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CAPITAL PUNISHMENT

Note by the Secretary-General

1. The General Assembly, in resolution 1396 (XIV) of 20 November 1959, invited the Economic and Social Council to initiate a study of the question of capital punishment, of the laws and practices relating thereto, and of the effects of capital punishment, and the abolition thereof, on the rate of criminality. In response to this resolution the Council, in resolution 747 (XXIX) of 6 April 1960, requested the Secretary-General to provide it with a factual review of the various aspects of the question of capital punishment, consulting, as he deemed appropriate, the Ad Hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders set up under General Assembly resolution 415 (V) of 1 December 1950.
2. The Secretary-General accordingly submitted to the Council at its thirty-fifth session a study on capital punishment^{1/} prepared by a consultant, Mr. Marc Ancel, on the basis of a Secretariat questionnaire circulated to Governments concerning laws, regulations and practices relating to capital punishment in their countries, and of a second questionnaire addressed to national social defence correspondents and certain non-governmental organizations requesting information on the deterrent effect of the death penalty and of the consequences of its abolition. The study was discussed by the Ad Hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders at its seventh session, held in Geneva from

^{1/} ST/SOA/SD/9 (United Nations publication, Sales No.: 62.IV.2; reprinted in E.67.IV.15, part I).

7 to 16 January 1963; the comments of that body were before the Council at its thirty-fifth session.^{2/}

3. After considering the study on capital punishment and the comments of the Ad Hoc Advisory Committee, the Economic and Social Council, in resolution 934 (XXXV) of 9 April 1963, inter alia addressed certain recommendations to Member Governments. At the same time the Council requested the Secretary-General to broaden the studies so far carried out, with a view to including in them some consideration of the differences between civil and military tribunals, and the policy of the latter in regard to the death penalty; to prepare a report based on information received from Governments on any new developments with respect to the law and practice in their countries concerning the death penalty and on information concerning legislation and military penal jurisdiction, especially in connexion with any differences which may exist as compared with their ordinary penal legislation regarding the application of capital punishment; and to submit the report to the United Nations Consultative Group on the Prevention of Crime and the Treatment of Offenders established under General Assembly resolution 415 (V).

4. At the eighteenth session of the General Assembly, the Third Committee, in connexion with its consideration of the report of the Council,^{3/} felt that the subject of capital punishment, which had been considered by the Social Commission, should be considered from the standpoint of human rights by the Commission on Human Rights.^{4/} Upon the Third Committee's recommendation the General Assembly, in resolution 1918 (XVIII) of 5 December 1963, endorsed the action taken by the Council in its resolution 934 (XXXV); requested the Council to invite the Commission on Human Rights to study the report entitled Capital Punishment^{1/} and the Ad Hoc Advisory Committee's comments thereon,^{2/} and to make such recommendations on the matter as it deemed appropriate; and requested the Secretary-General, after examining the report of the Commission on Human Rights and with the

^{2/} Official Records of the Economic and Social Council, Thirty-fifth Session, Annexes, agenda item 11, document E/3724, section III.

^{3/} Official Records of the General Assembly, Eighteenth Session, Supplement No. 3 (A/5503).

^{4/} Ibid., Eighteenth Session, Annexes, agenda item 12, document A/5606, paras. 44-46.

co-operation of the Consultative Group on the Prevention of Crime and the Treatment of Offenders, to present a report, through the Council, to the General Assembly not later than at its twenty-second session on new developments with respect to the law and practice concerning the death penalty and new contributions of the criminal sciences in the matter.

5. The Economic and Social Council at its resumed thirty-sixth session decided on 17 December 1963, to forward General Assembly resolution 1918 (XVIII) to the Commission on Human Rights. The Commission at its twenty-second session adopted resolution 15 (XXII) of 30 March 1966, in which, after recalling the terms of General Assembly resolution 1918 (XVIII), it decided to consider the question of capital punishment and the documentation referred to in paragraph 2 of that resolution at its twenty-third (1967) session, as a matter of priority. Owing to lack of time, however, the Commission was unable to implement its decision and postponed the item to its twenty-fourth session.

6. During the forty-second session of the Economic and Social Council,^{5/} the delegations of Sweden and Venezuela submitted a draft resolution (E/AC.7/L.514 and Rev.1, as orally revised) on the subject of capital punishment. In resolution 1243 (XLII) of 6 June 1967, the Council expressed its regret that the time at its disposal did not permit the Council to study the draft resolution and transmitted it to the General Assembly for a decision as to what further steps should be taken in the matter.

7. At the twenty-second session of the General Assembly the item entitled "Capital punishment: report of the Secretary-General" was allocated to the Third Committee. Owing to its workload at that session the Committee was, however, unable to consider the substance of the item. Upon the Committee's recommendation,^{6/} the General Assembly adopted resolution 2334 (XXII), in which it (1) decided to consider the question of capital punishment at its twenty-third session; (2) requested the Secretary-General to provide it at that session with pertinent information prepared in the light of Assembly resolution 1918 (XVIII); and (3) invited the Economic and Social Council (a) to instruct the Commission on

^{5/} See documents E/AC.7/SR.562 to 571, 578 and E/SR.1479.

^{6/} Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 62, document A/7007.

Human Rights to consider the question of capital punishment, including the draft resolution submitted by the Council in resolution 1243 (XLII), and to transmit its recommendations on the matter through the Council to the General Assembly at its twenty-third session; and (b) to seek the views of the Consultative Group on the Prevention of Crime and the Treatment of Offenders concerning the draft resolution submitted by the Council in resolution 1243 (XLII), requesting the Secretary-General to transmit these views to the General Assembly at its twenty-third session.

8. As regards the information called for in General Assembly resolution 1918 (XVIII) (see paragraph 4 above), the Secretariat commissioned Professor Norval Morris, a member of the Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, to prepare a study, issued under the title Capital Punishment: Developments 1961-1965.^{7/} In accordance with Council resolution 934 (XXXV) and General Assembly resolution 1918 (XVIII), the study was also placed before the United Nations Consultative Group on the Prevention of Crime and the Treatment of Offenders, which met in Geneva from 6 to 16 August 1968.

9. The Economic and Social Council at its 1514th meeting, held on 18 December 1967, decided to forward General Assembly resolution 2334 (XXII) to the Commission on Human Rights, which dealt with the item at its twenty-fourth session.^{8/} An account of the action taken by the Council at its forty-fourth session, upon the recommendation of the Commission, may be found in the report of the Council to the twenty-third session of the General Assembly.^{9/} The resolution adopted by the Council, which contains a draft resolution for action by the General Assembly (resolution 1337 (XLIV)) is reproduced in paragraph 11 below.

10. In accordance with paragraph 3 (b) of Assembly resolution 2334 (XXII), the Council also sought the views of the Consultative Group concerning the draft

^{7/} ST/SOA/SD/10 (United Nations publication, Sales No.: E.67.IV.15, Part II).

^{8/} Official Records of the Economic and Social Council. Forty-fourth Session. Supplement No. 4 (E/4475), chapter XI and resolution 16 (XXIV).

^{9/} Official Records of the General Assembly. Twenty-third Session. Supplement No. 3 (A/7203), chapter XI, section B.

resolution which had been submitted to the Assembly by Council resolution 1243 (XLII). Relevant excerpts from the report of the Consultative Group on its meetings of 6 to 16 August 1968 may be found in the annex to the present report.

11. Resolution 1337 (XLIV), unanimously adopted by the Economic and Social Council on 31 May 1968, reads as follows:

"Capital punishment

"The Economic and Social Council,

"Recalling General Assembly resolution 1918 (XVIII) of 5 December 1963, in which the Council was requested to invite the Commission on Human Rights to study the report entitled Capital Punishment 10/ and the comments thereon of the Ad Hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, 11/ and to make such recommendations on the matter as it deemed appropriate,

"Recalling further General Assembly resolution 2334 (XXII) of 18 December 1967, in which the Assembly, inter alia, invited the Council to instruct the Commission on Human Rights to consider the question of capital punishment, including the draft resolution transmitted by Council resolution 1243 (XLII) of 6 June 1967, and to submit its recommendations on the matter through the Council to the General Assembly at its twenty-third session,

"Noting resolution 16 (XXIV), 12/ adopted by the Commission on Human Rights on 8 March 1968,

"1. Draws the renewed attention of Governments of States Members of the United Nations to its resolution 934 (XXXV) of 9 April 1963, in which these Governments were urged, inter alia:

(a) To keep under review, and to conduct research wherever necessary, with United Nations assistance, into the efficacy of capital punishment as a deterrent to crime in their countries, particularly where Governments are contemplating a change in their laws or practices;

(b) To review the types of crime to which capital punishment is in fact applied, and to remove this punishment from the criminal law concerning any crime to which it is in fact not applied nor intended to be applied;

10/ United Nations publication, Sales No.: 62.IV.2.

11/ Official Records of the Economic and Social Council. Thirty-fifth Session, Annexes, agenda item 11, document E/3724, section III.

12/ Ibid., Forty-fourth Session. Supplement No. 4 (E/4475), chapter XVIII.

(c) To re-examine the facilities available for the medical and social investigation of the case of every offender liable to capital punishment;

"2. Requests Governments of States Members of the United Nations to inform the Secretary-General of the United Nations, after an appropriate interval and at his request, of any new developments in regard to the law and practice in their countries concerning the death penalty;

"3. Submits to the General Assembly the annexed draft resolution for the action it may deem appropriate at its twenty-third session, in the light of the information available to it at that session.

"ANNEX

"DRAFT RESOLUTION FOR ACTION BY THE GENERAL ASSEMBLY

"Capital punishment

"The General Assembly,

"Recalling that article 3 of the Universal Declaration of Human Rights provides that everyone has the right to life, liberty and security of person,

"Recalling further that article 5 of the Universal Declaration of Human Rights provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

"Having considered the report entitled Capital Punishment in the light of the comments thereon of the Ad Hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, and the report entitled Capital Punishment - Developments 1961 to 1965, a/

"Taking note of the conclusion drawn by the Advisory Committee from the report entitled Capital Punishment that if one looked at the whole problem of capital punishment in a historical perspective it became clear that there was a world-wide tendency towards a considerable reduction of the number and categories of offences for which capital punishment might be imposed,

"Taking note also of the view expressed in the report entitled Capital Punishment - Developments 1961 to 1965 that there is an over-all tendency in the world towards fewer executions,

"Noting the view of the Advisory Committee that the trend among experts and practitioners in the field is towards the abolition of capital punishment,

a/ ST/SOA/SD/10.

"Desiring to promote further the dignity of man and thus to contribute to the International Year for Human Rights,

"1. Invites Governments of States Members of the United Nations:

(a) To ensure the most careful legal procedures and the greatest possible safeguards for the accused in capital cases in countries where the death penalty obtains, inter alia, by providing:

(i) That a person condemned to death shall not be deprived of the right to appeal to a higher judicial authority, or, as the case may be, to petition for pardon or reprieve;

(ii) That a death sentence shall not be carried out until the procedures of appeal or, as the case may be, of petition for pardon or reprieve have been terminated;

(b) To consider whether the careful legal procedures and safeguards referred to under sub-paragraph (a) above may not be further strengthened by the fixing of a certain time-limit or time-limits before the expiry of which no death sentence shall be carried out, as has already been recognized in certain international conventions dealing with specific situations;

(c) To inform the Secretary-General not later than 10 December 1970 of actions which may have been taken in accordance with sub-paragraph (a) above and of the results to which their consideration in accordance with sub-paragraph (b) above may have led;

"2. Requests the Secretary-General to invite Governments of States Members of the United Nations to inform him of their present attitude - with indication of the reasons therefor - to possible further restriction of the use of the death penalty or to its total abolition, and to state whether they are contemplating restriction or abolition and also to indicate whether changes in this respect have taken place since 1965;

"3. Further requests the Secretary-General to submit a report on the matter dealt with in paragraphs 1 (c) and 2 above to the Commission on Human Rights through the Economic and Social Council."

ANNEX

Section V of the report of the United Nations Consultative Group
on the Prevention of Crime and the Treatment of Offenders
on its second session, held in Geneva,
6-16 August 1968 a/

CAPITAL PUNISHMENT

1. The Consultative Group had been requested by General Assembly resolution 2334 (XXII) to give its views concerning the draft resolution submitted by the Economic and Social Council in its resolution 1243 (XLII). The General Assembly resolution requested the Secretary-General to transmit the views of the Consultative Group on that draft resolution to the General Assembly at its twenty-third session.
2. The General Assembly in the same resolution had instructed the Commission on Human Rights to consider the draft resolution submitted by the Economic and Social Council in its resolution 1243 (XLII) and to transmit its views to the twenty-third session through the Council.
3. The Commission on Human Rights and the Economic and Social Council carried out these instructions by resolution 16 (XXIV) and resolution 1337 (XLIV), respectively. In the course of their deliberations, the draft resolution annexed to resolution 1243 (XLII), which had been submitted to the Economic and Social Council by Sweden and Venezuela, was somewhat modified. The final text, which was unanimously recommended to the General Assembly by the Economic and Social Council, had, however, the approval of the two sponsoring delegations; the Consultative Group, at the request of the Swedish and Venezuelan delegates therefore decided to base their advice on the draft resolution, not in its original text but in the text which had received the approval of the Commission on Human Rights and of the Economic and Social Council.
4. The Consultative Group was assisted in its deliberations by a working paper prepared by the Secretariat (ST/SOA/SD/CG.2/WP.4) as well as by a background document, Capital Punishment - Developments 1961 to 1965.^{b/} The Consultative

a/ Provisional. The report of the Consultative Group will be issued in final form as document ST/SOA/SD/CG.2.

b/ United Nations publication, Sales No.: E.67.IV.15, part II.

Group also took into consideration Capital Punishment^{c/} and the commentary thereon by the Ad Hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders.^{d/}

5. The Consultative Group decided that its recommendations would exclude reference to crimes against humanity, such as genocide, war crimes, crimes against peace, and similar crimes defined in international treaties and conventions even if they have been included in national legislation. The Consultative Group wished to be understood as in no way dealing with existing international agreements and decisions, and national legislation on these matters.

6. The Consultative Group found itself in agreement with resolution 1337 (XLIV) of the Economic and Social Council and decided unanimously to recommend to the General Assembly that it should:

(1) Invite Governments of States Members of the United Nations:

(a) To ensure the most careful legal procedures and the greatest possible safeguards for the accused in capital cases in countries where the death penalty obtains, inter alia, by providing:

- (i) That a person condemned to death shall not be deprived of the right to appeal to a higher judicial authority or, as the case may be, to petition for pardon or reprieve;
- (ii) That a death sentence shall not be carried out until the procedures of appeal or, as the case may be, of petition for pardon or reprieve have been terminated;

(b) To consider whether the careful legal procedures and safeguards referred to under sub-paragraph (a) above may not be further strengthened by the **fixing** of a certain time-limit or time-limits before the expiry of which no death sentence shall be carried out, as has already been recognized in certain international conventions dealing with specific situations;

(c) To inform the Secretary-General not later than 10 December 1970 of actions which may have been taken in accordance with sub-paragraph (a) above and of the results to which their consideration in accordance with sub-paragraph (b) above may have led;

c/ United Nations publication, Sales No.: E.67.IV.15, part I.

d/ Official Records of the Economic and Social Council, Thirty-fifth Session, Annexes, agenda item 11, document E/3724, section III.

(2) Request the Secretary-General to invite Governments of States Members of the United Nations to inform him of their present attitude - with indication of the reasons therefor - to possible further restriction of the use of the death penalty or to its total abolition, and to state whether they are contemplating restriction or abolition and also to indicate whether changes in this respect have taken place since 1965;

(3) Further request the Secretary-General to submit a report on the matter dealt with in paragraphs 1 (c) and 2 above to the Commission on Human Rights through the Economic and Social Council.

7. The above recommendation is, of course, identical to that which was made by the Economic and Social Council. The Consultative Group decided, however, to seek further to assist the General Assembly by providing comments on two issues of detail in that recommendation (paragraphs 8 and 9 below) and on a variety of other issues relating to capital punishment.

8. The Consultative Group recommended that the word appel in paragraph 1 (a) (i) in the French text of the draft resolution for action by the General Assembly in its resolution 1337 (XLIV) of the Economic and Social Council, whose significance in the technical legal terminology of some countries is too restricted, should be replaced by the word recours, without distinguishing between recours on questions of fact and of law.

9. The original Swedish and Venezuelan draft resolution had suggested, in lieu of paragraph 1 (b) of the recommendation set out in paragraph 6 above, that "no death sentence shall be carried out until the procedures of appeal and pardon have been terminated and in any case not until six months after the passing of the sentence in the court of first instance". This suggestion had been withdrawn by the sponsors of the resolution during its discussion in the Commission on Human Rights and in the Economic and Social Council. The Consultative Group nevertheless remained of the view that there is merit in providing a buffer period of time between the finality of sentence of death and the execution. Certain members suggested a period of one month as a minimum; it was decided, however, not to recommend any period but rather to suggest to Governments the wisdom of fixing some minimum period in accordance with their legal practice and social circumstances.

/...

The controversy

10. The Consultative Group decided not to analyse the conflicting general arguments for and against capital punishment: but rather to draw the attention of the General Assembly to the definitions of that controversy as set out in chapter III of Capital Punishment, and chapter III of Capital Punishment - Developments 1961 to 1965. Specific aspects of that controversy are dealt with hereunder.

The data

11. The Consultative Group, from the information made available to it and from experience of members with crime and its treatment in their own countries, was of the view that there is a strong trend in most countries towards the abolition of capital punishment or at least towards fewer executions. This tendency is particularly strong in relation to capital punishment for murder. This trend has legislative, judicial and executive aspects. A growing number of offenders who are sentenced to death is spared through processes of appeal or by executive clemency. Where it is used, capital punishment is increasingly a discretionary rather than a mandatory sanction. The Consultative Group also noted that a number of countries had abolished capital punishment for humanitarian reasons irrespective of any possible deterrent effect it might be thought to have.

12. There is a perceptible tendency in some countries, running contrary to what was noted in the previous paragraph, towards the legislative provision for, and actual application of, capital punishment for certain political and economic crimes. Times of political insecurity and attack have resulted, in some countries, in a larger recourse to capital punishment for statutory offences related to political or racial issues. The Consultative Group was of the view that in such cases it is of importance that if such a punishment is thought to be essential by the State it should not be mandatory.

13. Almost all countries provide for the exclusion of certain offenders from capital punishment because of their mental and physical condition, age, sex and extenuating circumstances. These exemptions are being gradually broadened at the legislative, judicial and executive levels.

14. The disparity between the legal provisions for capital punishment and the actual application of those provisions grows greater in those countries which have capital punishment in their laws.

Capital punishment as an exceptional sanction

15. The capital punishment argument has changed. No member of the Consultative Group supported capital punishment other than as a temporary expedient or until the public should come to see the lack of need for this section. All looked with favour towards the day of abolition. Capital punishment thus becomes an "exceptional" not a routine sanction, which should be justified legislatively, judicially and by the executive: to be used as sparingly as social circumstances permit, so that the provisions of Article 3 of the Declaration of Human Rights may be implemented. Such a statement is not an interference with national autonomy; it simply recognizes that the burden of proof in relation to the need for capital punishment for any type of crime and for the execution of any individual criminal has shifted with the progress of social understanding and a larger recognition of the rights of man.

Legal safeguards

16. The Consultative Group was of the opinion that in those States which retain capital punishment, it is essential that the normal judicial safeguards applicable to criminal trials be strictly observed in capital cases. There must always be a right of appeal to a superior, independent judicial tribunal composed of qualified and properly appointed judges. Further, there must be final recourse to the constitutional authority in the State empowered to commute the death sentence imposed.

17. The Consultative Group strongly endorsed the view in the Working Paper that an essential requirement of effective legal safeguards against error or abuse in capital cases is that the accused should have available at all stages (trial, appeal and petition for clemency) the services of competent, qualified and independent counsel. The Consultative Group recommended that no death sentence should be passed or carried out on a convicted person who had not been so assisted.

18. While free legal aid is practically universally accepted for an indigent accused in a capital case, problems sometimes arise as to the availability of competent, experienced and independent lawyers to undertake the defence in capital cases. It is therefore desirable that special provisions should be made in every jurisdiction to overcome this impediment to justice.

19. In all cases, the accused should be consulted as to the choice of counsel. Full facilities, immunities, and privileges must be extended to lawyers who appear for a person charged with a capital offence.

The alternative sanction

20. The Consultative Group noted the increasing tendency, with regard to offenders who are subject to capital punishment but who have been accorded another penalty, to confine them in conditions similar to those of other prisoners and to provide mechanisms for their eventual release. The question of the "alternative sanction" seemed to the Consultative Group to be of such importance as to merit comment beyond a mere noting of a trend.

21. The Consultative Group defined an "alternative sanction" as the punishment imposed on persons convicted of offences for which capital punishment might have been imposed by law, but who are not executed because either (a) the court or the jury has a discretion in imposing capital punishment and chooses a different penalty, or (b) the court or jury imposed a capital sentence which was subsequently commuted by executive clemency to a different penalty. The Consultative Group also included in its discussion under this heading the sentence imposed on those convicted of an offence which, until recently in the history of the jurisdiction in question, was punishable capitally.

22. The Consultative Group found itself in broad agreement with the recommendation of the Ad Hoc Advisory Committee of Experts on the Prevention of Crime and Treatment of Offenders as set out in paragraph 116 of Capital Punishment: Developments 1961 to 1965, but expanded those recommendations, as follows, in respect of the treatment of prisoners serving alternative sanctions.

23. Extended imprisonment is the generally accepted alternative sanction. The Consultative Group was of the view that, in principle, such prisoners should be

treated neither more severely nor more leniently than other long-term prisoners. Their classification in terms of custody and training, the availability to them of placement in open institutions, and the circumstances of their imprisonment and correctional programmes, should be based on their dangerousness, their proclivity to escape, their training needs, and the available correctional resources; not on the fact that they are serving an alternative sanction.

24. The period of imprisonment should not be so long that the prisoner, if and when he ceases to be a real danger to the community, has no realistic hope of ultimate release. Social protection is not increased by excessively protracted alternative sanctions; the injurious effects of too prolonged incarceration on the offender are well established. It was agreed that there should be periodic review of the cases of all prisoners under alternative sanctions after they have served whatever each country regards as the necessary minimum for their particular crime.

25. Where a country's penal system provides for reductions of the duration of imprisonment in respect of the "good behaviour" of the prisoner, similar provisions should, as far as possible, be applied to those serving alternative sanctions. If their terms of imprisonment are indeterminate or indefinite, it may be that the parole board, or whatever is the responsible releasing agency, should take first cognizance of the case of each prisoner serving an alternative sanction at a time defined in part by such a provision for reduction of sentence for good behaviour.

26. Effective social defence requires that, where the law permits, the prisoner serving an alternative sanction should, when released from prison, be subject to supervision in the community, and possible re-imprisonment if this should prove to be necessary. Further, arrangement for half-way houses as a release procedure for long-term prisoners and for "working out" as a prelude to their release, should, as these develop in a country's penal system, be available in appropriate cases to those serving alternative sanctions.

New contributions of the criminal sciences

27. The Consultative Group recognized the continuing interest of the General Assembly and of the Economic and Social Council in the new contributions of the

criminal sciences to problems of capital punishment and was of the view that its advice on this topic might be of value on three issues: diagnosis of the accused and convicted person: the deterrent effect of capital punishment; and the selection of those offenders who present a continuing danger.

28. The provision of adequate diagnostic facilities - medical, psychological, psychiatric, and sociological - is highly desirable for the effective and just application of capital punishment in those countries and for those crimes for which it is retained. The Consultative Group recognized that such diagnostic resources, relevant to assessing criminal responsibility, are in scant supply in many countries, but they thought it proper to stress the relationship between such facilities and capital punishment. Diagnostic capacities rapidly improve: the medical and social sciences increasingly throw light on motives and responsibility in individual cases.

29. With regard to deterrence, thought by many to be the pivotal argument in the capital punishment controversy, a distinction must be drawn between murder and crimes against the State. Data are lacking concerning the latter. For the former, it was the view of the Consultative Group that reliance should not be placed on capital punishment to reduce the rates of murder and attempted murder. All the available data suggest that where the murder rate is increasing, abolition does not appear to hasten the increase: where the rate is decreasing, abolition does not appear to interrupt the decrease; where the rate is stable, the presence of or absence of capital punishment does not appear to affect it.

30. Whereas further research into the deterrent effects of capital punishment for murder was not recommended by the Consultative Group, they were strongly of the view that research studies designed to assist in the selection of those offenders serving, or to be sentenced to, alternative sanctions who continue to be dangerous, should be encouraged. Better definition of the criteria of social dangerousness is essential to rational and effective sentencing and to the adjustment of the sentence to the needs of society. Such research, and the successful implementation of the selection skills it should generate, will increase the public's confidence in its protection under law, expedite the trend towards the abolition of capital punishment, and allow judges and correctional administrators alike to adjust sentences and correctional treatments to the reality of the threat which the offender presents to society.

Reporting executions

31. The draft resolution as originally submitted by Sweden and Venezuela to the Economic and Social Council (E/AC.7/L.514/Rev.1, as orally amended) recommended, inter alia, that the General Assembly should "invite Governments of States Members of the United Nations... to notify the Secretary-General semi-annually of any death sentences subsequently passed and carried out in their countries and of the crimes for which these sentences have been imposed". This recommendation disappeared as the draft resolution progressed through its debate in the Commission on Human Rights and in the Economic and Social Council. The Consultative Group is not seeking its revivification. Some members of the Consultative Group suggested that those Member States which now collect such data for their own purposes - and they are numerous - should be invited to supply them regularly to the Secretary-General, and that the willingness of the Secretary-General to receive, collate and disseminate such data should be made known to all Member States.

The Coimbra Conference

32. The delegation of Portugal made available to the Consultative Group a report of a conference held at Coimbra in September 1967 on the death penalty, celebrating the centenary of its abolition in Portugal. The Consultative Group received the resolutions that emerged from that conference. It was decided to suggest to the General Assembly, and to all Governments considering variations in their law or practice regarding capital punishment, that they might be assisted by a consideration of these resolutions and the papers on which they were based.
