

International Bar Association Human Rights Institute Council Resolution

Adopted 15 May 2008

ON THE ABOLITION OF THE DEATH PENALTY

The Council of the International Bar Association's Human Rights Institute,

Recalling its mandate to work on the promotion, protection and enforcement of human rights under a just rule of law and the acquisition and dissemination of information concerning issues related to human rights,

Affirming the importance of the Human Rights Institute remaining at the forefront of international human rights development,

Recalling Article 3 of the Universal Declaration of Human Rights, which states that everyone has the right to life,

Recalling Article 6 of the International Covenant on Civil and Political Rights, which encourages the abolition of the death penalty and imposes strict limitations on its imposition for those states that have not yet abolished the death penalty,

Considering the increasing emergence of customary limitations on the death penalty, including the prohibition of the execution of the mentally ill and the execution of mothers with dependant infants,

Considering the clear trend over the past sixty years for states to abolish the death penalty, and to view it as a breach of international human rights standards,

Considering the near-unanimous view of human rights organisations to view the imposition of the death penalty as a breach of the right to life or the prohibition against cruel, inhuman or degrading treatment, whether in the method imposed by the death penalty or in the manner in which the convicted person is treated following sentencing,

Considering the tendency that the death penalty is imposed discriminatorily, for example on religious, socio-economic or racial grounds,

Noting that international consensus on the abolition of the death penalty has not yet been reached and that there are those who advocate its continued use with cultural and religious arguments,

1. Recommends that all countries throughout the world should take steps towards the complete abolition of the death penalty,

2. Recommends that until abolition takes place those countries that continue to use the death penalty should progressively restrict its imposition and the crimes to which it applies,
3. Recommends that all countries should consider imposing a moratorium on executions,
4. Recommends that until such abolition takes place, those countries retaining the death penalty at the current time should ensure that it is applied strictly in accordance with international standards and in particular within the limits laid down in Article 6 of the International Covenant on Civil and Political Rights,
5. Resolves that the Human Rights Institute shall in the future actively promote the abolition of the death penalty and, pending its abolition, insist on strict observance of the international legal limitations on its application.