



Human Rights Council, 45th session

21 September 2020

Agenda Item 3

Thank you, Madam Chairperson,

FIACAT, the International Bar Association's Human Rights Institute, the Advocates for Human Rights, Ensemble contre la peine de mort (ECPM), Reprieve and UIA – Union Internationale des Avocats, with the support of the Children Education Society (CHESO), the Center for Prisoner's Rights (CPR), the Cornell Center on the Death Penalty Worldwide and Legal Awareness Watch (LAW), organizations that are members of the World Coalition Against the Death Penalty, which also co-signs this statement, welcome the report of the Secretary-General on the Question of the Death Penalty. We wish to stress the importance of the right to effective legal representation in capital punishment cases – the focus of this year's World Day Against the Death Penalty.¹

Lawyers play a pivotal role in protecting human rights and upholding the rule of law. The right to effective legal representation at all stages of criminal proceedings is widely enshrined in international human rights standards as part of the right to a fair trial. We recall that the imposition of the death penalty following a trial in violation of due process and fair trial standards renders the sentence arbitrary and in violation of the right to life.

¹ October 10th.

Coinciding with the 30th anniversaries of the UN Basic Principles on the Role of Lawyers and the IBA Standards for the Independence of the Legal Profession, we emphasise that the independence of the legal profession and access to justice are prerequisites to the rule of law and democracy and must be guaranteed.

However, too often lawyers lack adequate time and facilities to prepare a defence, or the necessary training to face complex proceedings; they face pressure and interference in their work; and legal aid systems are inadequate. This disproportionately affects people living in poverty, making them particularly vulnerable to injustice.

While advocating for abolition worldwide, we call on States that have not yet abolished the death penalty to recognise, uphold and protect the role of lawyers and to guarantee the right to effective legal representation at all stages of capital cases without distinction of any kind.

Thank you.