

## **LIFE - RIGHT TO - DEATH PENALTY**

### **IV. CONCLUDING OBSERVATIONS, CONTINUED**

#### **CERD**

- Saudi Arabia, CERD, A/58/18 (2003) 41 at para. 218.

218. The Committee is concerned at allegations that a disproportionate number of foreigners are facing the death penalty. The Committee encourages the State party to cooperate fully with the Special Rapporteur on extrajudicial, summary and arbitrary executions who has requested information on several cases of migrant workers who have not received legal assistance and have been sentenced to death.

#### **ICCPR**

- Ukraine, ICCPR, A/57/40 vol. I (2002) 32 at para. 74(5).

(5) The Committee welcomes the abolition of the death penalty, including during time of war. The Committee hopes that the State party will ratify the second Optional Protocol to the Covenant.

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), ICCPR, A/57/40 vol. I (2002) 36 at paras. 75(22) and 75(37).

(22) The Committee welcomes the abolition of the death penalty for all offences in all of the overseas territories; it notes its retention in the Turks and Caicos Islands for piracy and treason.

...

(37) The Committee is concerned that in the Turks and Caicos Islands, alone among the overseas territories, capital punishment for the offences of treason and piracy has been retained. It considers that such retention may raise issues under article 6 of the Covenant, particularly since the death penalty has been abolished for the offence of murder.

The State party should take the necessary steps to abolish the death penalty for treason and piracy.

- Azerbaijan, ICCPR, A/57/40 vol. I (2002) 47 at para. 77(4).

4. The Committee welcomes the abolition of the death penalty in 1998 as well as the State party's accession to the Second Optional Protocol to the Covenant, though with a reservation

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relating to wartime...

- Sweden, ICCPR, A/57/40 vol. I (2002) 57 at para. 79(5).

(5) The Committee commends the State party for its sustained role in the international community's efforts to abolish the death penalty.

- Viet Nam, ICCPR, A/57/40 vol. I (2002) 67 at para. 82(7).

(7) Notwithstanding the reduction in the number of crimes that carry the death penalty from 44 to 29, the Committee remains concerned about the large number of crimes for which the death penalty may still be imposed. The penalty does not appear to be restricted only to those crimes that are considered as the most serious ones. In this respect, the Committee considers that the definition of certain acts such as opposition to order and national security violations, for which the death penalty may be imposed, are excessively vague and are inconsistent with article 6, paragraph 2, of the Covenant.

The State party should continue to review the list of crimes for which the death penalty may be imposed in order to reduce and limit these to crimes which may be strictly considered as the most serious crimes, as required by article 6, paragraph 2, and with a view to abolishing capital punishment in furtherance of article 6 of the Covenant.

- Yemen, ICCPR, A/57/40 vol. I (2002) 73 at para. 83(15).

(15) The Committee notes with concern that the offences punishable by the death penalty under Yemeni law are not consistent with the requirements of the Covenant and that the right to seek a pardon is not guaranteed for all on an equal footing. The preponderant role of the victim's family in determining on the basis of financial compensation whether or not the penalty is carried out is also contrary to articles 6, 14 and 26 of the Covenant.

The State party should review the question of the death penalty. The Committee points out that article 6 of the Covenant limits the circumstances that may justify the death penalty and guarantees the right of every convicted person to seek a pardon. Consequently, it calls upon the State party to bring its legislation and practice into line with the provisions of the Covenant...

- Egypt, ICCPR, A/58/40 vol. I (2002) 31 at paras. 77(12) and 77(16).

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(12) The Committee notes with concern the very large number of offences which, under Egyptian law, are punishable by the death penalty, and the incompatibility of certain of those offences with article 6, paragraph 2, of the Covenant.

...The Committee calls on the State party to bring its legislation and practice into line with the Covenant. The Committee recommends that Egypt take measures to abolish the death penalty.

...

(16) While understanding the security requirements associated with efforts to combat terrorism, the Committee voices concern at their effects on the human rights situation in Egypt, particularly in relation to articles 6, 7, 9 and 14 of the Covenant.

(a) The Committee considers that the effect of the very broad and general definition of terrorism given in Act No. 97 of 1992 is to increase the number of offences attracting the death penalty in a way that runs counter to the sense of article 6, paragraph 2, of the Covenant.

...

The State party must ensure that steps taken in the campaign against terrorism are fully in accordance with the Covenant. It should ensure that legitimate action against terrorism does not become a source of violations of the Covenant.

- Togo, ICCPR, A/58/40 vol. I (2002) 36 at para. 78(10).

10. The Committee notes with satisfaction that for several years no death sentence imposed by a court has been carried out in Togo, but it remains concerned by the vagueness of the crimes for which the death penalty may be imposed.

The State party should limit the cases in which the death penalty is imposed and ensure that it is applied only for the most serious crimes...The Committee encourages the State party to abolish the death penalty and to accede to the Second Optional Protocol to the Covenant.

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at para. 81(5).

(5) The Committee welcomes the moratorium on the application of the death penalty in force in Mali since 1979, and the current trend towards the abolition of capital punishment.

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at paras. 63(7) and 63(10).

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(7) The Committee regrets the lack of information on the procedure for the implementation of the Committee's Views under the Optional Protocol. In particular, it is concerned by the grave breaches by the State party of its obligations constituted by its lack of compliance with the Committees' requests for interim measures of protection in cases submitted under the Optional Protocol (*Piandiong, Morillos and Bulan v. Philippines*).

The State party should establish procedures to implement Views of the Committee and to ensure compliance with requests for interim measures of protection.

...

(10) The Committee notes the current partial moratorium on execution of death sentences (while drug-related crimes are excluded from this moratorium), but it remains concerned by the adoption of legislation providing for the death penalty after article 3, section 19(1) of the Constitution of the Philippines had prohibited the imposition of the death penalty. In any event, the Committee has noted that the death penalty is mandatory for a number of crimes and extends to an excessive number of offences which do not fit the definition of the "most serious" crimes within the meaning of article 6, paragraph (2) of the Covenant. The Committee notes that the death penalty is prohibited for persons under 18 years of age, but is concerned that minors have been sentenced to death, seven of whom are currently detained on death row.

The Committee urges the State party to take measures to repeal all laws which have made it possible to impose the death penalty and to accede to the Second Optional Protocol to the Covenant. It should also ensure compliance with article 6, paragraph (5) of the Covenant prohibiting the imposition of the death sentence for crimes committed by persons below 18 years of age.

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at para. 64(11).

11. The Committee notes that the death penalty was abolished *de facto* by Presidential decree of 16 May 1996, entitled "Phasing out of the death penalty in connection with Russia's entry into the Council of Europe". The Committee also notes that the State party envisages legislation to abolish the death penalty. It is concerned, however, that the current moratorium will automatically end once the jury system has been introduced in all constituent entities of the State party, scheduled to be completed in 2007.

The State party should abolish the death penalty *de jure* before the expiration of the moratorium (art. 6) and accede to the Second Optional Protocol.

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at para. 65(6).

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6. The Committee welcomes amendments to national legislation to harmonize it with the provisions of the Second Optional Protocol. It encourages the State party to accede to the Second Optional Protocol.

- Suriname, ICCPR, A/59/40 vol. I (2004) 43 at para. 69(10).

(10) The Committee notes that while the State party has not carried out judicial executions for almost 80 years, the death penalty remains on the statute books for the offences of aggravated murder, premeditated murder and treason.

The Committee encourages the State party to abolish the death penalty and accede to the Second Optional Protocol to the Covenant.

- Uganda, ICCPR, A/59/40 vol. I (2004) 47 at para. 70(13).

(13) The Committee is concerned about the broad array of crimes for which the death penalty may be imposed. It finds incompatible with the Covenant that the death penalty is mandatory for the crimes of murder, aggravated robbery, treason and terrorism resulting in the death of a person, and the imposition of death sentences by field courts-martial without the possibility of appeal or to seek pardon or commutation of the sentence. The Committee also expresses its concern about the long periods of time which convicted prisoners spend on death row (almost 20 years in one case) (arts. 6 and 14).

The State party is urged to limit the number of offences for which the death penalty is provided and to ensure that it is not imposed except for the most serious crimes. The State party should also abolish mandatory death sentences and ensure the possibility of full appeal in all cases, as well as the right to seek pardon or commutation of the sentence.

- Liechtenstein, ICCPR, A/59/40 vol. I (2004) 61 at para. 73(4).

(4) The Committee welcomes the State party's commitment not to extradite an individual to a State where he or she might face a capital sentence.

- Namibia, ICCPR, A/59/40 vol. I (2004) 64 at para. 74(4).

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(4) The Committee commends the State party for having abolished, at the constitutional level, the death penalty for all crimes.

- Finland, ICCPR, A/60/40 vol. I (2004) 22 at para. 81(4).

(4) The Committee is pleased to observe the State party's concern to integrate human rights into action to combat terrorism, in part by maintaining an outright ban on extradition, *refoulement* or expulsion to a country where the individual concerned might be exposed to the death penalty and violations of articles 6 and 7 of the Covenant.

### *See also:*

- Iceland, ICCPR, A/60/40 vol. I (2005) 50 at para. 87(7).

- Albania, ICCPR, A/60/40 vol. I (2004) 25 at para. 82(7).

(7) The Committee commends the State party for having abolished the death penalty in 2000, and encourages it to ratify the second Optional Protocol to the Covenant.

- Benin, ICCPR, A/60/40 vol. I (2004) 30 at para. 83(13).

(13) While welcoming the fact that no one sentenced to capital punishment has been executed in Benin in almost 18 years, the Committee notes with concern that capital punishment is not limited to the most serious crimes. It is concerned that some individuals have been on death row for many years, and is disturbed by contradictory reports regarding their conditions of detention (articles 6, 7 and 10 of the Covenant).

The State party should limit the death penalty to the most serious crimes. It should consider abolishing the death penalty and acceding to the Second Optional Protocol to the Covenant. The Committee recommends that the State party commute all existing death sentences into terms of imprisonment, immediately verify the conditions of detention of those on death row and ensure that the United Nations Standard Minimum Rules for the Treatment of Prisoners are respected in all situations.

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at paras. 84(5), 84(11), 84(13) and 84(16).

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(5) The Committee welcomes the State party practice, which it has followed consistently since 1994, of commuting death sentences.

...

(11) The Committee is concerned that, even though the death penalty has not been applied since 1994 and many of those sentenced to death have had their sentences commuted, the number of offences punishable by the death penalty has risen since the previous periodic report was considered (Covenant, art. 6).

In accordance with article 6 of the Covenant, the State party should reduce to a minimum the number of offences punishable by the death penalty, with a view to abolishing capital punishment. The State party should also commute the sentences of all persons sentenced to death.

...

(13) The Committee is concerned that article 26 of the new law on the residence of aliens permits the immediate expulsion of an alien deemed to be a threat to State security, even if the alien may be subjected to torture or ill-treatment or sentenced to death in the receiving country.

The State party should set up a system that would allow any alien who claims that expulsion would put them at risk of being subjected to torture, ill-treatment or the death penalty to lodge an appeal that would have the effect of suspending the expulsion (Covenant, arts. 6, 7 and 10).

...

(16) The Committee is concerned that the accused may have access to the services of a lawyer only from the time at which their custody is extended (that is, after 48 or 96 hours). It recalls that, in its previous decisions, it has held that the accused should receive effective assistance from a lawyer at every stage of the proceedings, especially in cases where the person may incur the death penalty.

The State party should amend its legislation and practice to allow a person under arrest to have access to a lawyer from the beginning of their period in custody (Covenant, arts. 6, 7, 9, 10 and 14).

- Kenya, ICCPR, A/60/40 vol. I (2005) 44 at paras. 86(13), 86(17) and 86(21).

(13) While welcoming the fact that no one sentenced to capital punishment has been executed in Kenya since 1988, the Committee notes with concern that there is a large but unspecified number of individuals under sentence of death, and that the death penalty applies to crimes not having fatal or similarly grave consequences, such as robbery with violence or attempted robbery with violence, which do not qualify as “most serious crimes” within

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the meaning of article 6, paragraph 2, of the Covenant.

The State party should consider abolishing the death penalty *de jure* and acceding to the Second Optional Protocol to the Covenant. The State party should remove the death penalty from the books for crimes that do not meet the requirements of article 6, paragraph 2. It should ensure that the death sentences of all those on death row whose final appeals have been exhausted are commuted.

...

(17) The Committee notes with concern the differential between the time in which those accused of having committed an offence must be brought before a judge (24 hours) and the time limit that applies to a person accused of a capital offence (14 days); the latter is incompatible with article 9 (3) of the Covenant. It is further concerned that most suspects do not have access to a lawyer during the initial stages of detention.

The State party should ensure that those accused of the capital offence of murder fully benefit from the guarantees of article 9 (3) of the Covenant. It should further guarantee the right of persons in police custody to have access to a lawyer during the initial hours of detention.

...

(21) The Committee is concerned that only individuals facing a capital murder charge currently benefit from a legal assistance scheme, and that those charged with other capital or non-capital offences, however serious, do not benefit from legal aid (article 14, paragraph 3 (d), of the Covenant).

The State party should facilitate the access of individuals to legal assistance in all criminal proceedings where the interests of justice so require. The envisaged expansion of the legal aid scheme should be pursued actively.

- Uzbekistan, ICCPR, A/60/40 vol. I (2005) 56 at paras. 89(6), 89(8) and 89(15).

(6) The Committee recalls that in several cases, the State party has executed prisoners under sentence of death, although their cases were pending before the Committee under the Optional Protocol to the Covenant and requests for interim measures of protection had been addressed to the State party. The Committee recalls that in acceding to the Optional Protocol, the State party recognized the Committee's competence to receive and examine complaints from individuals under the State party's jurisdiction. Disregard of the Committee's requests for interim measures constitutes a grave breach of the State party's obligations under the Covenant and the Optional Protocol.

The State party should adhere to its obligations under the Covenant and the Optional Protocol, in accordance with the principle of *pacta sunt servanda*, and take the necessary



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measures to avoid similar violations in future.

...

(8) The Committee remains concerned about information before it that when prisoners under sentence of death are executed, the authorities systematically fail to inform the relatives of the execution, defer the issuance of a death certificate and do not reveal the place of burial of the executed persons. These practices amount to a violation of article 7 of the Covenant with respect to the relatives of the executed persons (Covenant, art. 7).

The State party is urged to change its practice in this regard, in order to comply fully with the Covenant's provisions.

...

(15) The Committee notes that while under domestic law individuals have access to a lawyer at the time of arrest, this right is often not respected in practice. Those accused of criminal acts should receive effective assistance from a lawyer at every stage of the proceedings, especially in cases where the person is liable to the death penalty (Covenant, arts. 6, 7, 9, 10 and 14).

The State party should amend its legislation and practice to allow a person who has been placed under arrest to have access to a lawyer from the time of arrest.

### *See also:*

- Tajikistan, ICCPR, A/60/40 vol. I (2005) 70 at para. 92(8).
- Yemen, ICCPR, A/60/40 vol. I (2005) 65 at para. 91(15).

(15) The Committee remains concerned that the offences carrying the death penalty under Yemeni law are not consistent with the requirements of the Covenant and that the right to seek a pardon is not guaranteed for all on an equal footing. The preponderant role of the victim's family in deciding whether or not the penalty is carried out on the basis of financial compensation ("blood money") is also contrary to the Covenant. Furthermore, while noting the claim that death by stoning has not been implemented for a long time in Yemen, the Committee is concerned that such a sentence may be pronounced, as shown by the case of Layla Radman 'A'esh before the court of first instance in Aden in 2000. The Committee also deplores the suffering she underwent while still under the sentence (arts. 6, 7, 14 and 26).

The State party should limit the cases in which the death penalty is imposed, ensure that it is applied only for the most serious crimes, and officially abolish the sentence of death by stoning. The Committee reiterates that article 6 of the Covenant limits the circumstances that may justify the death penalty and guarantees the right of every convicted person to seek a pardon...The State party is further encouraged to work towards the abolition of the death

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penalty and to accede to the Second Optional Protocol to the Covenant.

- Tajikistan, ICCPR, A/60/40 vol. I (2005) 70 at paras. 92(3) and 92(9).

(3) The Committee notes with appreciation the decrease in the number of crimes punishable by the death penalty and the moratorium of April 2004 on the imposition and execution of death sentences, as well as the commutation of all existing death sentences in the State party

...

(9) The Committee is concerned about information before it that, when prisoners under sentence of death were executed, the authorities systematically failed to inform the families and relatives of the date of execution or to reveal the place of burial of the executed persons. These practices amount to a violation of article 7 of the Covenant with respect to the family and relatives of the executed persons (art. 7).

The State party should take urgent measures to inform families of the burial sites of those who were executed before the moratorium.

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at para. 94(7).

(7) The Committee remains concerned that the nature and number of the offences carrying the death penalty in the State party are not consistent with the requirement of the Covenant that this form of punishment must be limited to the most serious crimes. The Committee is deeply concerned at the *de facto* reinstatement of death sentences and executions in 2002. The Committee has noted the written replies given by the delegation and notes the insufficient information relating to the number of persons whose death sentences have been commuted, and the number of persons awaiting execution (art. 6).

The State party should limit the cases in which the death penalty can be imposed, in line with the Committee's previous recommendation that the State party should bring its legislation into conformity with article 6 (2) of the Covenant, which provides that a sentence of death may be imposed only for the most serious crimes, and should give precise information to explain the particular reasons for the death sentences imposed and executed.

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at para. 95(14).

(14) The Committee notes with concern that the death penalty is not restricted to the "most serious crimes" within the meaning of article 6, paragraph 2, and is applicable to drug trafficking. The Committee regrets that, despite the amendment in 2003 of the Penal Code, which prohibits imposition of the death penalty on persons below 18 years of age, the State

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party has not yet withdrawn its declaration to the Covenant on article 6, paragraph 5 (art. 6).

The State party should review the imposition of the death penalty for offences related to drug trafficking in order to reduce the categories of crime punishable by death. The State party should also consider the withdrawal of its declaration on article 6, paragraph 5, of the Covenant.

### CAT

- Ukraine, CAT, A/57/44 (2002) 31 at para. 56.

56. The Committee notes with appreciation:

...

(d) The abolition of the death penalty;

...

- Cyprus, CAT, A/58/44 (2002) 21 at para. 33.

33. The Committee welcomes the recent legislative, administrative and institutional developments that took place in the State party since the consideration of its previous periodic report, namely:

...

(e) The abolition of the death penalty;

...

### *See also:*

- Estonia, CAT, A/58/44 (2002) 26 at para. 48.

- Turkey, CAT, A/58/44 (2003) 46 at para. 120.

120. The Committee welcomes the following positive aspects:

(a) The abolition of the death penalty for peacetime offences;

...

- Albania, CAT, A/60/44 (2005) 34 at para. 82.

82. ...[T]he Committee would like to commend:

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(a) The suspension since 1992 of the death penalty;

...

### CRC

- Sudan, CRC, CRC/C/121 (2002) 53 at para. 289.

289. The Committee recommends that the State party:

...

(d) Guarantee that sentences of capital punishment are not given for acts committed when the perpetrator was a child under 18 and that sentences of life imprisonment without possibility of release are likewise not handed down;

...

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 487 and 489.

487. ...[T]he Committee is deeply concerned at the possibility that children of 16 and 17 years of age are treated like adults and can be subjected to the death penalty or life imprisonment, which is a serious violation of article 37 of the Convention...

...

489. ...[T]he Committee particularly recommends that the State Party:

(a) Ensure that persons of 16 and 17 years of age are not treated like adults and enjoy the full protection of the Convention;

...

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 465, 466, 509 and 510.

465. Despite the information that the death penalty has never been carried out against juvenile offenders in the State party, the Committee remains seriously concerned that capital punishment may be imposed for offences committed by persons from the age of 16 years and over, contrary to article 37 (a) of the Convention.

466. The Committee strongly recommends that the State party take immediate steps to ensure that the imposition of the death penalty for crimes committed by persons while under 18 is explicitly prohibited by law.

...

509. The Committee acknowledges the efforts made by the State party to improve the juvenile justice system. However, the Committee remains concerned at the limited progress

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achieved in establishing a functioning juvenile justice system throughout the country. In particular, the Committee is concerned at:

...

(b) The sentencing to life imprisonment of children from the age of 7 years and to the death penalty of children from the age of 16 years;

...

510. ...[T]he Committee recommends that the State party:

...

(b) Ensure that the imposition of the death penalty, of life imprisonment without possibility of release, and of caning and whipping as sanctions for crimes committed by persons while under 18 is explicitly prohibited by law;

...

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 328, 329, 368 and 370.

328. The Committee is seriously concerned that respect for the inherent right to life of a person under 18 is not fully guaranteed under the law in the State party. The Committee is particularly concerned about the applicability of the death penalty for crimes committed by children aged 16 and 17 years of age and emphasizes that such a penalty is in violation with article 37 (a) of the Convention.

329. The Committee urges the State party to amend its Penal Law in accordance with article 37 (a), and to abolish by law the imposition of the death penalty for crimes committed by persons under 18 years of age and replace the already issued death sentences for children under 18 with a sanction in accordance with the Convention.

...

368. The Committee is concerned that the juvenile justice system does not conform to international norms and standards... The fact that capital punishment and imprisonment without possibility of release can be applied under Penal Law to children aged 16 and 17 years at the time the crime was committed is also a major issue of concern for the Committee.

...

370. As part of this reform, the Committee recommends that the State party:

...

(b) In the light of article 37, subparagraph (a), urgently amend the Penal Law to ensure that neither capital punishment nor life imprisonment without possibility of release can be imposed for offences committed by persons below the age of 18;

...

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 443, 444, 464, 465, 507 and

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508.

443. The Committee notes the various legislative measures undertaken by the State party and referred to in its response to the list of issues (CRC/C/RESP/71) and welcomes, in particular, the information provided by the delegation that the Bill on the Establishment of Juvenile Courts has been approved by the Council of Ministers and has been submitted to the *Majlis*, a bill which, *inter alia*, abolishes the death penalty for crimes committed by persons under 18. The Committee also notes that this Bill has yet to be approved by the Council of Guardians before it becomes law.

444. The Committee recommends that the State party take, as a matter of the highest priority, all possible measures to secure the final official approval of this new law and to ensure its full implementation. It further recommends that the State party continue to strengthen its legislative efforts by undertaking a comprehensive review of its domestic legislation so as to ensure its full conformity with the principles and provisions of the Convention.

...

464. The Committee notes the statement made by the delegation of the State party during the consideration of the second periodic report that in view of the Bill on the Establishment of Juvenile Courts currently pending before Parliament, executions of persons for having committed crimes before the age of 18 have been suspended. The Committee deplores the fact that such executions have continued since the consideration of the State party's initial report, including one such execution on the day the second report was being considered.

465. The Committee urges the State party to take the necessary steps to immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18, to take the appropriate legal measures to convert them into penalties in conformity with the provisions of the Convention and to abolish the death penalty as a sentence imposed on persons for having committed crimes before the age of 18, as required by article 37 of the Convention.

...

507. The Committee welcomes the efforts of the State party to improve the laws with regard to persons below 18 in conflict with the law, in particular the Bill on the Establishment of Juvenile Courts mentioned in paragraph 443 above. However, it deplores the information referred to in paragraph 464 above that, despite the statement of the delegation made during the consideration of the second periodic report that in view of that bill, executions, torture and other cruel, inhuman or degrading treatment or punishment of persons for having committed crimes before the age of 18 have been suspended, such executions and ill-treatment have continued since the consideration by the Committee of the State party's initial report. The Committee remains concerned at the persisting poor quality of the rules and practices in the juvenile justice system, reflected, *inter alia*, in the lack of statistical data, the limited use of specialized juvenile courts and judges, the low age of criminal responsibility,

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the lack of adequate alternatives to custodial sentences, and the imposition of torture and other cruel or inhuman punishment and in particular of the death penalty.

508. The Committee repeats reiterates its recommendation contained in paragraph 444 above that the State party take, as a matter of the highest priority, the necessary measures for the approval and implementation of the Bill on the Establishment of Juvenile Courts and to ensure that it complies with the provisions of the Convention, in particular articles 37, 39 and 40, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System, in the light of the day of general discussion on the administration of juvenile justice, held by the Committee in 1995. In this respect, the Committee urges the State party, in particular:

(a) To suspend immediately, for an unlimited period of time, the imposition and execution of the death penalty for crimes committed by persons under 18, and to take all measures to implement paragraph 465 of the present concluding observations;

...

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 696, 697, 742 and 745.

696. In the context of the respect for the inherent right to life of a person under 18, the Committee is seriously concerned about the applicability of the death penalty to persons below 18 under the sharia law, and emphasizes that such a penalty is a violation of articles 6 and 37 (a) of the Convention.

697. The Committee urges the State party to abolish by law the imposition of the death penalty for crimes committed by persons under 18 years of age and replace the already issued death sentences for persons under 18 with a sanction in accordance with the Convention.

...

742. The Committee notes with appreciation the efforts made by the State party to reform the Juvenile Justice Administration (JIA), including the establishment of a National Working Group on Juvenile Justice Administration in 2002 and the introduction of the draft National Policy on Child Justice Administration in Nigeria for discussion. However, the Committee remains gravely concerned that the juvenile justice system in the State party, in particular, the sharia court system, does not conform to international norms and standards, in particular that:

...

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(l) Article 12 of the Child and Young Persons Act and article 319 (2) of the Criminal Code, as well as the sharia Penal Codes in 12 northern states which allow for imposition of death penalty on persons below 18.

...

745. ...[T]he Committee urges the State party to, in particular:

...

(e) Amend, as a matter of urgency, the Child and Young Persons Act and the Criminal Code, as well as the sharia Penal Codes to abolish death penalty as well as cruel, inhuman and degrading treatment on juvenile offenders, and in the meantime take measures, as a matter of priority, to ensure that persons under 18 are not sentenced to torture, cruel, inhuman and degrading forms of sanction such as flogging and amputation by sharia courts;

...

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 127 and 130.

127. While noting that the provisions of the Revised Penal Code (Republic Act No. 3815) and the Act to Impose the Death Penalty on Certain Heinous Crimes, which amended the Revised Penal Code (Republic Act No. 7659), explicitly prohibit the imposition of the death penalty on persons below the age of 18 years at the time the crime was committed, the Committee expresses its deep concern at the cases where children, that is persons below the age of 18, have been placed on death row without definite proof of their age.

...

130. The Committee also urges the State party to take all necessary steps to prevent the execution of children sentenced to death and replace their death sentences with sanctions which are in compliance with the Convention and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33). The State party should also take immediate legislative and other measures to oblige authorities, such as police, prosecutors, defence, judges and social workers, to present evidence in courts regarding the precise age of an accused person, or if failing to do so give a person the benefit of the doubt, in order to ensure that persons under 18 years of age are not sentenced to death or another adult punishment.