



**Tenth survey on capital punishment and on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, covering the period 2014-2018**

The questionnaire should be completed and returned, in electronic and/or paper form, by 16 September 2019, to the address below.

Electronic versions of the questionnaire and background documents are available at <http://www.unodc.org>.

For further information or assistance concerning the completion of the questionnaire, please contact:

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## Introduction

In its resolution 1745 (LIV) of 16 May 1973, the Economic and Social Council invited the Secretary-General to submit periodic updated and analytical reports at five-year intervals, starting from 1975, on the situation of capital punishment worldwide. Pursuant to Council resolution 1989/64 of 24 May 1989, those surveys have also contained information on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (Council resolutions 1984/50, annex, and 1996/15). In its resolution 1990/51 of 24 July 1990, the Council requested the Secretary-General, in preparing his reports, to draw on all available data, including current criminological research, and to invite the comments of specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Council on the question.

This is the tenth five-year survey of global practice with respect to capital punishment. The information generated by the survey will provide the United Nations and its Member States with a tool to understand current global law and practice on the subject. Taken as a whole, the ten surveys provide the means to examine the evolution of capital punishment within the broader field of criminal justice.

In completing the current survey, which covers the period 2014-2018, Member States are requested to inform the Secretary-General of their current status with regard to capital punishment, possible plans for abolition and restriction or extension of the use of capital punishment and the implementation of the safeguards and other well-accepted international standards, notably those set out in General Comment 36 of the Human Rights Committee, adopted in October 2018. As in the past, the Secretariat will also draw on other available sources of information to complete the information provided by Member States.

In accordance with Economic and Social Council resolutions 1745 (LIV) and 1990/51 of 24 July 1990, 1995/57 of 28 July 1995 and 1996/15 of 23 July 1996, the report on the present survey will be submitted to the Council at its substantive session in July 2020 and to the Commission on Crime Prevention and Criminal Justice at its twenty-ninth session in May 2020. Attached herewith is a copy of the safeguards guaranteeing protection of the rights of those facing the death penalty and the recommendations related to their implementation.<sup>1</sup>

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<sup>1</sup> General Comment 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life, adopted by the United Nations Human Rights Committee at its 124th session (8 October to 2 November 2018), also contains paragraphs relevant to the issue of the death penalty. It is currently available [here](#) in English in its advanced, unedited version, and will become available in all official languages of the United Nations in due course at the following website: <https://undocs.org/CCPR/C/GC/36>

**This survey covers the period from 1 January 2014 to 31 December 2018.**

**The questionnaire consists of three sections:**

- **Section 1** is to be completed by States that completely abolished capital punishment for all crimes under all circumstances before 31 December 2018. If your State abolished capital punishment during the survey period, that is, between 1 January 2014 and 31 December 2018, you should also complete the relevant questions in sections 2 and 3.
- **Section 2** is to be completed by all States that retained capital punishment in their criminal law during the survey period.
- **Section 3**, which is concerned with the safeguards guaranteeing the rights of those facing the death penalty, should be completed by any State that had not abolished the death penalty completely by the end of the survey period, 31 December 2018.

Please use additional sheets of paper if the space on the questionnaire is insufficient for a full answer.

## Section 1. States that completely abolished capital punishment by 31 December 2018

This section is to be completed by States that had completely abolished capital punishment for all crimes in all circumstances, both in peacetime and wartime, by 31 December 2018. If capital punishment could still be imposed in your State on 31 December 2018, please proceed to Sections 2 and 3.

1. When was capital punishment abolished in your country for all crimes?

Date: .....

2. If your State is not a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), are there any official initiatives to become a party to it?

Yes [ ]

No [ ]

If yes, please give details: .....

3. Has your country undertaken any initiatives to promote, at the bilateral or multilateral level, the abolition of capital punishment or to reduce its scope and incidence of application?

Yes [ ]

No [ ]

If yes, please give details: .....

4. Were there any attempts to reintroduce capital punishment in your country through changes in legislation during the survey period?

Yes [ ]

No [ ]

If yes, what was the outcome?

.....  
.....

5. If capital punishment was abolished during the survey period,

a. With what penalty was it replaced?

.....

b. Is the penalty mandatory or discretionary?

.....

c. If there are provisions for early release, please provide details?

.....

6. If your country permits extradition to a State where capital punishment may be imposed, does it make this conditional upon an assurance that the person concerned will not be sentenced to death or executed?

Yes        [   ]  
No         [   ]

If no, what is your policy with regard to extradition where the individual in question may be subject to capital punishment in the receiving State?

.....  
.....

**If your State abolished capital punishment during the survey period, that is, between 1 January 2014 and 31 December 2018, you should also complete the relevant questions in sections 2 and 3.**

**If your State was completely abolitionist throughout the survey period, you need not answer any more questions. Thank you for your assistance.**

## Section 2. States that retained capital punishment as of 1 January 2014

This section is to be completed if in your State capital punishment could have been imposed at the beginning of the survey period (1 January 2014), even if your State abolished it during that period.

1. **Crimes subject to capital punishment.** Please indicate the crimes for which capital punishment could be imposed as of the beginning of the survey period (1 January 2014). Please specify the name of the specific offence and indicate whether or not the penalty of death is mandatory.

<i>Specific offence</i>	<i>Mandatory?</i>

2. **Changes in law and practice.** Please state whether there were any changes to legislation or to practice concerning capital punishment during the survey period, that is, between 1 January 2014 and 31 December 2018. If the death penalty was removed for certain offences, indicate the punishment that replaced it.

<i>Specific offence</i>	<i>Punishment with which death penalty was replaced. Indicate whether this is mandatory.</i>

What were the main reasons for these changes? Please specify and rank the importance of the reasons, if possible.

.....  
 .....

By what means were these changes made?

- (a) By legislative enactment [ ]
- (b) By a new constitution [ ]
- (c) By constitutional amendment [ ]
- (d) By presidential or royal decree [ ]
- (e) By a decision of the courts [ ]

Please provide details:

.....

3. Does legislation in your country provide for any limitations or restrictions on applying the sentence of death that are related to the age of the offender?

Yes        [ ]  
No         [ ]

If yes, please provide details:

.....

4. Were there any official initiatives to abolish capital punishment for any of the offences listed above?

Yes        [ ]  
No         [ ]

If yes, please give details:

.....

5. Does your State collect disaggregated statistical information about persons sentenced to death and executed, as well as about persons whose sentence has been reversed, commuted or pardoned, indicating such elements as type of offence, sex, age (at time of offence / at time of execution), economic status, nationality, ethnicity, religion, membership in a minority, and year of imposition of sentence?

Yes        [ ]  
No         [ ]

If yes, please provide such data for the survey period (1 January 2014 – 31 December 2018):

.....

6. What is the average length of time between imposition of a death sentence and execution?

.....

7. What is the longest period of time since sentence of death was imposed of a person who has not yet been executed?

.....

8. Are prisoners under sentence of death segregated from the rest of the prison population? If yes, please provide details on the regime that applies to them (i.e. visits, exercise, etc.).

.....

9. If no persons were executed during the survey period, when was the last execution?

.....

10. If the last execution took place before 2014, is there a de-facto moratorium on executions?

- Yes
- No (i.e. executions may still take place)

If yes, since when has the policy existed?

.....

.....

11. Has there been an official moratorium on executions?

- Yes
- No

If yes, when was it established and in what way? If no, why have no executions taken place for such a long period of time?

.....

.....

12. If applicable, what are the main reasons why capital punishment has not been abolished for ordinary crimes in your country?

.....

.....

13. Are there any sectors of civil society that are engaged in a discussion of:

- (a) Restriction of the scope of capital punishment?
- (b) Restriction of the number of executions carried out?
- (c) Total abolition of capital punishment?

If yes, please give details:

.....

.....

No discussion of the issue

14. When your State requests extradition of a person charged with a capital offence in your country, is it possible to provide assurances to the requested State that capital punishment will not be carried out if so requested?

- Yes
- No

15. Have there been any such extradition cases during the survey period?

- Yes
- No

If yes, please give details:

.....

.....

16. Has any research on the subject of capital punishment recently been carried out in your country?

- Yes

No

If yes, please give details:

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If no, is any government action being taken to promote research in this field?

Yes

No

If yes, please give details:

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**If your State completely abolished capital punishment during the survey period, you need not answer any more questions. Thank you for your assistance.**

**If your State had not completely abolished capital punishment at the end of the survey period, you should complete section 3.**

### Section 3. Safeguards guaranteeing the protection of the rights of those facing the death penalty

The safeguards guaranteeing the protection of the rights of those facing the death penalty were adopted by the Economic and Social Council in its resolution 1984/50 and implemented by it in its resolutions 1989/64 and 1996/15. This section should only be completed if in your State capital punishment had not been abolished completely before the end of the survey period, 31 December 2018.

1. Does the law in your country prohibit capital punishment being imposed for offences for which it was not provided by law at the time of the offence?

Yes [ ]  
No [ ]

2. Have any such retroactive sentences been imposed and/or carried out in the period 2014-2018?

Yes [ ]  
No [ ]

If yes, please give details: \_\_\_\_\_  
\_\_\_\_\_

3. Does the law provide that a lighter sentence may be substituted for capital punishment if legislation abolishing capital punishment, or making capital punishment discretionary rather than mandatory, is passed after the person has been sentenced to death?

Yes [ ]  
No [ ]

4. Does the law provide that a person may not be sentenced to death for an offence committed when that person was under the age of 18?

Yes [ ]  
No [ ]

5. Does the law stipulate a maximum age beyond which:

(a) A person may not be sentenced to death

Yes [ ]  
No [ ]

If yes, what is the age? \_\_\_\_\_  
\_\_\_\_\_

(b) A person may not be executed

Yes [ ]  
No [ ]

If yes, what is the age? \_\_\_\_\_  
\_\_\_\_\_

6. Does the law provide that pregnant women may not be executed?

Yes [ ]  
No [ ]

7. Does the law provide that mothers of young children may not be executed?

Yes [ ]  
No [ ]

If yes, is an age set defining the notion of young children?

.....  
.....

8. Does the law provide that a person with mental disorders at the time of the offence may not be sentenced to death?

Yes [ ]  
No [ ]

If yes, how are mental disorders defined and determined?

.....  
.....

9. Does the law provide that a person with mental disorders may not be executed?

Yes [ ]  
No [ ]

If no, is it the practice to postpone execution until mental disorders are no longer present?

Yes [ ]  
No [ ]

10. Were any death sentences overturned or commuted during the survey period because of doubts about the safeness of the conviction (i.e. in the belief that the person convicted was in fact possibly or probably innocent)?

Yes [ ]  
No [ ]

If yes, please give details:

.....  
.....

11. Does an offender charged with a capital offence have the right in all circumstances laid down in substantive law, in the law of criminal procedure or guaranteed by the Constitution:

(a) To a public hearing

Yes [ ]  
No [ ]

If no, in what circumstances would there not be a public hearing?

.....  
.....  
(b) To be presumed innocent until proven guilty according to law?

Yes [ ]

No [ ]

(c) To counsel of his or her own choosing, at public expense if he or she does not have the resources to pay for it, at all stages of the proceedings, from the moment that he or she is arrested?

Yes [ ]

No [ ]

If no, what provision, if any, is made for counsel funded at public expense? Please indicate the stages of the proceedings, if any, where counsel funded at public expense is provided.  
.....  
.....

(d) To the free assistance of an interpreter from the moment that he or she is arrested, if he or she does not understand or speak the language used by the police or in court?

Yes [ ]

No [ ]

If no, what are the procedures in your country in such cases?  
.....  
.....

12. Are all foreign nationals informed of their right to seek the assistance of their consular authorities, at the time of their arrest and/or committal to prison or custody awaiting trial?

Yes [ ]

No [ ]

If no, what is the procedure to ensure that this obligation under article 36 of the Vienna Convention on Consular Relations<sup>2</sup> is met?  
.....  
.....

13. What procedures are in place to ensure a fair trial for persons facing capital punishment if convicted?  
.....  
.....

14. Are there specific safeguards for defendants facing a charge for which capital punishment might be imposed over and above the general safeguards available to all defendants?

Yes [ ]

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<sup>2</sup> United Nations, *Treaty Series*, vol. 596, No. 8638.

No [ ]

If yes, what are these safeguards? .....

15. Is there a right to appeal to a court of higher jurisdiction in all cases?

Yes [ ]  
No [ ]

If no:

(a) What are the current procedures in your country?

.....

(b) Are there any plans to introduce in domestic legislation a right of appeal in all cases?

Yes [ ]  
No [ ]

16. How much time is allowed to launch an appeal for a person who has been sentenced to capital punishment?

.....

17. Are all death sentences automatically reviewed by a court of appeal?

Yes [ ]  
No [ ]

If no:

(a) What are the procedures for review of death sentences in your country?

.....

(b) Are there any plans to make such a review automatic?

Yes [ ]  
No [ ]

18. Is there a right for a person sentenced to death to seek commutation of the sentence or a pardon from the State authorities (e.g. the President, the sovereign or a pardons board)?

Yes [ ]  
No [ ]

If no:

(a) What are the procedures in your country?

.....

(b) Are there any plans to make such a possibility of seeking commutation or pardon automatic?

Yes [ ]  
No [ ]

19. How much time is allowed for a person who has been sentenced to death and exhausted all avenues of appeal in the courts to prepare a petition for commutation or pardon?

.....  
.....

20. Is execution invariably suspended until all domestic avenues of appeal through the courts and proceedings relating to commutation or pardon have been exhausted and the outcome has been communicated to the defendant or his or her legal advisers?

Yes [ ]  
No [ ]

21. What methods of execution are provided for by law?

.....  
.....

Where more than one method is provided:

- (a) For what types of offence/offender is each provided?

.....  
.....

- (b) Is the defendant given a choice of method of execution?

Yes [ ]  
No [ ]

22. Are any procedures employed to minimize the suffering of the person to be executed?

Yes [ ]  
No [ ]

If yes, what are these procedures?

.....  
.....

23. Does the law permit executions to take place in public?

Yes [ ]  
No [ ]

If yes:

- (a) Does this apply to all offences/offenders?

Yes [ ]  
No [ ]

If it applies only to certain offences/offenders, please specify:

.....  
.....

(b) Have any persons been executed in public during the survey period?

Yes [ ]  
No [ ]

If yes, how many? \_\_\_\_\_  
\_\_\_\_\_

24. How are the United Nations Standard Minimum Rules for the Treatment of Prisoners (“the Nelson Mandela Rules”)<sup>3</sup> applied in your country in order to keep to a minimum the suffering of prisoners under sentence of death?

\_\_\_\_\_  
\_\_\_\_\_

25. Are any procedures in place to ensure that persons responsible for carrying out executions are fully informed until the moment of execution of the status of appeals for clemency for the prisoner in question?

Yes [ ]  
No [ ]

If no, what are procedures in your country?

\_\_\_\_\_  
\_\_\_\_\_

26. Are any procedures in place to ensure that family members are informed of the date and time of execution?

Yes [ ]  
No [ ]

If yes, please provide details.

\_\_\_\_\_  
\_\_\_\_\_

27. Are there any provisions of assistance and support that are implemented and/or provided by authorities of your country to children of parents sentenced to death or executed, with a particular focus on the ways and means to ensure the full enjoyment of their rights?

Yes [ ]  
No [ ]

If yes, please give details:

**Thank you for your assistance.**

\_\_\_\_\_

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<sup>3</sup> A/RES/70/175, annex.

## **Annex I: Safeguards guaranteeing protection of the rights of those facing the death penalty**

Approved by Economic and Social Council resolution 1984/50 of 25 May 1984

1. In countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences.
2. Capital punishment may be imposed only for a crime for which the death penalty is prescribed by law at the time of its commission, it being understood that if, subsequent to the commission of the crime, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.
3. Persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death, nor shall the death sentence be carried out on pregnant women, or on new mothers, or on persons who have become insane.
4. Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.
5. Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings.
6. Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory.
7. Anyone sentenced to death shall have the right to seek pardon, or commutation of sentence; pardon or commutation of sentence may be granted in all cases of capital punishment.
8. Capital punishment shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence.
9. Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering.

## **Annex II: Implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, E/RES/1989/64**

The Economic and Social Council,

*Recalling* its resolution 1984/50 of 25 May 1984, in which it approved the safeguards guaranteeing protection of the rights of those facing the death penalty,

*Recalling* also resolution 15 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

*Recalling* further section X of Council resolution 1986/10 of 21 May 1986, in which the Council requested a study on the question of the death penalty and new contributions of the criminal sciences to the matter,

*Taking note* of the report of the Secretary-General on the implementation of the United Nations safeguards guaranteeing protection of the rights of those facing the death penalty,

*Noting with satisfaction* that a large number of Member States have provided the Secretary-General with information on the implementation of the safeguards and have made contributions,

*Noting with appreciation* the study on the question of the death penalty and the new contributions of the criminal sciences to the matter,

*Alarmed* at the continued occurrence of practices incompatible with the safeguards guaranteeing protection of the rights of those facing the death penalty,

*Aware* that effective implementation of those safeguards requires a review of relevant national legislation and the improved dissemination of the text to all persons and entities concerned with them, as specified in resolution 15 of the Seventh Congress,

*Convinced* that further progress should be achieved towards more effective implementation of the safeguards at the national level on the understanding that they shall not be invoked to delay or to prevent the abolition of capital punishment,

*Acknowledging* the need for comprehensive and accurate information and additional research about the implementation of the safeguards and the death penalty in general in every region of the world,

1. Recommends that Member States take steps to implement the safeguards and strengthen further the protection of the rights of those facing the death penalty, where applicable, by:
  - (a) Affording special protection to persons facing charges for which the death penalty is provided by allowing time and facilities for the preparation of their defence, including the adequate assistance of counsel at every stage of the proceedings, above and beyond the protection afforded in non-capital cases;
  - (b) Providing for mandatory appeals or review with provisions for clemency or pardon in all cases of capital offence;
  - (c) Establishing a maximum age beyond which a person may not be sentenced to death or executed;
  - (d) Eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence, whether at the stage of sentence or execution;
2. Invites Member States to co-operate with specialized bodies, non-governmental organizations, academic institutions and specialists in the field in efforts to conduct research on the use of the death penalty in every region of the world;

3. Also invites Member States to facilitate the efforts of the Secretary-General to gather comprehensive, timely and accurate information about the implementation of the safeguards and the death penalty in general;
4. Invites Member States that have not yet done so to review the extent to which their legislation provides for the safeguards guaranteeing protection of the rights of those facing the death penalty as set out in the annex to Economic and Social Council resolution 1984/50;
5. Urges Member States to publish, for each category of offence for which the death penalty is authorized, and if possible on an annual basis, information about the use of the death penalty, including the number of persons sentenced to death, the number of executions actually carried out, the number of persons under sentence of death, the number of death sentences reversed or commuted on appeal and the number of instances in which clemency has been granted, and to include information on the extent to which the safeguards referred to above are incorporated in national law;
6. Recommends that the report of the Secretary-General on the question of capital punishment, to be submitted to the Economic and Social Council in 1990, in pursuance of Council resolution 1745 (LIV) of 16 May 1973, should henceforth cover the implementation of the safeguards as well as the use of capital punishment;
7. Requests the Secretary-General to publish the study on the question of the death penalty and the new contributions of the criminal sciences to the matter prepared pursuant to section X of Economic and Social Council resolution 1986/10 and to make it available, with other relevant documentation, to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.