

52<sup>nd</sup> session of the Human Rights Council

Biennial high-level panel discussion on the question of the death penalty (28 February 2023)

Statement on behalf of Austria, Liechtenstein, Slovenia and Switzerland.

Mr. President,

I have the pleasure to make this statement on behalf of Austria, Liechtenstein, Slovenia and my own country Switzerland.

We thank the OHCHR for the organization of this important panel and the panelists for their insightful presentations.

Our countries categorically oppose the death penalty everywhere and under all circumstances. We are fully committed to advocating and working for a world free of the death penalty. Reinforced by the global trend towards the abolition of capital punishment, it is safe to say that the vast majority of States see no place for the application of the death penalty in the 21st century and consider it a violation of human rights.

States that have not yet abolished the death penalty often refer to the International Covenant on Civil and Political Rights (ICCPR). This Covenant established rules of international law at a time when a minority of States had abolished the death penalty. And these rules are clear: the application of the death penalty must in any case be limited to the "most serious crimes", i.e. intentional killings. In particular, drug-related offenses as well as conduct like adultery, homosexuality, apostasy or the participation in peaceful protests must never result in the imposition of the death penalty. Moreover, the death penalty must not be applied on minors, pregnant women or persons with a mental disability.

We therefore call on all States that have not yet abolished the death penalty to reduce the list of offences for which the death penalty is provided. We consider the reduction of this list to be an important step towards the abolition of the death penalty. The question of the death penalty is a matter of universal concern and its abolition depends solely on political will. We are very encouraged by the steps taken by many governments in recent years, including in those mentioned during this panel.

We would like to ask the following questions:

Mr. Sow (Senegal): What are the prospects for the adoption of the draft Protocol to the African Charter on Human and Peoples' Rights on the abolition of the death penalty in Africa?

Mr. José Manuel Santos Pais (Portugal): What is your assessment of General Comment 36 and its impact on the definition of the most serious crimes almost 5 years after its adoption by the Human Rights Committee?

Thank you.