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Federal Department of Foreign Affairs FDFA

UNIVERSAL ABOLITION OF THE DEATH PENALTY ACTION PLAN 2024–2027



FOREIGN POLICY
STRATEGY
2024-2027



HUMAN RIGHTS
GUIDELINES
2021-2024



UNIVERSAL
ABOLITION
OF THE DEATH
PENALTY
ACTION PLAN
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Foreword

There can be no justice that kills. This firm conviction forms the basis of Switzerland's efforts to achieve a world without the death penalty. It is enshrined in Article 10 paragraph 1 of the Federal Constitution: *"Every person has the right to life. The death penalty is prohibited."* According to Switzerland's legal position, which the Council of Europe shares, the death penalty violates the fundamental right to life and human dignity. Without the right to life, it is impossible to enjoy other human rights. Hence, there is a fundamental incompatibility between the application of the death penalty and respect for human rights.

A growing number of states share this position. Three decades ago, only 55 states had abolished capital punishment for all crimes. Today, that figure stands at 113, more than twice as many. This trend clearly shows a movement towards universal abolition. However, this encouraging outlook must be tempered. In recent years, the numbers of executions and death sentences have ceased to decline. In a small number of states, the death penalty remains in frequent use, often in breach of international law.

The primary argument advanced by these states is that capital punishment enables effective crime control. However, no scientific evidence has proven that it has a greater positive impact on crime prevention and public safety than other severe punishments. Furthermore, the death sentence can irreversibly harm innocent people, which is intolerable in a state governed by the rule of law, and it entails numerous human rights violations for both the condemned individual and their relatives.



This action plan aims to show how Switzerland intends not only to strengthen the overall trend towards universal abolition but also to help ensure a renewed decline in the global number of death sentences and executions. Starting from a clear principle of categorically rejecting capital punishment, Switzerland engages in constructive dialogue with retentionist states, pursuing concrete initiatives at the multilateral level, and enhancing cooperation with abolitionist states and civil society to work towards the worldwide abolition of the death penalty.

Alexandre Fasel
State Secretary

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1 Introduction

1.1. Why an action plan?

The universal abolition of the death penalty is a key objective of the Federal Council's Foreign Policy Strategy 2024–27 and one of the four main priorities outlined in the FDFA's Guidelines on Human Rights 2021–24. This action plan translates Switzerland's commitment into concrete measures and sets out its priorities in the fight against the death penalty. It is consistent with the various instruments of human rights diplomacy.

Switzerland categorically opposes **the death penalty in all circumstances**. It advocates for a world without the death penalty. To achieve this objective, Switzerland is committed to progressively narrowing the political and legal space for the application of the death penalty.

This action plan is primarily aimed at the FDFA and Switzerland's external network, but it can also serve as a guide for other departments and actors concerned, such as civil society.

Since adopting the FDFA's global strategy for the abolition of the death penalty in 2013, Switzerland has played a leading role on the international stage in this regard.

1.2. What are its objectives?

This action plan reaffirms the FDFA's determination to continue working towards the universal abolition of the death penalty, at both bilateral and multilateral levels, and by supporting projects and initiatives, including at the local level. In particular, it aims to fulfil the following two objectives:

1. to reaffirm Switzerland's leading role in the universal abolition of the death penalty, alongside like-minded states and civil society actors;
2. to present the means that Switzerland intends to mobilise to implement its action in favour of universal abolition.

2 Background

2.1. Retrospective and trends

Over the last few decades, one state after another has abolished or suspended the application of the death penalty, with the result that only a minority of states across the world still apply it today. At the end of 2023:

- 113 states had completely abolished the death penalty
- 9 states had abolished the death penalty for ordinary crimes
- 27 states were observing a moratorium on executions
- 49 states were still applying the death penalty

Since 2017, when the FDFA's previous action plan (2017–19) was launched, seven states (Ghana, Guinea, Kazakhstan, Papua New Guinea, the Central African Republic, Sierra Leone and Chad) have abolished the death penalty for all crimes, while four states have abolished it for ordinary crimes (Guatemala, Equatorial Guinea, Burkina Faso and Zambia).

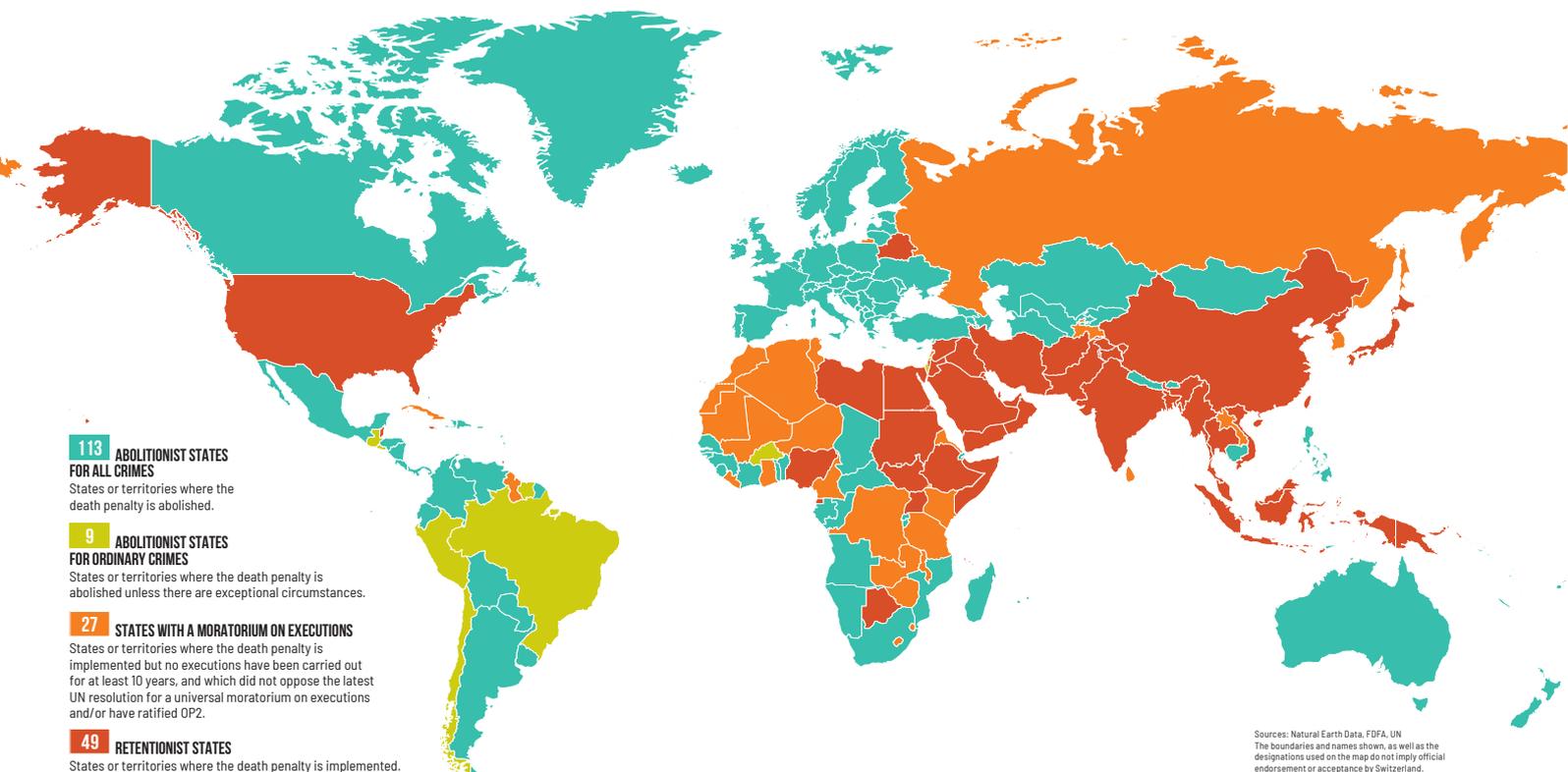
This universal trend is also reflected in the number of states supporting the establishment of a moratorium on the use of the death penalty, seen as a first step towards abolishing capital punishment. In 2022, the most recent biennial United Nations General Assembly resolution calling for the introduction of a moratorium received the support of 125 states – the highest

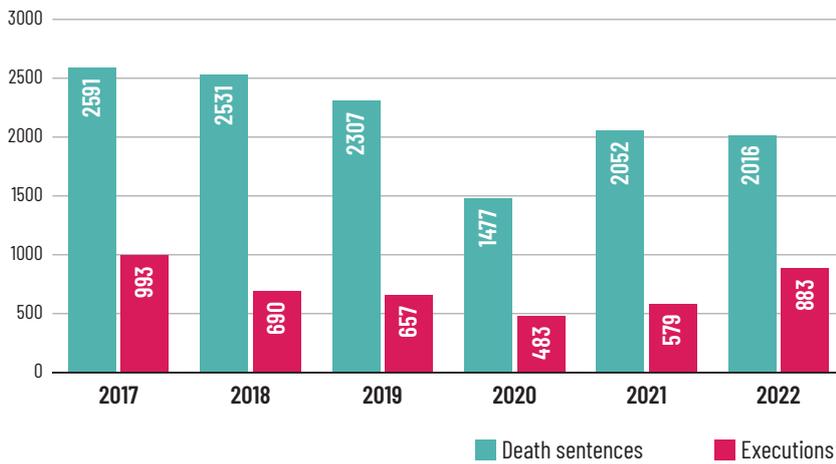
number to date. Furthermore, the fact a mere 20 states carried out executions in 2022¹ underscores that only a small, isolated group of states still resort to this practice.

Despite the overall trend towards abolition, the fight against the death penalty has suffered setbacks in recent years. In 2022, the number of recorded executions worldwide surged to 883, representing a 53% increase on the previous year. Over the last decade, the number of executions has remained stable, showing no signs of a downward trend. Several countries, including China, Iran, Saudi Arabia, Egypt, and the United States, continue to carry out a large number of executions.²

1 Amnesty International, <https://www.amnesty.org/en/latest/news/2023/05/death-penalty-2022-executions-skyrocket/>
2 In 2022, the five countries with the most executions, listed in descending order, were China (over 1,000 executions, precise figure undisclosed), Iran (a minimum of 576 executions), Saudi Arabia (196), Egypt (24), and the United States (18). <https://www.amnesty.org.uk/death-penalty-report-2022>

Graphic 1: Abolition of the death penalty in the world in 2022 [source: Ensemble contre la peine de mort - ECPM].





Graphic 2: Death Penalty in the world
 (source: Amnesty International).

In 2022, there were at least 28,282 prisoners on death row, enduring detention conditions that frequently fell far short of international standards while awaiting execution. In recent years, multiple countries, including Myanmar, Qatar and Kuwait, have regressed considerably by resuming executions following lengthy moratorium periods. Belarus has broadened the application of the death penalty to include attempted terrorist acts and to cover civil servants and military personnel accused of high treason.

This is a reminder that achieving the worldwide abolition of the death penalty is a long-term effort, necessitating a persistent and coordinated commitment from Switzerland and its partners.

2.2. Switzerland's role and principles

The universal abolition of the death penalty has been a priority of Swiss foreign policy since the first report on Swiss human rights policy in 1982. The rejection of capital punishment is a fundamental principle of Swiss law, which holds that the death penalty violates the basic rights to life and human dignity. Switzerland is therefore directing its efforts at international level to ensure greater recognition of this principle and to highlight the incompatibility between the death penalty and respect for human rights.

As part of its Action Plan for the Universal Abolition of the Death Penalty 2017–19, the FDFA set itself three objectives: first, to increase the number of abolitionist states; second, to reduce the number of states that apply the death penalty and the number of executions; third, to improve compliance with international standards relating to the application of the death penalty.

An internal evaluation of this action plan confirms the effectiveness of Switzerland's contribution to the global campaign against capital punishment and affirms the appropriateness of the selected objectives and priorities. This encourages Switzerland to maintain the approach it has followed to date and to adapt it judiciously to the new challenges described above.

The death penalty is not an appropriate deterrent

To date, it has not been scientifically proven that the death penalty has a greater deterrent effect on potential criminals than other severe penalties. It cannot therefore be considered an effective instrument for fighting crime or preventing violence and violent extremism. Moreover, while it is sometimes invoked to satisfy a need for retribution, it in no way constitutes redress for the victims of crime and their relatives.

These steps back have often been justified as decisive measures in combating terrorism and drug trafficking. In several other countries, there have been discussions and even concrete plans to reinstate the death penalty. Often, these initiatives are rooted in sociocultural, ideological, or religious motivations. They are based, for example, on the argument that the death penalty would represent adequate retribution – the punishment having to be in proportion to the harm that the sentenced person has deliberately caused. However, a severe prison sentence allows justice to be served while preserving the fundamental right to life.³ Furthermore, reinstating the death penalty would be a serious setback from the perspective of international law, insofar as states that have abolished this penalty and ratified international treaties to that effect do not have the right to reinstate it.

³ See also Section 2.2 Switzerland's role and principles on the foundations of Swiss action in favour of the universal abolition of the death penalty.

Switzerland's efforts towards the universal abolition of the death penalty are based on the **following principles**:

- **Protecting human rights.** Like a growing number of states, international organisations and non-governmental organisations, Switzerland considers that the death penalty violates human dignity and the right to life, as enshrined in Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights (ICCPR). Moreover, according to Switzerland's legal interpretation, shared by the Council of Europe, the death penalty violates the prohibition against torture and other cruel, inhuman or degrading treatment or punishment, particularly with regard to the conditions in which those sentenced to death are detained.⁴ In this respect, Switzerland is committed to the protection of human rights and respect for human dignity.
- **Promoting peace, security and the rule of law.** Switzerland firmly believes that respect for human rights is a prerequisite for achieving lasting peace. Policies that infringe upon human rights breed public distrust in the state and create an atmosphere of violence, thereby enabling extremist groups to thrive. Rather than bolstering public faith in the government and judicial system, the application of the death penalty further alienates the population from the state. By working towards the abolition of the death penalty, Switzerland is contributing to lasting peace and security and helping to strengthen the rule of law.
- **Promoting fair and equitable justice.** In numerous countries where the death penalty is still enforced, it is regularly imposed following unfair trials or even based on confessions extracted under torture.⁵ Moreover, the death penalty is frequently applied for acts that do not qualify as the most serious crimes under the ICCPR, namely crimes of extreme gravity involving intentional killing. Capital punishment can also be misused to eliminate political opponents, or imposed for economic offences (such as corruption) or for drug-related offences. Other acts punishable by death in some countries, such as adultery, apostasy, blasphemy or consensual same-sex relations, infringe upon individual freedoms guaranteed by human rights which Switzerland upholds. In this regard, abolishing the death penalty helps safeguard individuals against abuses of state power that may occur in certain countries.
- **Safeguarding against miscarriages of justice and upholding the right to rehabilitation.** The death penalty is all the more problematic because any miscarriages of justice, which are inevitable in any justice system, are irreversible. Yet innocent people are regularly executed, which is intolerable in a state

governed by the rule of law.⁶ Moreover, the death penalty precludes any possibility of rehabilitation, which runs counter to the vision of restorative justice that Switzerland advocates.

- **Avoiding the creation of new victims.** Capital punishment violates the dignity and rights not only of the condemned person but also of their family, especially children. It therefore infringes upon the best interests of the child and their right to be protected from all forms of physical and psychological violence. The death penalty also adversely affects many other people indirectly: jurors, prison staff, and executioners themselves have attested to the long-lasting trauma from being part of a judicial system that carries out executions.
- **Combating discrimination.** Multiple reports, including by the Office of the United Nations High Commissioner for Human Rights, indicate that the death penalty is imposed disproportionately and in a discriminatory manner against members of disadvantaged population groups. These include the poor and economically disadvantaged, ethnic minorities,⁷ religious minorities, foreign nationals, LGBTI individuals, persons with psychosocial or intellectual disabilities, and women convicted of adultery. In this context, there is a considerable risk that the application of the death penalty violates the right to equal treatment, the principle of non-discrimination and procedural rights. Switzerland is working to have these forms of discrimination recognised and documented. Together with a group of other states,⁸ it adopted a resolution at the Human Rights Council in October 2021 highlighting how the lack of transparency in the use of capital punishment impedes the exercise of human rights.

4 In many countries, individuals sentenced to death languish in prison for years, living under the constant threat of execution. During this time, they are frequently held in solitary confinement, enduring severe deprivation and, in some cases, subjected to torture. Such conditions amount to cruel, inhuman and degrading treatment.

5 Report of the Secretary-General to the United Nations General Assembly, 25 July 2022, Question of the death penalty, see in particular paragraphs 37–41. Reference: A/HRC/51/7 (un.org)

6 Since the death penalty was reinstated in the United States in 1976, 195 people from 28 states have been exonerated from death row, after spending an average of 11.5 years in prison for crimes they did not commit. Source: <https://www.witnessstoinnocence.org/innocence> consulted on 23 January 2023.

7 Ibid, see in particular paragraph 26. Reference: A/HRC/51/7 (un.org)

8 Belgium, Benin, Costa Rica, France, Mexico, Moldova and Mongolia.

The use of the death penalty in the fight against drug trafficking

Retentionist countries⁹ frequently invoke the fight against drug trafficking to justify keeping the death penalty in their legal arsenal. In 2022, at least 35 countries applied the death penalty for drug-related offences, and this type of crime accounted for 37% of recorded executions worldwide.¹⁰ At least 285 people have been executed for drug-related offences, while over 3,000 people worldwide have been confirmed to have been sentenced to death for drug trafficking¹¹ – though the actual figures are likely to be considerably higher.

International law limits the legal application of the death penalty to ‘the most serious crimes’ only.¹² Drug-related offences are not included in this category. The United Nations Human Rights Council and the United Nations Office on Drugs and Crime also consider that the death penalty should never be imposed for drug-related offences. The UN secretary-general emphasises that there is no evidence that the death penalty has a greater deterrent effect on drug offences or other types of crime than other sentences. Switzerland therefore urges countries that continue to apply the death penalty for drug-related offences to end this practice and to comply with international law.

9 States that continue to apply the death penalty.

10 Amnesty International, <https://www.amnesty.org/en/latest/news/2023/05/death-penalty-2022-executions-skyrocket/>

11 Harm Reduction International, <https://hri.global/topics/drugs-and-human-rights/death-penalty-for-drugs/>

12 In its General Comment 36 on Article 6 of the ICCPR regarding the right to life, the Human Rights Committee interpreted in 2018 that “the term ‘the most serious crimes’ must be read restrictively and appertain only to crimes of extreme gravity involving intentional killing. Crimes not resulting directly and intentionally in death, such as attempted murder, corruption and other economic and political crimes, armed robbery, piracy, abduction, drug and sexual offences, although serious in nature, can never serve as the basis, within the framework of article 6, for the imposition of the death penalty.”

2.3. Normative framework

INTERNATIONAL INSTRUMENTS AIMED AT ABOLISHING THE DEATH PENALTY

DATE	TEXT	SCOPE	KEY PROVISIONS ON THE DEATH PENALTY	APPLICATION
1948	Universal Declaration of Human Rights	Universal	<i>“Everyone has the right to life, liberty and security of person.”</i> Article 3	Enshrinement of the right to life.
1966	International Covenant on Civil and Political Rights (ICCPR)	Universal	<i>“Sentence of death may be imposed only for the most serious crimes in accordance with the law in force.”</i> Article 6-2	Restrictive and evolving interpretation of crimes punishable by death. Strict limitation of the scope of the death penalty.
1989	Convention on the Rights of the Child	Universal	<i>“Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.”</i> Article 37a	Prohibition of the death penalty for minors.
1989	Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (OP2)	Universal	<i>“No one within the jurisdiction of a State Party to the present Protocol shall be executed.”</i> Article 1-1	Abolition of the death penalty with no derogation permitted.
1983	Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Regional (Europe)	<i>“The death penalty shall be abolished. No one shall be condemned to such penalty or executed.”</i> Article 1	Abolition of the death penalty in peacetime.
2002	Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances	Regional (Europe)	<i>“Being resolved to take the final step in order to abolish the death penalty in all circumstances.”</i> <i>“The death penalty shall be abolished. No one shall be condemned to such penalty or executed.”</i> Article 1	Abolition of the death penalty in all circumstances, even for acts committed in time of war or imminent threat of war.
1990	Protocol to the American Convention on Human Rights to Abolish the Death Penalty	Regional (Americas)	<i>“The States Parties to this Protocol shall not apply the death penalty in their territory to any person subject to their jurisdiction.”</i> Article 1	Complete abolition of the death penalty in peacetime.

Table 1: List of international and regional texts referring to the abolition of the death penalty. (source: ECPM)

Although certain international treaties prohibit the death penalty, it is not absolutely forbidden under international law. However, there is a growing consensus that the application of the death penalty is incompatible with international human rights obligations, and several international instruments restrict its use, particularly the ICCPR.¹³

Under customary law, the prohibition on executing pregnant women, persons with mental disabilities and persons who were under 18 at the time of the offence is undisputed.

At the UN, the Second Optional Protocol to the ICCPR¹⁴ prohibits the death penalty in peacetime. Ninety states worldwide are parties to this additional protocol. Switzerland ratified this protocol in 1994, having abolished the death penalty under military criminal law in 1992. Since then, it has been committed to defending and promoting this legally binding instrument on the death penalty.

In Europe, the path towards the abolition of capital punishment has been gradual. While the European Convention on Human Rights (ECHR) of 1950 permits this sentence in exceptional circumstances, Protocol No. 6 of 1983 prohibits it in peacetime and Protocol No. 13 of 2002 prohibits it in all circumstances, even in wartime.¹⁵ Switzerland ratified the ECHR in 1974, Protocol No. 6 in 1987 and Protocol No. 13 in 2002. Furthermore, according to the European Court of Human Rights, any death sentence violates the prohibition on torture and inhuman or degrading treatment or punishment (Article 3 ECHR). The Parliamentary Assembly of the Council of Europe requires candidate states to immediately suspend the death penalty and ratify Protocol No. 6. Today, the death penalty violates European public order and is compatible neither with the ECHR nor with the fundamental values and membership of the Council of Europe.

¹³ Article 6 of the ICCPR stipulates, *inter alia*, that a death sentence may only be imposed for the most serious crimes.

¹⁴ Second Optional Protocol to the ICCPR, aimed at abolishing the death penalty.

¹⁵ Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (European Convention on Human Rights, ECHR); Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty, concluded on 28 April 1983; Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the Abolition of the Death Penalty in All Circumstances, concluded on 3 May 2002.

3 Fields of action

The abolition of the death penalty is becoming a universal trend, engaging even the most reluctant countries in dialogue. **Switzerland aims to promote and defend this trend and to thereby contribute to the ultimate achievement of a world without the death penalty.**

Based on its analysis of the global context and its commitment to the universal abolition of the death penalty, Switzerland has identified the following three key fields of action to advance this objective:

Field of action 1: Mobilising diplomacy

Switzerland relies on dialogue with states that continue to apply the death penalty to encourage them to abolish this sentence or, at the very least, to limit or suspend its application as a first step.

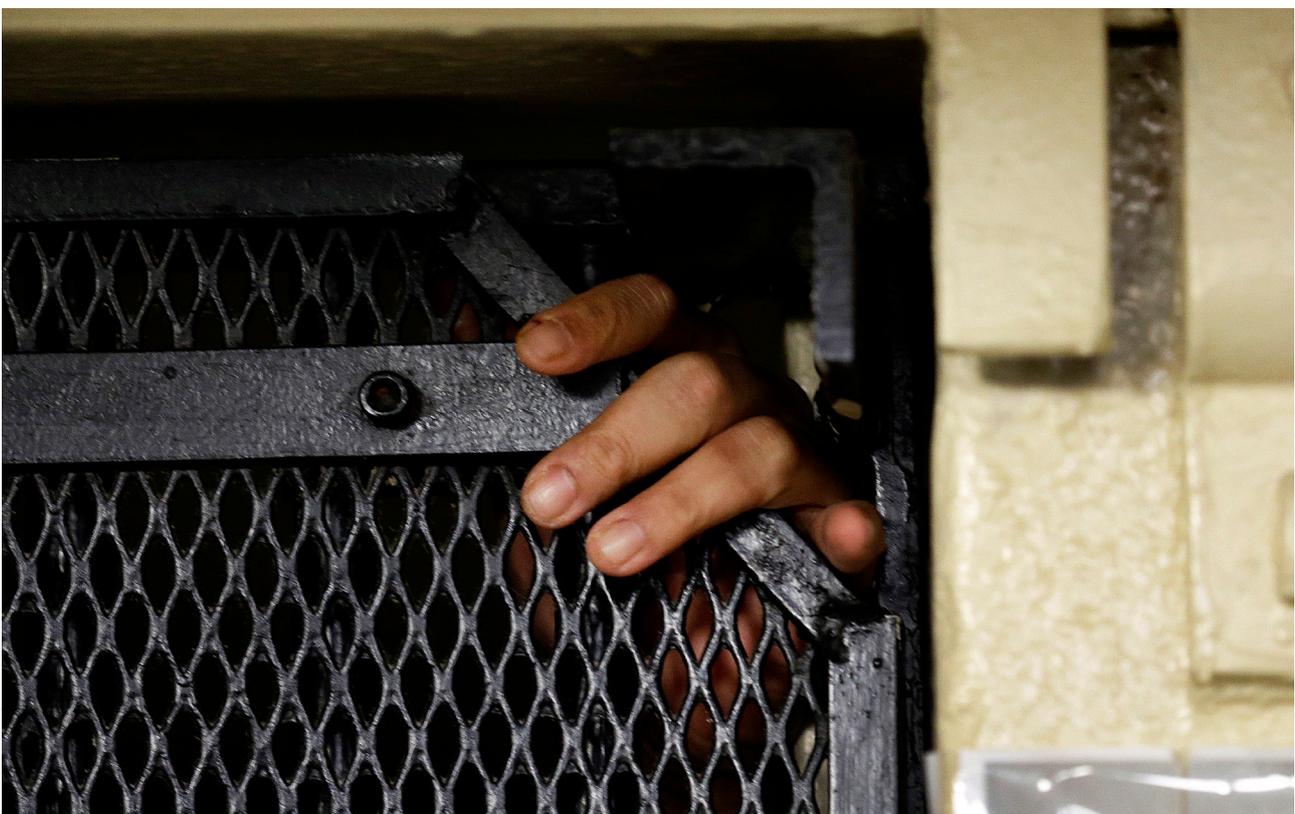
Field of action 2: Strengthening the normative framework

Switzerland is working to strengthen the international framework aimed at suspending or restricting the application of the death penalty. It plays a leading role in UN initiatives on this issue and supports regional institutions committed to abolition.

Field of action 3: Strengthening international collaboration

Recognising that the progress made in abolishing the death penalty worldwide is the result of a collective effort, Switzerland is committed to deepening collaboration with like-minded states and civil society organisations.

Picture 1: The fingers of Martin Navarette reach out of his cell on death row at San Quentin State Prison in San Quentin, California. (source: Keystone).





Picture 2: land art piece by the artist Saype depicting two children drawing their ideal world at the United Nations in Geneva (source: Valentin Flauraud).

3.1. Mobilising diplomacy

Objective 1

Advocating for abolition with retentionist states

The universal and indivisible nature of human rights is enshrined in the 1948 Universal Declaration of Human Rights. However, many states invoke their sovereignty when it comes to the application of the death penalty on their territory. Switzerland's first priority is to engage in dialogue with them with a view to encouraging them to abolish the death penalty or, at the very least, to limit or suspend its application, as a first step towards future abolition. The starting point is compliance with the minimum standards of international law, which some countries continue to violate (for example, the prohibition on imposing the death penalty on persons who were minors at the time of the offence, pregnant women and persons with psychosocial or intellectual disabilities).

On the path to abolition, Switzerland supports the following intermediate steps in particular:

- Reducing the number of offences punishable by death in criminal law, with a focus on acts that do not fall into the category of 'the most serious crimes' (e.g. drug offences or homosexuality)
- Putting an end to the mandatory application of the death penalty, which allows judges no discretion in sentencing
- Suspending the application of the death penalty in practice and enshrining a moratorium in law
- Abolishing the death penalty, including under martial law and states of emergency
- Ratifying the Second Optional Protocol to the ICCPR, aimed at abolishing the death penalty

- Ratifying the relevant regional agreements (e.g. Protocol No. 13 to the ECHR)

Measures

1a: Within the framework of bilateral exchanges, Switzerland systematically addresses the issue at all levels with states that have not yet abolished the death penalty. It does so constructively and takes account of the situation in the state concerned to encourage appropriate measures to be taken with a view to abolition.

1b: At the UN, Switzerland plays an active role in country-specific human rights processes and debates: the Universal Periodic Review (UPR), which provides an opportunity to take stock of the situation and make concrete recommendations; the Human Rights Council and the UN General Assembly, which deal with national situations; and interactive dialogues with special rapporteurs on the situation in specific countries. Switzerland uses these forums and processes to raise the issue of the death penalty and call upon the state concerned to abolish capital punishment or, at a minimum, take steps towards abolition.

1c: Swiss representations abroad relay relevant information to head office on the death penalty situation in their countries of accreditation. They initiate discussions and meetings on the subject and participate in initiatives where appropriate.



Picture 3: Council of Europe headquarters in Strasbourg (source: LDD).

Objective 2 **Responding to troubling developments**

Switzerland utilises the diplomatic channels at its disposal to respond to setbacks or to prevent them from occurring. These setbacks can take various forms: initiatives to reinstate the death penalty; resumption of executions following a moratorium; expansion of the death penalty's application to offences that do not satisfy the stringent 'most serious crimes' criteria under international law; or a marked rise in executions.

Moreover, Switzerland consistently engages with the state in question to forestall the use of capital punishment in contravention of the minimum safeguards under international law or to condemn such use after the fact. These minimum safeguards prohibit the execution of individuals who were minors when the offence was committed, pregnant women, or persons with psychosocial or intellectual disabilities.

Lastly, Switzerland may also raise individual cases that exemplify troubling situations, as long as doing so would not be counterproductive.

Measures

2a: Switzerland engages with the state in question through diplomatic démarches, which it may undertake unilaterally or in conjunction with other partner countries, depending on the context and potential for impact.

2b: When the situation warrants it, Switzerland uses public diplomacy to raise concerns about worrying developments, either through statements on social media or press releases.

Objective 3 **Support for global advocacy efforts**

Organised annually on 10 October since 2003, the World Day against the Death Penalty is a key opportunity for mobilising the global abolitionist movement and highlighting the case for the universal abolition of the death penalty. Other key events on the abolitionist agenda, such as the vote to establish a moratorium on the use of the death penalty at the UN General Assembly and the World Congress against the Death Penalty, also provide opportunities to highlight this priority of Swiss foreign policy.

Measures

3a: The FDFA and Swiss representations abroad use the various tools at their disposal to advocate for the abolition of the death penalty, especially on the World Day against the Death Penalty.

3b: Switzerland actively promotes and raises awareness of international initiatives and campaigns aimed at achieving the universal abolition of the death penalty.

3.2. Strengthening the normative framework

Objective 4

Support for relevant UN initiatives

Alongside its work with states, Switzerland is striving to strengthen the international framework and build consensus on the prohibition of the death penalty and its incompatibility with international human rights standards.

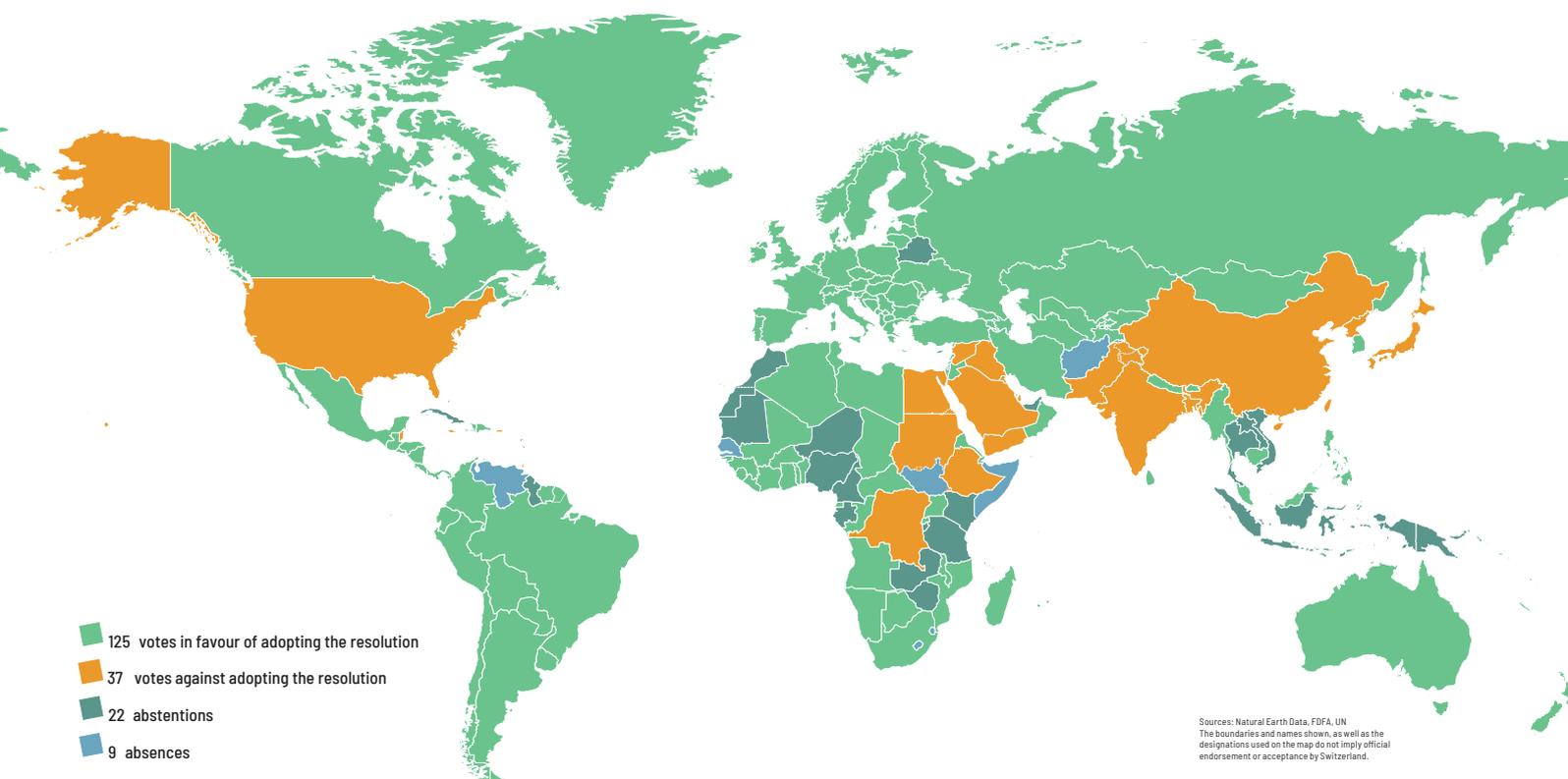
By doing so, Switzerland supports the global trend towards the abolition of capital punishment and helps to reinforce the legal position and practice of international monitoring bodies (e.g. the UN Human Rights Committee) according to which the death penalty violates human rights.

At the Human Rights Council in Geneva, Switzerland, together with a group of other states,¹⁶ launched an initiative in 2014 to present a resolution every two years addressing human rights violations arising from the use of the death penalty. Supported by a large majority of Human Rights

Council member states, the aim of this resolution is to reduce the scope and therefore the use of the death penalty worldwide. For example, the resolution passed in October 2023 highlighted the importance of respecting basic procedural rights such as the right to appeal and the right to seek pardon or commutation of a death sentence. The adopted text contains important provisions, in particular calling on states to abolish the mandatory death penalty, which leaves courts no discretion in sentencing.

At the UN General Assembly, Switzerland supports the resolution on establishing a universal moratorium on the use of the death penalty. As a sponsor of the resolution, Switzerland strives to reinforce its content and build greater support from member states through targeted advocacy, conducted jointly with partner states and civil society, both in national capitals and within the UN bodies. In December 2022, the resolution was adopted by 125 states, a record since this biennial initiative was introduced in 2007.

¹⁶ Comprising Belgium, Benin, Costa Rica, France, Mexico, Moldova and Mongolia.



Graphic 2: Map showing states' votes on the resolution to establish a moratorium on the use of the death penalty at the UN General Assembly in December 2022. [source: Ensemble contre la peine de mort - ECPM]

Measures

4a: Switzerland continues to play a leading role in UN initiatives to abolish, suspend or restrict the death penalty. It is involved in the negotiations to ensure that the texts adopted are robust and in line with the principle of the universality of human rights.

4b: Switzerland engages in bilateral follow-up efforts to encourage states to implement the provisions of resolutions adopted on the death penalty.

Objective 5 **Support for regional institutions**

Regional organisations play a key role in the abolition of the death penalty, as demonstrated by the Council of Europe, which in 1982 adopted the world's first international agreement prohibiting the death penalty (Protocol No. 6 to the ECHR). In the Americas, the General Assembly of the Organization of American States (OAS) adopted a protocol on the absolute abolition of the death penalty in 1990. The creation of a similar instrument is currently under discussion in Africa, with the Draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty promoted by the African Commission on Human and Peoples' Rights (ACHPR). For these initiatives to succeed, it is also necessary to encourage abolitionist states to support advocacy for abolition in their own geographical region and beyond.

Measure

5a: Switzerland supports the efforts of regional organisations to abolish the death penalty. To this end, it supports the ratification of existing regional instruments, as well as the creation of such instruments in regions of the world where they do not yet exist.

5b: Switzerland engages with strategically important abolitionist states on the issue of the death penalty to strengthen the case for abolition in all regions of the world.

3.3. Strengthening international cooperation

Objective 6 **Consolidation of international cooperation**

Collective action is essential if we are to continue to make progress towards the universal abolition of the death penalty. UN resolutions, the World Day against the Death Penalty and the World Congress against the Death Penalty are concrete results of this international cooperation and serve to mobilise all relevant actors in favour of universal abolition. To this end, Switzerland is committed to inclusive approaches and is deepening its collaboration with partner states and civil society actors.

Measures

6a: Promoting effective cooperation with abolitionist states

Switzerland works with like-minded states from all regions of the world to enhance the effectiveness of international initiatives, particularly within the UN, and when addressing specific situations or individual cases. It supports initiatives from other states or engages in joint initiatives where appropriate. It always considers the added value of a partnership in the given context and ensures the visibility of its actions.

6b: Support for key civil society actors

Switzerland supports organisations and individuals committed to abolishing the death penalty. Civil society plays an essential role in advocating for the universal abolition of the death penalty and raising public awareness.

Abolition benefits international mutual assistance in criminal matters

At present, Swiss citizens might be sentenced to death and executed abroad. The universal abolition of the death penalty would therefore also directly benefit Swiss nationals who are abroad for private or professional reasons. The application of the death penalty is also an obstacle to international mutual assistance in criminal matters. Switzerland does not extradite persons facing a possible death sentence or the risk of execution in the requesting state. Abolition will therefore help to improve international mutual assistance, which is in Switzerland's interests.

The World Congress against the Death Penalty

The World Congress against the Death Penalty is the largest international event advocating for the abolition of the death penalty. Organised by the NGO Ensemble contre la peine de mort (ECPM), the congress is held every three years in a different country. It aims to bring together in one place all the relevant actors around the world who are committed to abolishing the death penalty. These actors include states, international organisations, NGOs, and networks of parliamentarians and lawyers. As a major platform for discussion and the launch of initiatives, the congress provides an excellent opportunity for governments to make concrete commitments towards the abolition of the death penalty.

Switzerland is one of several countries supporting the congress, both politically and financially. Within the congress, Switzerland participates in initiatives aimed at encouraging states to make concrete commitments towards the abolition of the death penalty. The Eighth World Congress against the Death Penalty was held in Berlin in 2022.

4 Implementation

The **FDFA** is responsible for implementing the action plan.

Within the FDFA, coordination is provided by the **Peace and Human Rights Division (PHRD)** of the State Secretariat. The PHRD maintains an overview of multilateral and bilateral activities promoting the universal abolition of the death penalty and has a budget to fund relevant NGO initiatives.

The FDFA's **Directorate of International Law (DIL)** monitors relevant developments in public international law relating to the death penalty and provides legal advice to the relevant offices. It is also engaged in clarifying and further developing the international legal framework to support the universal abolition of capital punishment.

Switzerland's permanent missions to the UN in New York and Geneva play a leading role in multilateral initiatives to combat the death penalty. They represent Switzerland's interests in this area at the UN.

Within the **external network** (embassies, cooperation offices and consulates), the representations closely monitor the situation in states that have not yet abolished the death penalty. Depending on the local context, they conduct dialogue with the authorities and civil society actors on the death penalty. When the situation requires it, they make representations to the state concerned.

5 Annexes

5.1. List of abbreviations

ACHPR	African Commission on Human and Peoples' Rights
DIL	Directorate of International Law
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms, also known as the European Convention on Human Rights
FDFA	Federal Department of Foreign Affairs
LGBTI	Lesbian, gay, bisexual, transgender and intersex people
NGO	Non-governmental organisation
PHRD	Peace and Human Rights Division
SDGs	Sustainable Development Goals
UN	United Nations
UPR	Universal Periodic Review

5.2. Glossary

2030 Agenda: short for 'United Nations 2030 Agenda for Sustainable Development'. With its 17 Sustainable Development Goals (SDGs), the 2030 Agenda is a global reference framework covering three inseparable dimensions of sustainable development: the economy, the environment and society. Switzerland recognises it as a key guiding framework. The 2030 Agenda is not a binding legal framework. It is an instrument for setting political objectives, shaping opinion and defining domestic and foreign policy. It also serves as a reference framework for digital foreign policy.

Civil and political rights: civil and political rights are defined in the International Covenant on Civil and Political Rights (ICCPR), which was concluded in 1966 and entered into force in Switzerland on 18 September 1992. Historically speaking, civil and political rights were the first human rights to be enshrined in the constitutions of Western states, which is why they are also known as first-generation rights. They include the right to life and security, the right not to be subjected to torture, the right to freedom of thought, conscience and religion, the right to freedom of expression and the right to freedom of association.

Civil society: this is the part of society that organises itself relatively independently of the state and the private sector. Civil society is made up of groups that share the same interests or values or pursue common goals.

External network: Switzerland's external network comprises around 170 representations (embassies, permanent missions to the UN and other international organisations, consulates general, cooperation offices and other representations)

and some 200 honorary representations (as at May 2021). This network, which operates according to the principles of universality, efficiency and coherence, is an important instrument for safeguarding Switzerland's interests.

Human rights: human rights are the innate and inalienable rights to which every person is entitled, without discrimination, simply by virtue of being human. They are essential for guaranteeing the protection of people's dignity and physical and mental integrity, as well as their individual development. As guarantors of a society founded on the obligation to respect the rights of individuals, they apply equally to international relations and domestic policy. Human rights are universal, indivisible and closely interlinked. Each state is obliged to respect, protect and apply them.

International law (also known as public international law): this is the set of legal rules in force at the international level, enacted jointly by states, and governing relations between them. International law serves as a foundation for peace and stability and aims to protect and promote the well-being of human beings. It therefore covers a wide range of areas, such as the prohibition on the use of force, human rights, the protection of human beings during wars and conflicts (cf. international humanitarian law), the prevention or prosecution of war crimes, crimes against humanity, genocide, transnational organised crime and terrorism. It also governs areas such as the environment, trade, development, telecommunications and transport. As states are sovereign, they are subject only to the norms of international law to which they have decided to adhere. The exception to this principle are peremptory norms of international law: no state can evade these fundamental norms, such as the prohibition of genocide and torture. Public international law also applies to the digital space.

International organisation: an international organisation is a permanent body established by at least two states. It is mandated to perform its own autonomous functions and therefore has at least one executive organ. International organisations are typically founded through a multilateral treaty (also known as a statute or charter) that defines the organisation's areas of work and its constituent bodies.

Multilateralism: multilateralism describes the situation where matters of shared concern are discussed and negotiated among three or more states, as opposed to bilateralism, which involves only two states. International organisations and forums such as the UN, the OSCE and the Council of Europe are designed to host this type of debate. By engaging in multilateral efforts and forging alliances, Switzerland can magnify its influence and create a leveraging effect in

promoting its objectives.

Office of the United Nations High Commissioner for

Human Rights: the Office of the High Commissioner for Human Rights (OHCHR) is a body attached to the United Nations Secretariat that is responsible for the promotion and protection of human rights. It coordinates human rights activities throughout the UN system.

Rule of law: the rule of law establishes the supremacy of legal norms over the notion that might makes right. At national level, the rule of law aims to ensure the primacy of law and, as a result, the fundamental freedoms and civil liberties of citizens at every level of government. In foreign policy, the rule of law is crucial for advancing international peace and security, economic and social development, as well as for the protection of human rights and fundamental freedoms. Strengthening international law, which provides political stability and dependability in international relations, is the principal means of promoting the rule of law.

UN treaty body: each of the nine UN human rights conventions has a monitoring body known as a 'treaty body'. The treaty bodies are comprised of specialists tasked with verifying whether the human rights enshrined in the respective convention are being upheld. To this end they examine, for example, the reports that the states parties to the respective convention are required to draw up periodically and then make recommendations to these states. They also address complaints filed by states against other states that fail to meet their obligations, and rule on individual petitions from victims of human rights violations.

Universal Declaration of Human Rights: the Universal Declaration of Human Rights was adopted by the UN General Assembly on 10 December 1948. As the first international declaration of human rights, it sets out civil and political rights as well as economic, social and cultural rights.

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