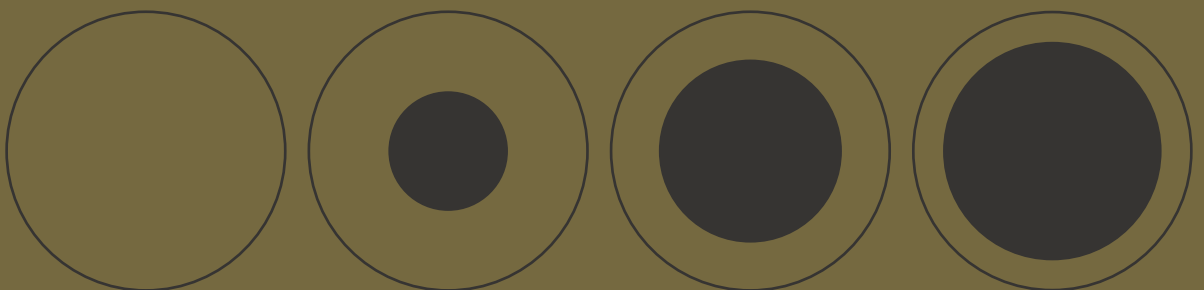


THE DEATH PENALTY FOR DRUG OFFENCES: GLOBAL OVERVIEW 2021



Categories

HRI has identified 35 countries and territories that retain the death penalty for drug offences in law. Only a small number of these countries carry out executions for drug offences regularly. In fact, six of these states are classified by Amnesty International as abolitionist in practice.³ This means that they have not carried out executions for any crime in the past 10 years (although in some cases death sentences are still pronounced), and “are believed to have a policy or established practice of not carrying out executions.”⁴ Other countries have neither sentenced to death nor executed anyone for a drug offence, despite having dedicated laws in place.

To demonstrate the differences between law and practice among states with the death penalty for drug offences, HRI categorises countries into high application, low application, or symbolic application states.



High Application States are those in which executions of individuals convicted of drug offences were carried out, and/or at least 10 drug-related death sentences per year were imposed in the past five years.



Symbolic Application States are those that have the death penalty for drug offences within their legislation but have not carried out executions nor sentenced individuals to death for drug crimes in the past five years.



Low Application States are those where, although no executions for drug offences were carried out in the past five years, death sentences for drug offences were imposed on nine or fewer individuals in the same period.

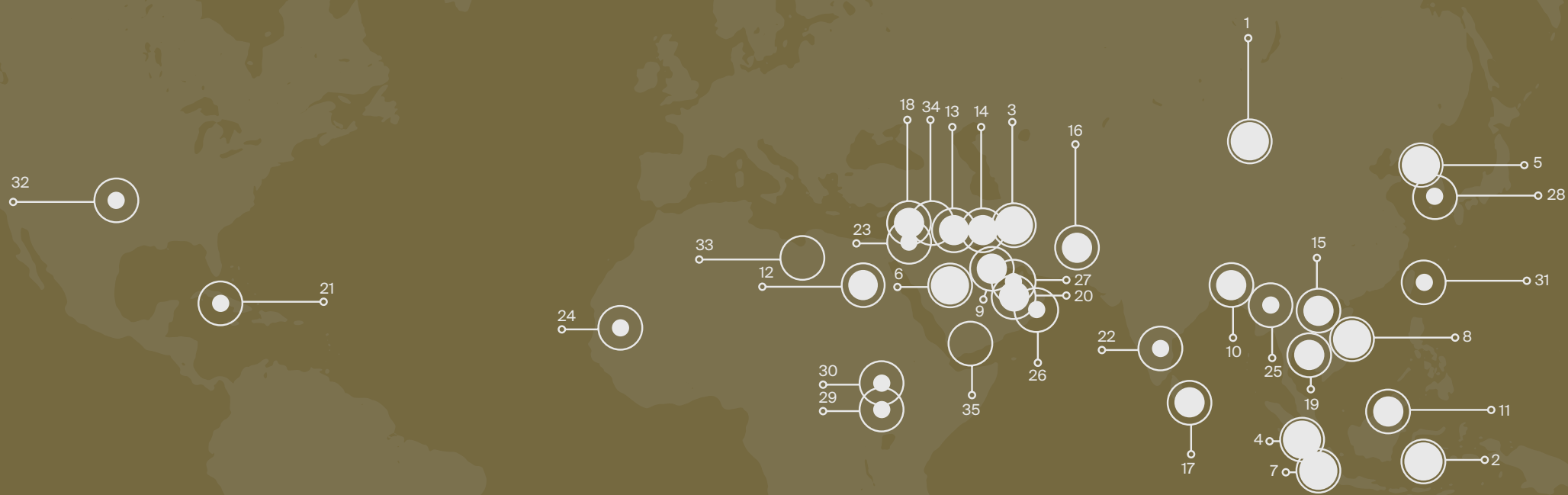


A fourth category, **insufficient data**, denotes instances where there is simply not enough information to classify the country accurately.

³ Brunei Darussalam, Lao PDR, Mauritania, Myanmar, South Korea, and Sri Lanka. See ‘Death Sentences and Executions in 2020’ (London: Amnesty International, 2021), <https://www.amnesty.org/en/documents/act50/3760/2021/en/>.

⁴ Ibid., pag. 58.

Country by Country



High Application

- 1. China
- 2. Indonesia
- 3. Iran
- 4. Malaysia
- 5. North Korea (DPRK)
- 6. Saudi Arabia
- 7. Singapore
- 8. Vietnam



Low Application

- 9. Bahrain
- 10. Bangladesh
- 11. Brunei Darussalam
- 12. Egypt
- 13. Iraq
- 14. Kuwait
- 15. Lao PDR
- 16. Pakistan
- 17. Sri Lanka
- 18. State of Palestine (Gaza)
- 19. Thailand
- 20. United Arab Emirates



Symbolic Application

- 21. Cuba
- 22. India
- 23. Jordan
- 24. Mauritania
- 25. Myanmar
- 26. Oman
- 27. Qatar
- 28. South Korea
- 29. South Sudan
- 30. Sudan
- 31. Taiwan
- 32. United States of America



Insufficient Data

- 33. Libya
- 34. Syria
- 35. Yemen

Executive Summary

In 2021, 35 countries retain the death penalty for a range of drug offences. Civil society had grounds for optimism at the beginning of the year, thanks to some promising developments in 2020: in Singapore, no executions took place for the first time since 2013; and in Saudi Arabia, Prince Salman declared a moratorium on drug-related executions at the beginning of 2020. Meanwhile, in the United States, the Biden-Harris victory in the 2020 elections raised hopes for new legislation abolishing the federal death penalty in the US.⁵

At the end of 2021, the situation appears more uncertain. While no executions were reported in Saudi Arabia and Singapore in 2021, a sudden increase in executions was noted in Iran. This sharp reversal of the 2018-2020 trend, together with unexpected news of death sentences in low application countries, resulted in a rise of both drug-related sentences and executions in 2021.

As of December 2021, Harm Reduction International (HRI) recorded at least 131 executions for drug offences globally, a 336% increase from 2020. It is imperative to note that this number is likely to represent only a fraction of all drug-related executions carried out globally.

HRI research confirmed that drug-related executions took place in China and Iran, and indicates that drug-related executions were likely to have taken place in North Korea and Vietnam. China and Iran are amongst the most opaque when it comes to data on their use of the death penalty. In China, information on the use of the death penalty is classified as a state secret; therefore, this report is unable to provide a verified figure for executions. In Iran, where at least 131 drug-related executions took place, civil society faces significant obstacles in reporting and verifying executions. The countries where executions for drug offences were likely to have taken place are North Korea, a closed dictatorship on which information is virtually impossible to obtain, and Vietnam, which also classifies the use of capital punishment as a state secret.

In this scenario, it emerges that **the group of countries actively resorting to capital punishment as a central tool of drug control is shrinking, but is also more and more characterised by opacity and secrecy, if not outright censorship. Transparency and monitoring will thus be key challenges for institutional as well as civil society actors working towards death penalty abolition.** This was reiterated by the latest Human Rights Council Resolution on the question of the death penalty, adopted in October 2021, which emphasised retentionist countries' obligations around transparency and information sharing. In this document, the Council also noted that "discrimination is aggravated when transparency does not exist or is insufficient, and that transparent reporting and access to information can expose discriminatory practices or impact in the imposition and application of the death penalty."⁶

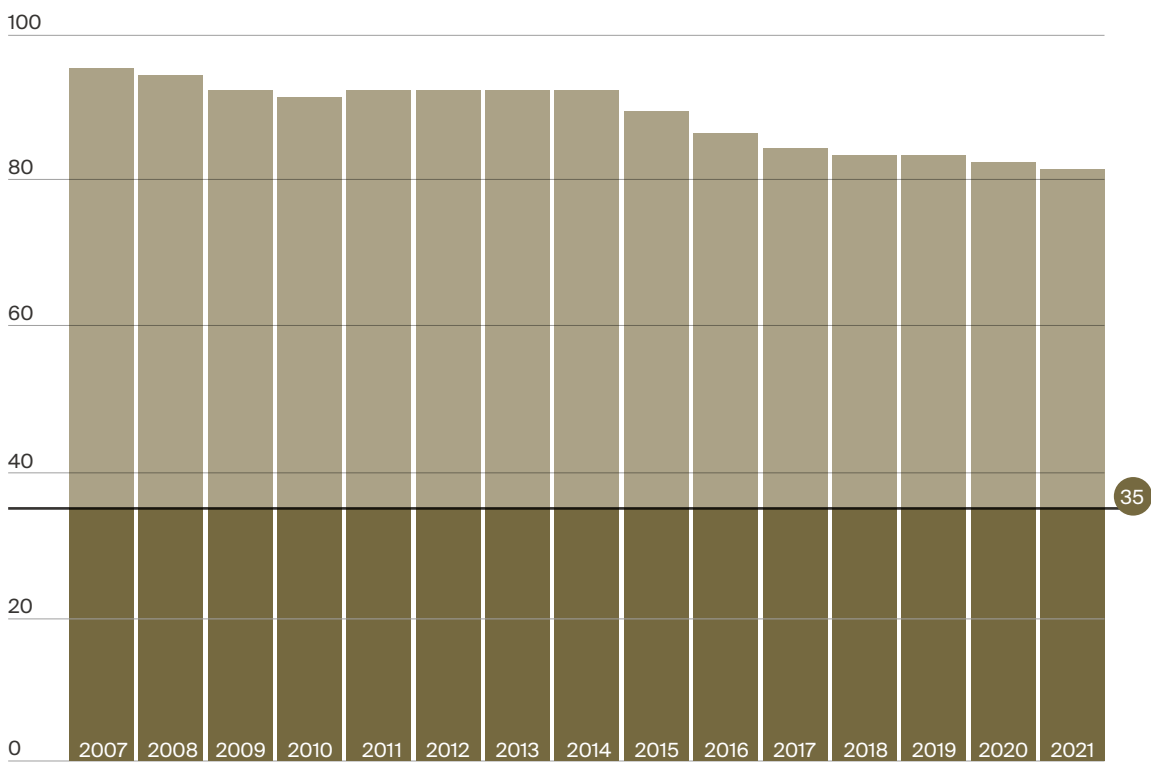
Developments in 2021 confirmed the conclusions of the *Global Overview 2020*, in relation to the exceptional drop in drug-related executions witnessed in 2020. Firstly, that **progress is fragile and often temporary**, if not sustained by long-term, comprehensive reforms; secondly, that **executions are just the 'tip of the iceberg' - the most visible element of a broader punitive system which should be reformed in its entirety.**

With the total abolition of the death penalty announced in Kazakhstan and Sierra Leone in 2021, the world moved closer to leaving the death penalty behind. However, countries where death can be imposed as a punishment for drug offences appear to be 'strongholds', resisting this trend. This is apparent when looking at which states removed the death penalty from their legislation in recent times: between 2007 and 2021, several countries abolished the death penalty, but none of them were countries that retain capital punishment for drug offences.

6 Human Rights Council, 'Resolution adopted by the Human Rights Council on 8 October 2021: Question of the death penalty', UN Doc. HRC/RES/48/9 (15 October 2021), <https://undocs.org/a/hrc/res/48/9>.

RETENTIONIST AND ABOLITIONIST-IN-PRACTICE COUNTRIES (2007-2021)⁷

- Retentionist and abolitionist-in-practice, including drug offences
- Retentionist and abolitionist-in-practice, not for drug offences



⁷ Definitions and classifications of retentionist countries and countries 'abolitionist-in-practice' countries, as well as total figures, are from Amnesty International. They can be accessed at: <https://www.amnesty.org/en/what-we-do/death-penalty/>.

Evidence of such resistance also emerges from the figures on drug-related death sentences in 2021, which remained mostly steady, and in some cases increased. **Throughout 2021, a minimum of 237 death sentences were confirmed to have been imposed in 16 countries (an 11% increase from 2020), with the highest number of known sentences documented in Indonesia.** Also notable is a staggering rise in the number of low application countries in which drug-related death sentences were reported: from three in 2020 to nine in 2021. While potentially due to increased reporting rather than merely an increased reliance on capital punishment by courts, it is nevertheless a significant finding, which urges renewed attention to retentionist countries which do not actively execute.

An emerging trend is the use of the death penalty for drug offences as a tool for political pressure. This tactic was denounced in Bahrain and in China, with reference to the upholding of the death sentence for drug trafficking against Canadian citizen Robert Lloyd Schellenberg. In this case, commentators suggested the imposition of such a harsh punishment may be an example of ‘hostage diplomacy’ in response to the arrest by Canadian police of senior Huawei executive Meng Wanzhou, and her potential extradition to the US.

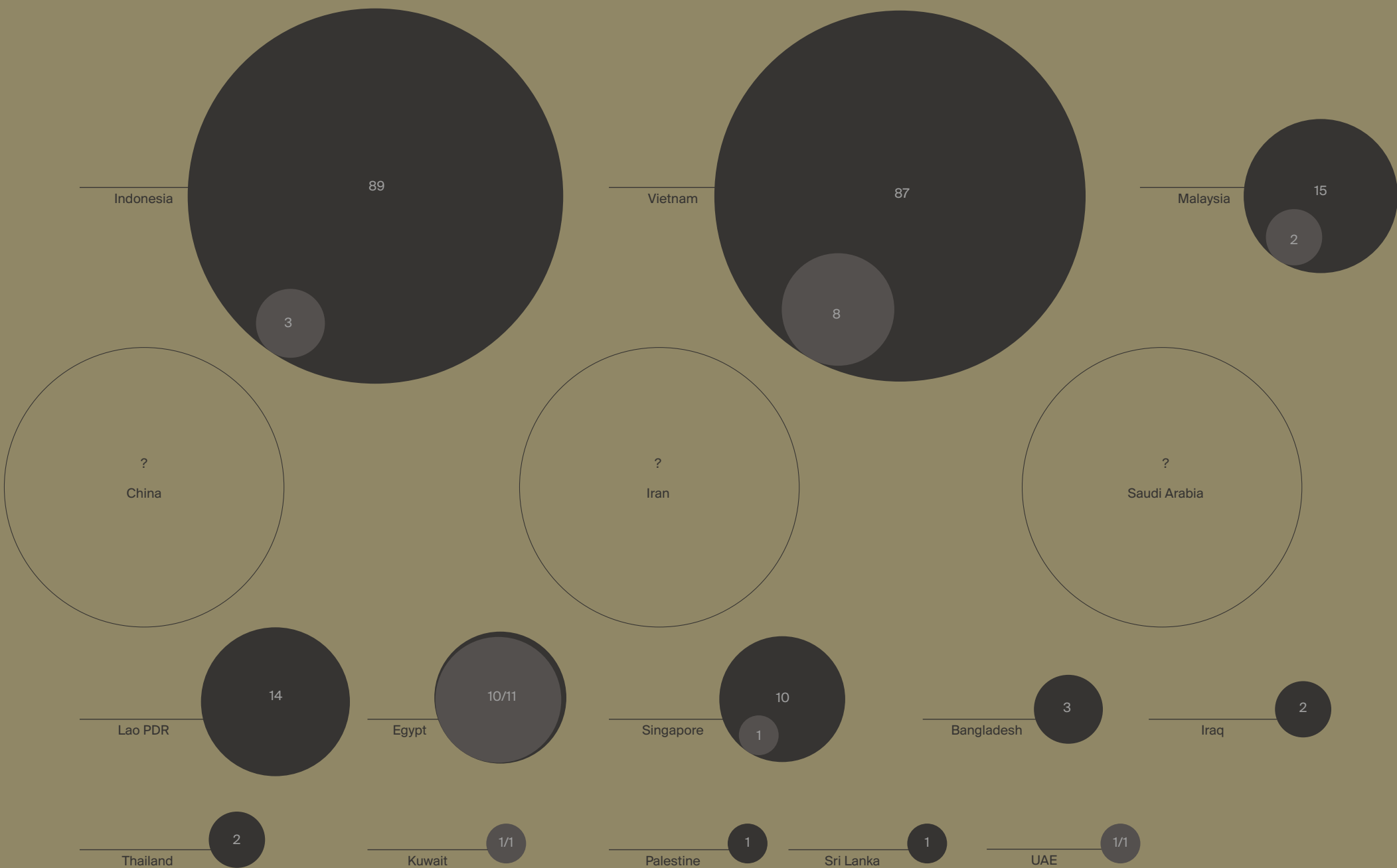
Finally, the death penalty for drug offences remained a topic of policy discussions in 2021. Malaysia’s plan to table an amendment to the death penalty for drug offences in late 2022, and Pakistan’s Law Ministry proposal to remove death as a punishment for drug crimes, may signal a readiness to restrict the scope of implementation of capital punishment. However, proposals to reintroduce the death penalty for drug trafficking in the Philippines and Tonga raised concerns. While these attempts in the Philippines and Tonga remain unsuccessful as of February 2022, these debates remind us of the inherently political nature of capital punishment, and that abolition of the death penalty should be approached not as the end goal, but rather as an essential milestone in the broader reform of drug policy and the criminal legal system.



MINIMUM CONFIRMED DEATH SENTENCES FOR DRUG OFFENCES, 2021

● Total number of confirmed death sentences for drugs ● Number of death sentences given to foreign nationals

- **At least 131 people were executed for drug offences in 2021** – a 336% increase from 2020. This number likely represents only a fraction of all drug-related executions carried out globally.
- Executions were confirmed to have taken place in Iran and China, and were likely carried out in Vietnam and North Korea, although **severe lack of transparency precludes confirmation of figures**.
- **No drug-related executions were carried out in Saudi Arabia**, for the first year in over a decade.
- **No one was executed in Singapore** for the second consecutive year.
- A minimum of **237 death sentences for drug crimes were reported in at least 16 countries**. This marks an almost 11% increase from 2020, and a 29.5% increase from 2019.
- Roughly a **tenth** of global confirmed death sentences for drug offences were imposed against foreign nationals.
- At least **3000 people are believed to be on death row for drug offences around the world** - likely many more. In 2021, this figure increased in Malaysia and Indonesia, while a 27% drop was observed in Thailand.
- While UN human rights processes closely scrutinised the imposition of capital punishment as a tool of drug control in 2021, UN drug control bodies failed to provide clear guidance. The United Nations Office on Drugs and Crime (UNODC) failed to mention the death penalty in its new 2021-2025 strategy, in spite of the Office's purported commitment to human rights.





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