Japan use this occasion of the 14th UN Congress on Crime Prevention and Criminal Justice (Kyoto Congress) to call on the world, and particularly on the governments and legislative bodies of those few countries that still retain the death penalty system and the even fewer that carry out executions, to actively move toward abolition.

The UN Congress on Crime Prevention and Criminal Justice was originally launched with the intention of reforming global criminal justice and establishing the rule of law and the protection of human rights. This Congress has also proposed a number of proposals on penalty reforms since the “Declaration on Protection of All People from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” in 1975.

Today, we live in an era in which it is not enough that the penal system only sets out punishments for crimes; it must also promote respect for those who have committed a crime as human beings and aim at their voluntary social rehabilitation.

This era began with the Universal Declaration of Human Rights in 1948, following the Second World War, which had claimed the lives of over 60 million people. Progress continued with the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) adopted in 1966, the so-called Protocol on the Abolition of the Death Penalty (Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty) adopted in 1989, and further to the Rome Statute of the International Criminal Court for international crimes adopted in 1998. The Statute no longer provides for the death penalty.

As of 2020, 112 out of 193 UN member states have no death penalty system and another 50 states have not carried out executions for more than 10 years. Indeed, more than 80% of the states carried out no executions over the last 10 years. A moratorium on a death penalty resolution submitted to the UN General Assembly in 2020 was supported by 123 of the member states (38 against; 24 abstentions).

General Comment No. 36 of the UN Human Rights Committee states that Article 6, paragraph 6 reaffirms the position that “States parties that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future” (Paragraph 50 of the Comment), and further, even points out

that the increasing number of countries abolishing or placing a moratorium on the death penalty “suggest that considerable progress may have been made towards establishing an agreement among the States parties to consider the death penalty as a cruel, inhuman or degrading form of punishment” (Paragraph 51 of the Comment).

The United Nations today calls for all countries to abolish the death penalty, hoping that a tolerant and inclusive society will form and mature. We should not lose sight of the fact that even criminals are “human beings”. Instead of retaliating against others in a rage of emotion, we need to nourish kindness and the strength of inclusion and coexistence.

The significance of the abolition of the death penalty is in sharing the values that consider human dignity and the right to life (right to live) as indefeasible rights and form and mature a tolerant and inclusive society, and its purpose is to realize freedom, justice and peace in the world. When aiming to share such values, it is natural to provide recovery and support for victims and their bereaved family members. Social and criminal policies for crime deterrence (crime prevention / second conviction prevention) will be also required, because, in a tolerant and inclusive society, human dignity and the right to life (right to live) of all people must be respected by the State.

We sincerely expect that you will stand up for the abolition of the death penalty in the remaining few countries that still retain the death penalty system and the even fewer that carry out executions.

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