

**Report to the UN Secretary-General on the question of the death penalty pursuant to decision 18/117 and Resolution 22/11 of the Human Rights Council**

29 March 2024

**Reporting organisation:**



Harm Reduction International (HRI) envisions a world where drug policies uphold dignity, health and rights. HRI uses data and advocacy to promote harm reduction and drug policy reform. Since 2007, HRI has been at the forefront of advocating for the abolition of the death penalty for drug-related offences worldwide, including via the [Death Penalty for drug offences: Global Overview](#) series.

HRI is an NGO in Special Consultative Status with the Economic and Social Council of United Nation.

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## Introduction

Harm Reduction International (HRI) welcomes the opportunity to comment on crucial issues and developments concerning the use of the death penalty; and urges the Secretary-General to continue prioritising this issue. We further reaffirm the call for a moratorium on the death penalty as a step towards its definitive abolition worldwide.

This submission will provide information on developments from 1 July 2022, focusing on drug offences. Because of a widespread lack of transparency on the phenomenon, all reported figures are minimum confirmed figures, likely to represent only a fraction of actual death sentences, executions, and death row populations.

Unless specified, all information is from *The Death Penalty for Drug Offences: Global Overview, 2022*<sup>1</sup> and 2023<sup>2</sup> editions.

### a) Global trends

As of March 2024, 34 countries and territories prescribe the death penalty as a punishment for drug offences in their legislation, in violation of international human rights and drug control standards.<sup>3</sup> This is one less country than reported in 2023, thanks to recent legal reform in Pakistan (see next section). In 12 countries, death is the mandatory punishment for at least certain drug offences.<sup>4</sup>

The upward trend in executions reported in HRI's latest submission continues.<sup>5</sup> In 2022, at least 285 people were executed globally for drug offences in four countries: Iran (252+), Saudi Arabia (22+), Singapore (11+) and China (+). 2023 saw a 44% increase in executions from the previous year, with at least 467 people executed for drug offences in 5 countries, namely Iran, China, Kuwait, Singapore and Saudi Arabia. In these two years, executions are believed to have also taken place in Vietnam and North Korea, but this cannot be confirmed due to state secrecy and censorship. Overall, drug executions were responsible for roughly 42% (almost 1 in 2) of known global executions, meaning **drug control effectively drives use of the death penalty globally**. This is the highest confirmed figure since 2016.

Of those executed in 2023, at least 59 people belonged to ethnic minority groups (in Iran and in Singapore), 13 individuals were foreign nationals, and six were women.

HRI has also observed a steady increase in the number of known drug-related death sentences. At least 303 people were sentenced to death for drug offences in 2022, and at least 375 in 2023. In 2023, drug offences were responsible for 94% of known death sentences in Indonesia, and 100% in the United Arab Emirates. Because of lack of disaggregated data, many if not most drug-related death sentences remain unknown. Foreign nationals are also overrepresented among people sentenced to death for drug offences, although lack of comprehensive and disaggregated data prevents from providing a full picture.

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<sup>1</sup> Girelli, Jofré, and Larasati (2023) 'The Death Penalty for Drug Offences: Global Overview 2022' *Harm Reduction International London*. Doi, <https://hri.global/flagship-research/death-penalty/the-death-penalty-for-drug-offences-global-overview-2022/>.

<sup>2</sup> Girelli, Jofré and Larasati (2024) 'The Death Penalty for Drug Offences: Global Overview 2023' *Harm Reduction International London*. Doi, <https://hri.global/flagship-research/death-penalty/the-death-penalty-for-drug-offences-global-overview-2023/>.

<sup>3</sup> Bahrain, Bangladesh, Brunei Darussalam, China, Cuba, Egypt, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Lao PDR, Libya, Mauritania, Malaysia, Myanmar, North Korea, Oman, Palestine, Qatar, Saudi Arabia, Singapore, South Korea, South Sudan, Sri Lanka, Sudan, Syria, Taiwan, Thailand, United Arab Emirates, United States of America, Vietnam, Yemen

<sup>4</sup> Brunei Darussalam, Iran, Jordan, Kuwait, Lao PDR, Malaysia, Myanmar, Oman, Singapore, Sudan, United Arab Emirates, Yemen.

<sup>5</sup> Harm Reduction International (2022) Submission to the UN Secretary-General on the question of a moratorium on the use of the death penalty, pursuant to UN General Assembly Resolution 75/183. Doi [https://hri.global/wp-content/uploads/2022/10/221221\\_-\\_SG\\_report\\_on\\_DP-1.pdf](https://hri.global/wp-content/uploads/2022/10/221221_-_SG_report_on_DP-1.pdf).

At least 3000 people – likely thousands more - are believed to be on death row for drug offences in at least 19 countries.<sup>6</sup> Drug offences are the main crime for which people are known to be on death row in several countries. As of 2023, 52% of people on death row are sentenced for drug offences in Indonesia, about 55% in Malaysia, 95% in Singapore, and 61% in Thailand. In the latter, the figure skyrockets to 92% when only looking at women on death row.

Pervasive lack of transparency, often coupled with censorship and shrinking of civic space (which prevents independent monitoring and reporting) limits the amount of available information on children of parents sentenced to death for drug offences. Nevertheless, studies on children of parents/caretakers incarcerated for drug offences have found exposure to violence, feelings of hopelessness and helplessness, perception of state authorities as a source of violence and corruption, and stigma.<sup>7</sup> These challenges are likely to be exacerbated in cases where caretakers are incarcerated pursuant to a death sentence.

### **b) Other national developments since July 2022**

In **Indonesia**, President Widodo granted clemency for the first time during his mandate to a person sentenced to death for drug offences, in 2023. Merri Utami, who spent over twenty years on death row for drug trafficking despite evidence that she had been tricked into carrying drugs across borders, had her death sentence commuted to life imprisonment.

**Iran** is responsible for most *known*<sup>8</sup> drug-related executions globally (88% in 2022, 98% in 2023). The number of drug related executions in the country continues increasing (+92% between 2021 and 2022; +79% between 2022 and 2023), also because the regime uses executions to stifle protests in times of upheaval in the country. According to figures by the Abdorrahman Boroumand Centre for Human Rights in Iran, in 2023 drug offences were responsible for the majority of executions in the country. According to Iran Human Rights, 95% of drug executions were not announced by official media; and at least one person on death row for drug offences was a minor at the time of arrest.<sup>9</sup> This trend confirms experts' fears of a temporary, limited impact of the 2017 Amendments to the Law for Combating Illicit Drugs.<sup>10</sup>

**Kuwait** executed one person – a Sri Lankan national – for drug trafficking in xxx 2023; the first drug-related execution since 2007.

In 2023, **Malaysia** adopted an important reform to its death penalty legislation. Among others, death was removed as *mandatory* punishment for the 12 offences which retained it, including drug trafficking. People on death row (the majority of which have been convicted of drug trafficking) were allowed to apply for resentencing and may have their sentence commuted.

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<sup>6</sup> Bahrain, Bangladesh, China, Egypt, Indonesia, Iran, Iraq, Kuwait, Lao PDR, Malaysia, Pakistan, State of Palestine, Saudi Arabia, Singapore, Sri Lanka, Thailand, United Arab Emirates, Vietnam, Yemen.

<sup>7</sup> Giacomello Corina (2019) Childhood that matters: the impact of incarcerated parents in Latin American and The Caribbean. *Artes Graficas Integradas*, Buenos Aires. Doi <https://cdn.sanity.io/files/6u5teakk/production/9e7f663514aa8d21833e5395deea2c37411be685.pdf?dl=>

<sup>8</sup> Notably, a similar or even higher number of executions is believed to have been carried out in China and Vietnam. As information on the use of the death penalty is classified as state secret in the two countries, no realistic figures can be confirmed.

<sup>9</sup> Iran Human Rights and ECPM (2023) Annual Report on the Death Penalty in Iran. Doi [https://iranhr.net/media/files/Iran\\_Human\\_Rights-Annual\\_Report\\_2023.pdf](https://iranhr.net/media/files/Iran_Human_Rights-Annual_Report_2023.pdf)

<sup>10</sup> For more details on the reform, see: 'The Death Penalty for Drug Offences: Global Overview 2018' (London: Harm Reduction International, 2019), [https://www.hri.global/files/2019/02/22/HRI\\_DeathPenaltyReport\\_2019.pdf](https://www.hri.global/files/2019/02/22/HRI_DeathPenaltyReport_2019.pdf), p. 10 -11.

In July 2023, **Pakistan** took the landmark decision of removing death as a possible punishment for offences in its Control of Narcotic Substances Act (CNSA). Roll-out is proving slow, as media sources indicate that lower courts were still sentencing people to death for drug crimes as of January 2024.

The moratorium on drug-related executions announced in early 2020 in **Saudi Arabia** abruptly ended in November 2022. By the end of the year, 57 people had been executed for drug offences. In a worrying departure from previous practice, over 30 drug executions were carried out in secret and were not announced by official media; with additional executions confirmed by the Saudi National Human Rights Commission to Amnesty International. At least two more drug-related executions were carried out in 2023, but the figure may be partial.

**Singapore** also resumed drug-related executions after a brief hiatus in March 2022. By the end of 2023, 16 people were executed in the country, all for drug offences. Among them was Saridewi Djamani, the first woman executed in Singapore in 20 years. Drugs also account for all death sentences confirmed in 2022 and 2023. Among the nine people confirmed to have been sentenced to death for drug offences in Singapore, are at least three foreign nationals, three persons over 65 years' old, at least three people who claimed possession for personal use, and at least one person with a history of mental health issues.

In November 2022, **Sri Lanka** expanded the applicability of the death penalty by adding methamphetamine as a substance the possession, import/export, or trafficking over five grams of which can be punished with death.<sup>11</sup> At least six people were sentenced to death for drug offences in 2023 in the country.

An upward trend in *known* drug-related death sentences continues being recorded in several countries, including **Iraq** (19 in 2023, a 533% increase from 2022); and in **Vietnam** (188 in 2023, a 111% increase from 2022).

### c) Concluding remarks

Following a significant drop in drug-related executions from 2017 to 2020, the upward trend witnessed since 2021 has continued and is accelerating, insomuch that drug control is now driving the use of the death penalty in many countries, and at the global level. This is even though only an extreme minority of states actively executed people for drugs; in clear violation of international standards; as reiterated, among others, by the September 2023 OHCHR report on “Human rights challenges in addressing and countering all aspects of the world drug problem”;<sup>12</sup> and the 2023 Resolution by the Human Rights Council on the “Question of the death penalty”.<sup>13</sup>

These figures confirm how drug control and capital punishment are closely intertwined, and how full abolition of the death penalty cannot be achieved without comprehensive drug policy reform.

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<sup>11</sup> Parliament of the Democratic Socialist Republic of Sri Lanka, (2022) ‘Poisons, Opium and Dangerous Drugs (Amendment) Act’, Bill No. 149. *The Gazette*. Doi <https://www.parliament.lk/uploads/bills/gbills/english/6277.pdf>

<sup>12</sup> UN Human Rights Council (2023) ‘Human rights challenges in addressing and countering all aspects of the world drug problem: Report of the Office of the United Nations High Commissioner for Human Rights’. UN Doc. A/HRC/54/53 <https://www.ohchr.org/en/documents/thematic-reports/ahrc5453-human-rights-challenges-addressing-and-countering-all-aspects>

<sup>13</sup> Human Rights Council, (2023) ‘Resolution adopted by the Human Rights Council on 13 October 2023: Question of the death penalty’. UN Doc. A/HRC/RES/54/35