

Resolution on the Review of the Study on the Death Penalty in Africa - ACHPR/Res.546 (LXXIII) 2022

Dec 12, 2022

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 73rd Ordinary Session from 20 October to 9 November 2022 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Considering Article 4 of the African Charter which dedicates the right to life, prohibits its arbitrary deprivation, and dedicates the inviolability of the human being; Article 5 which prohibits torture, cruel, inhuman or degrading punishment and treatment;

Considering also Article 45(1)(a) of the African Charter which mandates the Commission to collect documents, undertake studies and research on African problems in the field of human and peoples' rights;

Recalling its Resolution ACHPR/Res.416 (LXIV) 2019 on the abolition of the Death Penalty, urging the States Parties still maintaining the compulsory Death Penalty to abolish it in so far as it violates the right to life and the right to dignity;

Recalling also in this regard the adoption of the Draft Protocol to the African Charter on Human and Peoples' Rights relative to the abolition of the Death Penalty by the African Commission on Human and Peoples' Rights at its 56th Ordinary Session from 21 April to 7 May, held in Banjul, The Gambia;

Convinced that a study on the Death Penalty would contribute to providing data and information on the contextual situation, the extent and scope of the problem and the recommendations to highlight strategies and measures to be put in place to prevent and protect individuals from the damaging effects caused by the application of the Death Penalty thereby protecting their right to life and urging the States to commit resolutely to its abolition;

Considering the Study on the Death Penalty carried out in 2011 under Resolution ACHPR/Res.79 (XXXVIII) 05 and adopted at its 50th Ordinary Session held from 24 October to 5 November 2011, in Banjul, in the Republic of The Gambia;

Emphasizing the need to revise the said Study to include new themes and to update current statistical data on the Death Penalty in Africa;

The Commission:

1. Decides to embark on a review of the Study on the Death Penalty in Africa;
2. Decides to give the Working Group on the Death Penalty, Extra-Judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa the responsibility of carrying out this Study in collaboration with the Centre for Human Rights, University of Pretoria, in South Africa;
3. Indicates that the conclusions of this Study will be submitted within a year; and
4. Calls on all the stakeholders to provide the requisite support for the realization of this Study.

Done in Banjul, The Gambia, on 9 November 2022.