



Concept Note
Side Event at the UN Human Rights Council

Title: The Abolition of the Death Penalty in Asia: Emerging Challenges and Opportunities for Reform

Date/Time: From 15th of September

Organisers: OSF, HRI, Switzerland

Background

In much of Asia, the death penalty persists as both a legal sanction and a political instrument. It functions not only as a means of punishment but also as a symbolic marker of state authority, often mobilised in response to public anxieties about crime and security. Drug-related offences and terrorism are particularly prominent in this narrative, with retention framed as a demonstration of political resolve. Yet beneath this appearance of permanence, important shifts are underway, creating openings for reform alongside the risk of reversal.

Malaysia's 2023 abolition of the mandatory death penalty marked a decisive departure from decades of rigid sentencing policy inherited from the colonial era. Judges now have discretion to impose long custodial terms, and a one-off resentencing process has reviewed the cases of more than 900 death row prisoners. This reform, coupled with an execution moratorium in place since 2018, has begun to shift public discourse toward proportionality, judicial independence, and the purpose of punishment. However, the retention of the death penalty in law underscores the fragility of these gains. Meanwhile, Indonesia's new Criminal Code, enacted in 2023 and will be in force from January 2026, retains capital punishment but repositions it as an exceptional and provisional measure. In certain cases, a 10-year probationary period allows for commutation to life imprisonment if the convicted person demonstrates reform. This reframing, while not abolishing the penalty, signals a potential normative shift away from automatic executions, particularly relevant in drug-related cases where international human rights standards caution against its use.

In Pakistan, legislative amendments in 2023 removed the death penalty for drug offences, making it the first country in over a decade to take such a step, building on a 2021 Supreme Court ruling prohibiting the execution of people with serious mental illness. These reforms reflect an emerging awareness of due process concerns, the limitations of deterrence, and the international momentum towards narrowing the scope of capital punishment.

Against this backdrop, progress across these jurisdictions remains contested. Reform trajectories are shaped by a volatile mix of political calculation, public opinion, and institutional capacity. Hardline rhetoric can resurface quickly in response to high-profile crimes, with media narratives often reinforcing retentionist positions. Access to effective legal representation is uneven, particularly for the most marginalised, and fair trial safeguards are not consistently upheld. Regional collaboration is minimal, with reformers in each country often working in isolation and lacking sustained mechanisms for shared strategy or mutual reinforcement.

This side event seeks to situate the national developments in Malaysia, Indonesia, and Pakistan within a broader regional and global frame. By bringing together practitioners from each country to examine both the

drivers and constraints of reform, the discussion will illuminate shared challenges, identify transferable strategies, and strengthen the connective tissue of regional solidarity. The aim is to sustain and amplify momentum, transforming isolated national reforms into coordinated, durable progress toward the eventual abolition of the death penalty.

Format

Opening remarks (5 min)

Speakers' presentation (4 x 10 min): Malaysia, Indonesia/Global, Pakistan, OHCHR's role

Audience Q&A (5 min): Interactive exchange.

Proposed Speakers (tbc)

Opening remarks: Ambassador and Permanent Representative of Switzerland to the United Nations in Geneva.

Edmund Bon, ASEAN Inter-governmental Commission on Human Rights (AICHR), Malaysia

Sarah Belal, Justice Project Pakistan (JPP), Pakistan

Ajeng Larasati, Harm Reduction International (HRI), Global/Indonesia.

Zaved Mahmood, Office of the High Commissioner for Human Rights (OHCHR)

Judy Chang, Open Society Foundations (OSF) – Moderator