UNGA73
High-level side event on:

DEATH PENALTY: POVERTY AND THE RIGHT TO LEGAL REPRESENTATION

25 September 2018, h. 4:00 – 6:00 pm
ECOSOC Chamber
United Nations Headquarters, New York

Programme:
Keynote Speech:
- H.E. António Guterres, United Nations Secretary-General (tbc)

Welcoming remarks:
- H.E. Enzo Moavero Milanesi, Minister of Foreign Affairs and International Cooperation, Italy
- H.E. Jean-Baptiste Lemoyne, Minister of State for Foreign Affairs, France
- High-level representative from Brazil
- High-level representative from Timor-Leste (tbc)

Panelists:
- Mr. Philip Alston, Special Rapporteur on extreme poverty and human rights
- ...Kenya
- Victim from the US

Moderator:
- Mr. Andrew Gilmour, Assistant Secretary-General for Human Rights

Q&A
Delegations wishing to take the floor are requested to contact …, specifying the level of the speaker.

____________________________________________________
Interpretation service to French will be provided.
For further information, please contact …
Summary
The rule of law and administration of justice are intrinsic to the achievement of the Sustainable Development Goals (SDGs). They provide a means to apply, realize and enforce the human rights standards that underpin the SDGs. They support not only individuals seeking respect for their rights, but also national and local authorities seeking to implement the SDGs and other goals. In addition, among the overall SDGs, in Goal 16, Member States reiterated the crucial role of access to justice and committed to “promote the rule of law at national and international levels and ensure equal access to justice for all”.

The practice of the death penalty around the world provides an emblematic example of how the imbalances in the application of the rule of law and lack of fair and proportionate sentencing in the administration of justice impacts the poor – that segment of the global population for whom the benefits of the SDGs and development are most urgently needed. The marginalization of the poor from the protections of justice, in criminal trials in general, and in cases in which the death penalty is applied more specifically, has serious consequences for policy making and the implementation of the SDGs.

People in poverty face many obstacles when approaching the criminal justice system. Their lack of financial resources often undermines the extent and quality of legal advice that they receive and their capacity to pay critical administrative fees and other collateral costs is limited. In addition to the costs of legal assistance, there are numerous other costs associated with accessing justice which constitute a major barrier for the poor, who simply cannot afford those expenditures. This precarious situation exposes them to fatal disadvantages in criminal trials, which may lead to the death sentence.

Against this background, and within the context of the UN’s long-standing support for the abolition of the death penalty, OHCHR, Italy, Brazil (tbc), Burkina Faso (tbc), France and Timor-Leste (tbc) will hold a side event during the High-Level opening segment of the 73rd Session of the General Assembly to discuss the links between poverty, access to justice and the death penalty.

Background
In adopting the 2030 Agenda, Member States underscored that it is guided by the UN Charter and full respect for international law, and grounded in the Universal Declaration of Human Rights and international human rights treaties (para 10). The rule of law and the administration of justice provide an essential framework to support the realization, promotion and protection of international human rights law, including as regards the SDGs and development more broadly. Within the context of its efforts to promote respect for international human rights and the rule of law, since 2007, the General Assembly has adopted a series of resolutions calling on States to establish a moratorium on the use of the death penalty. The most
recent General Assembly resolution 71/187, adopted on 19 December 2016 welcomed progress towards abolition globally, encouraged moratoria and called upon all States to respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular, the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984. The General Assembly will continue consideration of the issue at its 73rd session.

Despite these growing calls for a moratorium on executions, the death penalty continues to be applied in many Member States, disproportionately impacting the poorest or the most economically vulnerable individuals. Poverty, discrimination and social and economic inequalities affect access to justice for those who are facing possible execution. Defendants will in some cases be discriminated against because of their social or other status.

In 2017, on the World Day Against the Death Penalty, a group of United Nations human rights experts called for urgent action to end this imbalanced use of the death penalty on people from poorer communities.

The marginalization of the poor in the administration of justice, as demonstrated by the application of the death penalty, has disastrous consequences for the development and implementation of the SDGs.

**Objectives:**
- Share the experience of States and individuals on the death penalty, poverty and the right to legal representation.
- Build support, including in the context of implementation of the SDGs, to overcome human rights concerns in the continued use of the death penalty and in the context of poverty.
- Identify good practices to support Member States in promoting the rule of law and equal access to justice for all, as stipulated in the SDG Target 16.3
- Share expert analysis on protecting human rights in the context of the death penalty and poverty.
- Encourage States to take appropriate actions to ensure that poor people are legally represented in criminal justice and promote their fair and proportionate sentencing.