

2 November 2018

LAWASIA RESOLUTION ON THE DEATH PENALTY

Background

- A. LAWASIA's objectives include the promotion of “the administration of justice, the protection of human rights and the maintenance of the rule of law within the Region”.
- B. “The Region” is defined in the LAWASIA Constitution as being such jurisdictions and territories as are or may become regional or associate members of the United Nations Economic and Social Commission for Asia and the Pacific (“ESCAP”).
- C. Numerous conventions and treaties adopted or sponsored by the United Nations, including the *Universal Declaration on Human Rights*, the *International Covenant on Civil and Political Rights* and the *Convention on the Rights of the Child*, strongly discourage capital punishment.
- D. On 18 December 2014, the United Nations General Assembly adopted Resolution 69/186 which called for a moratorium on capital punishment, with a view to the ultimate abolition of the death penalty, on the basis that a moratorium would contribute to “respect for human dignity and to the enhancement and progressive development of human rights”.
- E. LAWASIA notes that, notwithstanding a variety of cultures, religions and traditions, 135 Member States of the United Nations (68% of Member States) and 43 ESCAP jurisdictions (72% of ESCAP jurisdictions) have abolished the death penalty in law or in practice.^{1, 2}
- F. LAWASIA is mindful of the impact of crime on victims and takes into account the resolutions of the United Nations General Assembly, including the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* adopted in 1985 (A/RES/40/34), as well as the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* adopted in 2005 (A/RES/60/147).

¹ Amnesty International, 'Annex II: Abolitionist and Retentionist Countries as of 31 December 2017', *Amnesty International Global Report: Death Sentences and Executions 2017*, 12 April 2018, ACT 50/7955/2018, pp 40-41, available at: <<https://www.amnesty.org/en/documents/act50/7955/2018/en>>.

² Figures indicate jurisdictions that are either “abolitionist for all crimes” or “abolitionist in practice” as at 31 December 2017.

- G. LAWASIA notes with concern that the reintroduction of the death penalty is under consideration in some jurisdictions. It also notes that some jurisdictions which retain the death penalty are, nevertheless, reducing the circumstances in which it may be applied.

Resolution

The LAWASIA Council:

- (a) calls on governments in the ESCAP region which currently retain the death penalty to review their respective policies on capital punishment; and
- (b) calls for a moratorium on the implementation of the death penalty in any jurisdiction or territory in the ESCAP region which is in the process of undertaking a review of its policy on the death penalty.

RESOLVED BY THE LAWASIA COUNCIL AT ITS MEETING ON 2 NOVEMBER 2018 IN SIEM REAP, CAMBODIA.