

THE UPR PROJECT AT BCU

Submitted by:

The UPR Project at BCU
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About the UPR Project at BCU:

Birmingham City University's Centre for Human Rights was created in 2014 to promote human rights, ensure access to justice, and enhance the rule of law around the world. We seek to achieve this through leading research, education, and consultancy. We submit expert reports to international human rights regions, provide advisory services to governments and nongovernmental organisations, and draft legal opinions and file legal briefs in domestic courts and international human rights courts.

The Centre for Human Rights established the UPR Project in 2018 as part of our consultancy service. We engage with the Human Rights Council's review process in offering support to the UPR Pre-sessions, providing capacity building for UPR stakeholders and National Human Rights Institutions, and the filing of stakeholder reports in selected sessions. The UPR Project is designed to help meet the challenges facing the safeguarding of human rights around the world, and to help ensure that UPR recommendations are translated into domestic legal change in member state parliaments. We fully support the UPR ethos of encouraging the sharing of best practice globally to protect everyone's human rights. The UPR Project at BCU engages with the UPR regularly as a stakeholder and is frequently cited by the OHCHR. You can read more about the UPR Project here: www.bcu.ac.uk/law/research/centre-for-human-rights/projects-and-consultancy/upr-project-at-bcu

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INTRODUCTION

1. Thailand is party to eight of the nine core international human rights treaties for which it should be commended.¹ This includes the International Covenant on Civil and Political Rights (ICCPR) and in light of the Covenant's protection of the right to life and the prohibition against inhuman punishment, this Stakeholder Report focuses upon capital punishment.
2. We make recommendations to the Government of Thailand on this key issue, implementation of which would also see the State moving towards achieving Sustainable Development Goal 16 which aims for peaceful and inclusive societies, access to justice for all and effective, accountable and inclusive institutions at all levels.
3. We urge the State to make practical commitments in the fourth cycle of the UPR for the abolition of the punishment. As an initial step, we call for the suspension of the capital judicial process through the initiation of an official moratorium on the death penalty. This will enable the government to make a positive commitment towards domestic *de jure* abolition.
4. In this submission, we encourage Thailand to commit to improving its human rights protection and promotion by engaging meaningfully with the UPR. This includes giving full and practical consideration to all recommendations made by Member States, effectively implementing the recommendations Thailand accepts, and actively engaging with civil society throughout the process

CAPITAL PUNISHMENT

A. Thailand and International Law on the Death Penalty

5. The Constitution of the Kingdom of Thailand (2017) enshrines rights, liberties, and human dignity, along with an equal protection clause.² Chapter III of the Constitution delineates the 'Rights and Liberties of Thai People', which include the right to life,³ and prohibits torture, punishment, brutal or inhumane acts.⁴ It also enshrines key procedural safeguards for persons accused of criminal offences, including the presumption of innocence until proven guilty and the protection against self-incrimination.⁵ The Constitution further provides that no law may restrict or burden the rights and liberties of individuals, or undermine human dignity, except in accordance with the rule of law and within the limits expressly permitted by the Constitution.⁶
6. The Thailand Criminal Code 1957 prescribes death as the maximum punishment for a variety of offences⁷ enforced by lethal injection.⁸ Thailand has approximately 103 offences punishable with the death penalty based on five laws: (1) Thailand Criminal Code

B.E.2499, (2) Military Penal Code, (3) Firearms, Ammunition, Explosives, Fireworks and the Equivalent of Firearms Act B.E.2490, (4) Narcotics Act B.E.2522, and (5) Prevention and Suppression of Prostitution Act B.E.2539.⁹

7. Available statistics indicate that while a significant number of individuals are sentenced to death and remain on death row, only a small proportion of these sentences are ultimately carried out. The peak occurred in 1999, when 16 executions were recorded.¹⁰ Thailand's last execution took place in June 2018, when 26-year-old Theerasak Longji was put to death by lethal injection following his conviction for robbery resulting in death. This marked an end to the *de facto* moratorium that had been in effect since 2009, when two individuals were executed by the same method for drug-trafficking offences.¹¹
8. The Thailand Annual Prison Report 2025¹² revealed that there was an increase of 11% of prisoners under death sentence in 2024. This also marked an increase in the number of prisoners under death sentence for the second consecutive year since 2020, which can be seen from the table below:

Inmates under death sentence (January 2020 - December 2024)			
Month/ year	Male	Female	Total
January 2020	267	60	327
January 2021	228	29	257
January 2022	163	22	185
January 2023	203	24	227
January 2024	299	28	327
December 2024	325	39	364

9. As per the December 2024 statistics, drug-related offences continued to account for the majority of the crimes for which a death sentence had been imposed, i.e., approximately 69% (252 of the 364 inmates). The proportion went up from 60% recorded in January 2024.¹³ As can be seen in the table above, women constitute a small portion of the inmates under death sentence, and according to Thailand's Department of Corrections, almost 95% of these female convicts had been sentenced for crimes linked to drugs.¹⁴

International Law Promoting the Restriction and Abolition of the Death Penalty

10. The United Nations' framework for regulating the application of the death penalty comprises a corpus of international human rights law and jurisprudence. Of particular relevance are Articles 6, 7, and 14 ICCPR,¹⁵ its Second Optional Protocol,¹⁶ the ECOSOC Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty,¹⁷ the Secretary General's quinquennial reporting,¹⁸ the Secretary General's Question on the Death Penalty,¹⁹ and the Human Rights Committee decisions.²⁰ Other relevant treaties include the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment²¹ and the Convention on the Rights of the Child.²²

11. The General Comment on the Right to Life²³ provides an interpretive lens on the death penalty and concerning ICCPR Article 6(6), which states, ‘[n]othing in this article shall be invoked to delay or to prevent the abolition of capital punishment,’ it:

reaffirms the position that States parties that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future. The death penalty cannot be reconciled with full respect for the right to life, and abolition of the death penalty is both desirable [...] and necessary for the enhancement of human dignity and progressive development of human rights.²⁴

12. The growing international consensus against capital punishment is reflected in the UN General Assembly’s biennial resolution to impose a global moratorium on the use of the death penalty. The tenth and most recent iteration of the resolution was passed on 17 December 2024. A total of 130 votes were recorded in favour with 32 votes against and 22 abstentions. Thailand has abstained in all such resolutions to date except in 2007 and 2008 where it voted against.²⁵
13. Thailand’s voting record is also reflected in its absence as a signatory to the Joint Permanent Missions’ most recent *note verbale* of dissociation, which records a formal objection to the Secretary General of the United Nations on the attempt to create a global moratorium on the death penalty.²⁶ The absence from the *note verbale* provides the platform for Thailand to signal its support for a global moratorium in the forthcoming resolution.

B. Implementation of Recommendations from Cycle Three in 2021-22

14. Thailand received 278 recommendations in the Third Cycle of which 219 were accepted and 59 were noted.²⁷ A total of 28 recommendations focused on the death penalty, of which 9 enjoyed State support.²⁸
15. During its review, Thailand highlighted that:

“[A]s indicated in the 2nd, 3rd and 4th National Human Rights Plans, the Government is committed to moving towards the abolishment of the death penalty. This is with an understanding that we will use a phased approach in the implementation of such objective.”²⁹

Recommendations concerning Thailand’s Adoption of International Law

16. A number of states recommended Thailand take concrete steps toward aligning its domestic legal framework with international standards by ratifying the Second Optional Protocol to the ICCPR. **Brazil** (para. 51.70) encouraged Thailand to “[c]onsider joining the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty,” while **Mongolia** (para. 52.1) and **Uruguay** (para. 52.35) similarly supported deliberative

engagement and public awareness in this regard. **Argentina** (para. 52.2.1), **Armenia** (para. 52.2.2), **Mexico** (para. 52.2.3), **Slovenia** (para. 52.2.4), Iceland (para. 52.32) and **Portugal** (para. 52.34), all recommended ratification of the Protocol outright.

17. Thailand's responses to recommendations concerning the Second Optional Protocol to the ICCPR reveal a cautious and incremental approach. The State **expressed support** for recommendations framed in deliberative or exploratory terms, particularly those encouraging consideration of ratification and public engagement. This reflects a willingness to maintain dialogue on abolition without committing to immediate legal change.³⁰
18. By contrast, recommendations calling for concrete and time-bound measures, including the imposition of an immediate moratorium or formal ratification of the Second Optional Protocol, were noted. Thailand justified this position by reference to the current stage of domestic deliberation, indicating that more decisive steps toward abolition are viewed as premature within its internal policy process. This distinction between "accepted" and "noted" recommendations underscores a preference for gradualism over immediate reform.³¹

Recommendations concerning Abolition and/or Official Moratorium

19. Recognising the need for establishing or formalising a moratorium on executions as a critical interim step towards full abolition, several States recommended that Thailand take action in this regard. This included **Fiji** (para. 51.65), **Iceland** (para. 52.32), **Portugal** (para. 52.34), **France** (para. 52.37.1), **Ireland** (para. 52.37.2), **Costa Rica** (para. 52.37.3), **Latvia** (para. 52.38), **Madagascar** (para. 52.39), **Slovenia** (para. 52.40.1), **Switzerland** (para. 52.40.2), **Australia** (para. 52.42), **Italy** (para. 52.43), and **Cyprus** (para. 52.44).
20. Other states explicitly urged Thailand to abolish the death penalty in law. These included **New Zealand** (para. 51.66), **Romania** (para. 51.67), **Slovakia** (para. 51.68), **Iceland** (para. 52.32), **Estonia** (para. 52.33), **Portugal** (para. 52.34) and **Argentina** (para. 52.41).
21. **Timor-Leste** (para. 51.69) and **Belgium** (para. 52.36) also addressed the need to narrow the scope of the death penalty in Thailand to align with international standards limiting its use to only the most serious crimes or to gradually phase it out through review and study. Two recommendations particularly emphasised societal sensitisation and public dialogue. **Croatia** (para. 51.71) suggested Thailand should "[c]onduct awareness campaigns on human rights and alternatives to the death penalty," whereas **Uruguay** (para. 52.35), on similar lines, wanted Thailand to "[s]trengthen public awareness campaigns to support ratification and abolition goals."
22. Whilst such recommendations are welcomed, it is crucial that they remain specific and measurable in order to assess the level of implementation. Broad recommendations, whilst easy to accept, lack any impetus to bring about real change.³² It is recommended that States adopt a SMART approach to recommendations as recognised by UPRinfo.³³ This would

help Thailand initiate an incremental approach to reducing the scope of the punishment and map out the process for abolition.

23. Additionally, it would prove more beneficial if recommending States make reference to the review criteria which includes “human rights instruments to which a State is party.”³⁴ For example reference to Article 6 and/or 14 ICCPR, a treaty the State under Review has ratified, would strengthen any death penalty recommendations.
24. Since its previous UPR, Thailand’s position on the death penalty reflects a continued commitment to gradualism, with limited concrete movement toward abolition. No executions have been carried out since June 2018, indicating the persistence of a de facto moratorium in practice. However, this has not been formalised in law, and courts continue to impose death sentences. Recent data from the Department of Corrections demonstrates a reversal of earlier declines in the death row population, with numbers increasing steadily since 2022.³⁵ This trend suggests that, while executions remain suspended in practice, the judicial application of capital punishment continues to be embedded within the criminal justice system.
25. Legislatively, there have been no significant amendments to remove or restrict the death penalty from Thailand’s Criminal Code or related statutes. The punishment remains applicable to a wide range of offences, including non-lethal crimes such as drug-related offences, which constitute the majority of death sentences. This continued reliance on capital punishment for offences that do not meet the “most serious crimes” threshold under international law raises ongoing concerns regarding Thailand’s compliance with its human rights obligations. While policy discussions on penal reform persist, these have yet to translate into concrete legislative reform or a narrowing of the scope of capital offences.
26. At the policy level, Thailand has reiterated its long-standing position of pursuing abolition through a phased approach, as reflected in its National Human Rights Plans.³⁶ However, since the third cycle, there has been limited evidence of measurable progress toward this objective. No official timeline or roadmap for abolition has been adopted, and there has been no formal declaration of a moratorium. This gap between stated commitment and practical implementation highlights the need for more structured and time-bound strategies to move from policy intention to legal reform.

C. Further Points for Thailand to Consider

The Role of the National Human Rights Commission

27. The National Human Rights Commission of Thailand (NHRCT)³⁷ is well-placed to play a central role in advancing the abolition agenda. In this context, the NHRCT could prepare detailed legal and policy recommendations for Parliament on how to revise the domestic laws to abolish the death penalty. The NHRCT is also positioned to lead public education campaigns explaining the human rights implications of the death penalty, the lack of

evidence supporting its deterrent effect, and the compatibility of abolition with Thailand's cultural and religious traditions. A formal requirement for the NHRCT to advise Parliament on abolition would ensure that its expertise is fully integrated into the legislative process.

Adopting the UPR Recommendations to Enable the People of Thailand to Benefit from Advances in Effective Penology

28. The right to benefit from scientific advancement should also apply to the progress in social science research on the death penalty. The Universal Declaration of Human Rights, Article 27, states, “[e]veryone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits,”³⁸ and the ICESCR article 15 (1)(b) recognises the right of everyone, “[t]o enjoy the benefits of scientific progress and its applications.”

29. Leading social science and criminological investigations into the death penalty worldwide and have concluded:

[t]hose who favour capital punishment ‘in principle’ have been faced with yet more convincing evidence of the abuses, discrimination, mistakes, and inhumanity that appear inevitably to accompany it in practice. Some of them have set out on the quest to find the key to a ‘perfect’ system in which no mistakes or injustices will occur. In our view, this quest is chimerical.³⁹

30. Social science investigations now demonstrate that reflecting appropriate government means that whilst capital punishment could be created within a legitimate parliamentary process,⁴⁰ it is now clear that the application of the death penalty renders an illegitimate and inhumane outcome.⁴¹ Abolition in Thailand would enable the people of the country to benefit from the advancement of the leading social scientific research on punishment policies.

The Universal Periodic Review Recommendations and the Contribution to the Sustainable Development Goals

31. Thailand should consider adopting the UPR recommendations as an expression of mutual reinforcement of the government's commitment to promoting the Sustainable Development Goals.⁴² The human rights values expressed in both the UPR and the SDGs can be woven together to promote policy coherence.⁴³

32. SDG 16 provides for “Peace, Justice and Strong Institutions” but the application of the death penalty is inconsistent with this goal. Specifically, SDG 16.1 aims to reduce death rates, promote equal access to justice, and “protect fundamental freedoms,” and to further this, SDG 16.A.1 identifies the importance of relevant national institutions, for building capacity at all levels, to prevent violence and combat terrorism and crime.⁴⁴

33. The use of the death penalty does not signal legitimate strength in institutions, but renders counterproductive and inhumane consequences, including a brutalising effect upon society. This was affirmed in the Special Rapporteur's report on 'pay-back' violence and killings.⁴⁵ The death penalty is antithetical to strong institutional processes for the fostering of the human dignity of the people of Thailand.

D. Recommendations

We recommend that, before the next cycle of review, the government of Thailand should:

- i. Uphold and enforce its international obligations to safeguard the right to life, pursuant to Articles 6, 7 and 14 of the ICCPR.
- ii. Whilst it retains the death penalty, ensure it complies with the 'most serious crimes' principle, under Article 6 ICCPR, restricting punishment to crimes of intentional killing only.
- iii. Ratify the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty.
- iv. Develop, in consultation with civil society and relevant regional bodies, a comprehensive action plan to formalise its moratorium, with a view to abolition, within the next four years.
- v. Provide the National Human Rights Commission with a mandate to advise on legislative amendment for abolition. This will include amending the Criminal Code, and an amendment to s.28 of the Constitution. A recommended amendment to s.28 is: 'A person shall enjoy the right and liberty in his or her life and person. No one shall be subject to the capital judicial process. The death penalty is abolished.'
- vi. Support the next biennial vote on the UNGA Resolution on the moratorium on the use of the death penalty.
- vii. Enhance its support for the Asia Pacific Forum of National Human Rights Institutions in their important contribution to the regional abolition of the death penalty
- viii. Accept UPR recommendations on the abolition of the death penalty, as also signalling Thailand's affirmation of commitments to SDG 16 on strong institutions.

¹ See <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=172&Lang=EN>.

² The Constitution of Kingdom of Thailand 2017, s. 4.

³ *ibid*, s. 28.

⁴ *ibid*.

⁵ *ibid*, s. 29.

⁶ *ibid*, s. 26.

⁷ Thailand Criminal Code 1957 B.E.2499, s18.

⁸ *ibid* s19.

⁹ Wipaporn Natigirachord, 'The Abolition of the Death Penalty: A Case Study of Appropriate Offenses' (2020) 41(3) KJSS <<https://so04.tci-thaijo.org/index.php/kjss/article/view/247530>> accessed 26 October 2025.

⁹ James Finch and Nilobon Tangprasit (*Bangkok Post*, 25 March 2012)

<www.bangkokpost.com/thailand/special-reports/285901/the-death-penalty-part-i-capital-punishment-in-thailand> accessed 30 September 2025

¹⁰ *ibid.*

¹¹ JS34, para 6.1

¹² FIDH, ‘Thailand: Annual Prison Report 2025’ (*FIDH*, March 2025) <www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf> accessed 29 October 2025.

¹³ *ibid.*

¹⁴ *ibid.*

¹⁵ International Covenant on Civil and Political Rights (1976) 999 UNTS 171, Article 6 (right to life); Article 7 (the prohibition against torture and inhuman or degrading treatment or punishment); and Article 14 (the right to a fair trial and the principle of equality of arms).

¹⁶ The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, GA Res. 44/128, December 15, 1989.

¹⁷ Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, Economic and Social Council Resolution, 1984/50; Additions to the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty as Agreed by the Economic and Social Council Resolution 1989/64; and the Strengthening of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty as Agreed by the Economic Council Resolution 1996/15.

¹⁸ See eg, ECOSOC Capital Punishment and Implementation of the Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty Report of the Secretary-General UN Doc E/2015/49 (13 April 2015).

¹⁹ See eg, Report of the Secretary General, Question of the Death Penalty, A/HRC/27/23, 30 June 2014.

²⁰ For example, *Judge v. Canada*, Communication No. 829/1998, U.N. Doc. CCPR/C/78/D/829/1998 (2003).

²¹ The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, 10 December 1984.

²² Article 37(a) Convention on the Rights of the Child, G.A. Res 44/25, 20 November 1989.

²³ UN Human Rights Committee, General Comment No. 36 (2018) on Article 6 of the International Covenant on Civil and Political Rights, on the right to life, CCPR/C/GC/36, 30 October 2018.

²⁴ *ibid* para 50.

²⁵ Resolution on the Moratorium on the use of the death penalty, UNGA Res. 62/149, 18 December 2007, *adopted by 104 votes to 54, with 29 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 63/168, 18 December 2008, *adopted by 106 votes to 46, with 34 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 65/206, 21 December 2010, *adopted by 109 votes to 41, with 35 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 67/176 20 December 2012, *adopted by 111 votes to 41, with 34 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 69/186 18 December 2014 *adopted by 117 votes to 37, with 34 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 71/187, 19 December 2016 *adopted by 117 votes to 40, with 31 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 73/175 17 December 2018 *adopted by 121 votes to 35, with 32 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 75/183, 16 December 2020 *adopted by 123 votes to 38, with 24 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 77/222, 15 December 2022 *adopted by 125 votes to 37, with 22 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 79/179, 17 December 2024 adopted by 130 votes to 32, with 22 abstentions.

²⁶ UNGA, ‘Note verbale dated 13 September 2019 from the Permanent Mission of Egypt to the United Nations addressed to the Secretary-General’ (16 September 2019) UN Doc A/73/1004.

²⁷ UNHRC, ‘Report of the Working Group on the Universal Periodic Review – Thailand: Addendum’ (17 February 2022) UN Doc A/HRC/49/17/Add.1, paras 2-3.

²⁸ See UNHRC, ‘Report of the Working Group on the Universal Periodic Review – Thailand’ (21 December 2021) UN Doc A/HRC/49/17.

²⁹ UNHRC, ‘Report of the Working Group on the Universal Periodic Review – Thailand: Addendum’ (17 February 2022) UN Doc A/HRC/49/17/Add.1, para 14.

³⁰ *ibid* para 15.

³¹ *ibid.*

³² Amna Nazir, ‘A UPR Perspective on Capital Punishment and the Kingdom of Saudi Arabia’ (2023) 20(1) *Muslim World Journal of Human Rights* 1-18.

³³ See UPRinfo, ‘For impact on the ground the UPR needs SMART recommendations’ <www.upr-info.org/en/news/for-impact-on-the-ground-the-upr-needs-smart-recommendations> (21 October 2015).

³⁴ UNHRC Res 5/1 (18 June 2007) UN Doc A/HRC/RES/5/1, para 1(c).

³⁵ See FIDH, ‘Thailand: Annual Prison Report 2025’ (*FIDH*, March 2025) <www.fidh.org/IMG/pdf/thailand_annual_prison_report_2025_-_en.pdf> accessed 29 October 2025.

³⁶ See (n 29).

³⁷ National Human Rights Commission of Thailand <www.nhrc.or.th/en/information-source> accessed 1 November 2025.

³⁸ It is further recalled that the Human Rights Council determined that the basis of the Universal Periodic Review includes consideration of the Universal Declaration of Human Rights, see, Institution-building of the United Nations Human Rights Council, A/HRC/RES/5/1 18 June 2007.

³⁹ Roger Hood and Carolyn Hoyle, *The Death Penalty: A Worldwide Perspective* (5th edn, Oxford University Press 2015) 7-8.

⁴⁰ John Rawls stated, “[a]t some point, the injustice of the outcomes of a legitimate democratic procedure corrupts its legitimacy,” in, *Political Liberalism* (Columbia University Press 2005) 248.

⁴¹ Austin Sarat stated, “law cannot work its lethal will and ally itself with the killing state while remaining aloof and unstained by the deeds themselves,” in, *When the State Kills: Capital Punishment and the American Condition* (Princeton University Press 2001) 21.

⁴² See the UN Sustainable Development Goals website, <https://sustainabledevelopment.un.org/?menu=1300>.

⁴³ The first two cycles of the UPR were reviewed under a data mining procedure and of the circa. 50,000 recommendations, it was possible to link more than 50% of those to SDG targets, see, The Danish Institute for Human Rights, Linking the Universal Periodic Review to the SGGs, p. 2.

⁴⁴ “Goal 16: Peace, Justice and Strong Institutions,” (*Global Goals*) <<https://globalgoals.org/goals/16-peace-justice-and-strong-institutions/>> accessed 6 October 2025.

⁴⁵ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, Mission to Papua New Guinea (3 to 14 March 2014), A/HRC/29/37/Add.1, 30 March 2015, para. 96, “...several interlocutors shared the opinion that the death penalty might actually lead to further killings... given the payback culture. While the Special Rapporteur condemns the existence of the payback culture, he acknowledges that payback-related killings might increase if the death penalty is carried out.