



General Assembly

Distr.: General
5 August 2024

Original: English

Seventy-ninth session

Item 71 (b) of the provisional agenda*

**Promotion and protection of human rights: human rights
questions, including alternative approaches for improving the
effective enjoyment of human rights and fundamental freedoms**

Moratorium on the use of the death penalty

Report of the Secretary-General

Summary

The present report provides information on the implementation of General Assembly resolution [77/222](#), including on developments towards the abolition of the death penalty and the establishment of moratoriums on executions. Trends in the use of the death penalty, including the application of international standards relating to the protection of the rights of those facing the death penalty, are highlighted. Issues such as conditions of detention for persons on death row, the application of the death penalty to foreign nationals, its disproportionate and discriminatory application to women, its disproportionate impact on poor and economically vulnerable individuals, its discriminatory use on persons exercising their human rights, and various initiatives for advancing its abolition are also discussed. In the report, the Secretary-General welcomes progress made towards universal abolition in States representing different legal systems, traditions, cultures and religious backgrounds and concludes that all measures towards limiting the application of the death penalty constitute progress in the protection of the right to life.

* [A/79/150](#).



I. Introduction

1. In its resolution [77/222](#), the General Assembly requested the Secretary-General to report to it at its seventy-ninth session on the implementation of that resolution. In that regard, the present report covers the period from December 2022 to June 2024 and is based largely on information received following a call for input circulated to States, national human rights institutions, United Nations entities, international and regional intergovernmental bodies, and non-governmental organizations.¹ Attention is also drawn to the report on the question of the death penalty, to be submitted by the Secretary-General to the Assembly at its seventy-ninth session, pursuant to Human Rights Council decision 18/117 and resolution [22/11](#).

II. Transparency in the use of the death penalty

2. In its resolution [77/222](#), the General Assembly called on States to make available relevant information, disaggregated by sex, age, disability, nationality and race, as applicable, and other applicable criteria, with regard to their use of the death penalty. Such information should include the number of persons sentenced to death, the number of persons on death row and the location of their detention, the number of executions carried out, the number of death sentences reversed or commuted on appeal or in which amnesty or pardon has been granted, and according to which procedure, as well as information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, including on the obligations of States pertaining to the use of the death penalty. The Secretary-General has previously urged States to comply with transparency requirements on the imposition and application of the death penalty, including by providing disaggregated data on death sentences, to facilitate a fully informed public debate on the scope of the use of the death penalty and its impact on human rights ([A/HRC/54/33](#), para. 64).

3. The Human Rights Council and human rights treaty bodies have also called upon States to ensure transparency in the imposition and application of the death penalty and their execution methods, to make available systematically and publicly full, accurate and relevant information on their use of the death penalty; and to ensure that families are properly notified of impending executions.²

4. In their submissions, non-governmental organizations stated that the lack of transparency in the use of the death penalty remained an issue of concern in many States. In particular, Harm Reduction International reported a pervasive lack of transparency on the use of the death penalty for drug offences, leading to extremely limited information available to the public. According to Justice Project Pakistan, review of mercy petitions lacks transparency in Pakistan, while Worth Rises expressed concern that the state of Alabama in the United States of America has passed secrecy laws that allows it to withhold information about the corporations and products involved in executions, thereby circumventing public records laws that would otherwise require transparency.

¹ Submissions are available at www.ohchr.org/en/calls-for-input/2024/call-inputs-secretary-generals-report-moratorium-use-death-penalty. Owing to a lack of official data, open-source information, including from news sources and non-governmental organizations, was also used.

² See, for example, Human Rights Council resolution [54/35](#), para. 9.

III. Developments since the adoption of General Assembly resolution 77/222

A. Abolition of the death penalty and ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights

5. In its resolution 77/222, the General Assembly welcomed the considerable movement towards the abolition of the death penalty globally and the fact that many States with different legal systems, traditions, cultures and religious backgrounds are applying a moratorium, including long-standing moratoriums, either in law or in practice, on the use of the death penalty. It also welcomed the steps taken by some States to reduce the number of offences for which the death penalty may be imposed, steps taken to limit its application, including by commuting death sentences, as well as initiatives and political leadership encouraging national discussions and debates on the possibility of moving away from capital punishment through domestic decision-making. In addition, the Assembly called on all States that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. On 3 May 2024, Côte d'Ivoire deposited its instrument of accession to the Second Optional Protocol.

6. Some 170 States have abolished or introduced a moratorium on the death penalty either in law or in practice or have suspended executions for more than 10 years. In their submissions for the present report, several States described their process of and support for abolition.

7. Momentum towards abolition in sub-Saharan Africa continued during the reporting period, with Zambia abolishing the death penalty for all crimes and Ghana abolishing the death penalty for all crimes except high treason.

8. During the universal periodic review process of the Human Rights Council, recommendations were made to retentionist States to ratify or consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights;³ to take appropriate measures to abolish the death penalty;⁴ to commute all effective death sentences to alternative sentences;⁵ to renounce all action to extend the death penalty;⁶ to abolish the death penalty for drug-related crimes;⁷ to publish annual data on the death penalty as a first step towards abolition;⁸ to end the death penalty for

³ For example, [A/HRC/52/4](#), paras. 124.4–124.9; [A/HRC/52/8](#), paras. 140.1–140.5, 140.78 and 140.83; [A/HRC/53/8](#), paras. 111.1 and 111.2; [A/HRC/53/9](#), paras. 90.3–90.6, 90.8, 90.10 and 90.11; [A/HRC/53/11](#), paras. 139.8–139.18, 139.22 and 139.25; [A/HRC/53/13](#), paras. 46.19 and 46.21–46.25; [A/HRC/54/6](#), paras. 91.14, 91.18, 91.21, 91.22 and 91.71; [A/HRC/54/8](#), paras. 135.1–135.12; [A/HRC/54/9](#), paras. 137.6–137.11; [A/HRC/54/10](#), paras. 122.10–122.14; and [A/HRC/54/16](#), paras. 39.9, 39.10 and 39.72.

⁴ For example, [A/HRC/52/4](#), paras. 124.5–124.7, 124.9, 124.70–124.76; [A/HRC/52/8](#), paras. 140.75–140.78, 140.80–140.86 and 140.220; [A/HRC/53/13](#), paras. 46.23, 46.25, 46.97, 46.100, 46.107 and 46.109; [A/HRC/54/8](#), paras. 135.2–135.4 and 135.6–135.15; [A/HRC/54/9](#), paras. 137.7, 137.103, 137.107, 137.108, 137.113, 137.114 and 137.116; and [A/HRC/54/10](#), paras. 122.61 and 122.62.

⁵ For example, [A/HRC/52/4](#), paras. 124.5, 124.78 and 124.82; [A/HRC/52/8](#), paras. 140.87–140.89; and [A/HRC/54/8](#), paras. 135.3 and 135.4.

⁶ For example, [A/HRC/54/16](#), paras. 39.70 and 39.74–39.76.

⁷ For example, [A/HRC/52/4](#), para. 124.87; [A/HRC/52/8](#), paras. 140.84–140.86; and [A/HRC/53/13](#), paras. 46.98 and 46.102.

⁸ For example, [A/HRC/52/8](#), para. 140.88.

non-violent offences such as blasphemy;⁹ and to end the death penalty for children and persons with disabilities.¹⁰

9. Human rights treaty bodies also encouraged Egypt, Kazakhstan, Lesotho, the Russian Federation, Singapore, Sri Lanka, Trinidad and Tobago, and Tunisia to consider ratifying or acceding to the Second Optional Protocol.¹¹

B. Moratoriums

10. In its resolution 77/222, the General Assembly welcomed the decisions made by an increasing number of States to apply a moratorium on executions, followed in many cases by the abolition of the death penalty. It called upon States to establish a moratorium on executions with a view to abolishing the death penalty and encouraged States that have a moratorium to maintain it and to share their experiences in that regard.

11. During the universal periodic review process, States recommended that retentionist States introduce an official moratorium on executions with a view towards abolition.¹² Human rights treaty bodies also invited Egypt, Lesotho, Singapore, Trinidad and Tobago, and the United States to consider declaring a moratorium on the use of the death penalty with a view to its abolition.¹³

12. On 15 March 2024, the Democratic Republic of the Congo lifted its moratorium on the death penalty, citing the need to rid its army of traitors and curb the resurgence of terrorism and banditry.¹⁴ The Ministry of Justice indicated that capital punishment would be applied in a wide range of contexts, including times of war, states of siege or emergency, police operations to restore public order and other “exceptional circumstances”.¹⁵ Many of these crimes fall short of the “most serious crimes” standard found in article 6 of the International Covenant on Civil and Political Rights, which the Human Rights Committee has interpreted to mean crimes of extreme gravity involving intentional killing (CCPR/C/GC/36, para. 35). The United Nations High Commissioner for Human Rights expressed concern regarding the lifting of the moratorium and recalled that the United Nations is clear in its position that the death penalty should be abolished globally.¹⁶

⁹ For example, A/HRC/53/13, para. 46.54.

¹⁰ For example, *ibid.*, para. 46.95.

¹¹ Egypt (CAT/C/EGY/CO/5), Kazakhstan (CAT/C/KAZ/CO/4), Lesotho (CCPR/C/LSO/CO/2), the Russian Federation (CRC/C/RUS/CO/6-7), Singapore (CRPD/C/SGP/CO/1), Sri Lanka (CCPR/C/LKA/CO/6), Trinidad and Tobago (CCPR/C/TTO/CO/5) and Tunisia (CEDAW/C/TUN/CO/7).

¹² See, for example, recommendations to Bahamas (A/HRC/54/10), Bahrain (A/HRC/52/4), Botswana (A/HRC/54/9), Indonesia (A/HRC/52/8), Israel (A/HRC/54/16), Pakistan (A/HRC/53/13) and Tonga (A/HRC/54/6).

¹³ Egypt (CAT/C/EGY/CO/5), Lesotho (CCPR/C/LSO/CO/2), Singapore (CEDAW/C/SGP/CO/6), Trinidad and Tobago (CCPR/C/TTO/CO/5) and United States (CCPR/C/USA/CO/5).

¹⁴ Reuters, “Congo lifts moratorium on death penalty, justice ministry circular shows”, 15 March 2024.

¹⁵ Democratic Republic of the Congo, Ministry of Justice, Note circulaire relative à la levée du moratoire sur l’exécution de la peine de mort en République démocratique du Congo, 002/MME/CAB/ME/MIN/J&GS/2024, 13 March 2024.

¹⁶ Office of the United Nations High Commissioner for Human Rights (OHCHR), “UN High Commissioner for Human Rights Volker Türk concludes his official visit to the Democratic Republic of the Congo”, 18 April 2024.

C. Reduction in the number of offences punishable by death

13. In its resolution [77/222](#), the General Assembly called upon States to reduce the number of offences for which the death penalty may be imposed, including by considering removing the mandatory application of the death penalty.

14. In the United States, effective 1 January 2023, the state of California retroactively applied its Racial Justice Act of 2020 to prisoners sentenced to death, allowing them to challenge convictions obtained or sentences tainted by considerations of race, ethnicity or national origin.¹⁷ The Parliament of Malaysia passed two laws abolishing the mandatory death penalty for 11 crimes, including murder and terrorism, and replacing it with alternative sentences.¹⁸ The laws took effect on 4 July 2023 and the Federal Court of Malaysia commuted the first batch of death sentences to life imprisonment in November 2023.

15. Mandatory death sentences, however, continued to be reportedly imposed or provided for in law in Afghanistan, Ghana, the Islamic Republic of Iran, Malaysia, Myanmar, Nigeria, Pakistan, Saudi Arabia, Singapore, Trinidad and Tobago, and the United Republic of Tanzania.¹⁹ The African Commission on Human and Peoples' Rights found that the mandatory death penalty for murder imposed in the United Republic of Tanzania violates the right to life.²⁰

D. National initiatives to advance abolition

16. In its resolution [77/222](#), the General Assembly welcomed initiatives and political leadership encouraging national discussions and debates on the possibility of moving away from capital punishment through domestic decision-making. During the reporting period, initiatives were taken around the world to advance abolition.

17. The Parliament of Kenya completed its first reading of a bill to amend the penal code to abolish the death penalty.²¹ The Cabinet of Zimbabwe approved a death penalty abolition bill that, as at 24 July 2024, was being considered by the Parliament, which initiated a public consultation process.²² The Senate of Côte d'Ivoire adopted a law authorizing the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights.²³ In the context of the Human Rights 75 initiative, Liberia pledged to abolish the death penalty and ratify the Second Optional Protocol by 31 October 2024, and, in addition, Chad, Côte d'Ivoire and the Republic of the Congo made formal pledges to ratify the Second Optional Protocol by the end of December 2024.

¹⁷ State of California, Racial Justice Act Retroactivity, Assembly Bill No. 256, 29 September 2022.

¹⁸ See OHCHR, "Malaysia: UN experts hail parliamentary decision to end mandatory death penalty", 11 April 2023; and Human Rights Watch, "Malaysia repeals mandatory death penalty", 11 April 2023.

¹⁹ Amnesty International, "Death sentences and executions 2023", 2024, p. 13; OHCHR, "Singapore: UN experts condemn continued use of death penalty for drug-related crimes", 28 April 2023; Amnesty International, "Case on death-row detainees challenging mandatory death penalty", 25 June 2023; and [CCPR/C/TTO/CO/5](#).

²⁰ African Court of Human and People's Rights, *Marthine Christian Msuguri v. United Republic of Tanzania*, Application No. 052/2016, Judgment Summary, 1 December 2022.

²¹ International Commission of Jurists, Kenyan Section, "Pressure mounts for Kenya to abolish death penalty", 9 October 2023.

²² Death Penalty Project, "Zimbabwe's Cabinet backs proposed legislation to abolish the death penalty", 9 February 2024; and Idriss Nassah, "Zimbabwe considers abolishing death penalty", Human Rights Watch, 15 February 2024.

²³ See FIACAT, "La Côte d'Ivoire, en passe de sécuriser l'abolition de la peine de mort", communiqué, 7 June 2023.

18. Armenia ratified and Azerbaijan signed Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the Abolition of the Death Penalty in All Circumstances. Pakistan abolished the death penalty for the crime of railway sabotage and for drug-related offences.²⁴

19. Important developments also occurred at the subnational level. In the United States, the Governor of the state of Washington signed legislation suspending the death penalty in the state.²⁵ The Judiciary Committee of the House of Representatives of the state of Pennsylvania voted in favour of a bill to repeal the death penalty in October 2023, a first step towards abolition in that state.²⁶

IV. Trends in the use of the death penalty

A. Number of executions and executing countries

20. During the reporting period, there was a steady increase in the number of people known to have been executed worldwide, despite a decrease in the number of countries carrying out executions. These figures reflect a global trend whereby a diminishing number of retentionist countries are substantially increasing the number of executions.²⁷

21. In early May 2023, the High Commissioner for Human Rights expressed dismay at the “frightening” number of executions that had taken place in the Islamic Republic of Iran since the beginning of the year, with an average of more than 10 people executed each week. Most executions were for drug-related offences and a disproportionately high number of those executed were members of minority groups.²⁸ Special procedures of the Human Rights Council also condemned this spate of executions.²⁹ On 24 January 2024, the High Commissioner expressed alarm that at least 54 people had reportedly been executed in the Islamic Republic of Iran in January 2024 alone.³⁰

22. The death row population of Pakistan increased significantly, with 6,039 individuals reportedly on death row in 2023 compared with 3,831 reported in 2022.³¹ In Iraq, on 25 December 2023 authorities carried out the mass execution of 13 people in Nasiriyah Central Prison without prior notice.³² Shortly thereafter, special procedures mandate holders expressed deep concern at reports that Iraq had begun mass executions in its prison system, noting that over 250 people might be at risk of

²⁴ See Justice Project Pakistan, *Death Penalty in Pakistan: Data Mapping Capital Punishment 2023* (2023).

²⁵ Death Penalty Information Centre, “Washington’s unconstitutional death-penalty law stricken from the books”, 24 April 2023.

²⁶ Death Penalty Information Centre, “Pennsylvania House Committee passes death penalty repeal bill”, 7 November 2023.

²⁷ See Amnesty International, “Death sentences and executions 2022”, 2023, p. 7.

²⁸ OHCHR, “Iran: ‘frightening’ number of executions as Türk calls for end to death penalty”, 9 May 2023.

²⁹ See OHCHR, “Iran: UN experts condemn recent executions, urge moratorium on death penalty”, 9 May 2023.

³⁰ See OHCHR, “Iran: sharp spike in use of death penalty”, 24 January 2024.

³¹ See Justice Project Pakistan, *Death Penalty in Pakistan*, p. 17.

³² Amnesty International, “Death sentences and executions 2023”, p. 31, citing, Astha Rajvanshi, “13 men suddenly executed in Iraq as the country resumes mass executions”, *Time*, 26 January 2024.

imminent execution.³³ Belarus executed one man during the reporting period³⁴ and was the only country in Europe that continued to use the death penalty.³⁵

B. Resumption of executions

23. In its resolution [77/222](#), the General Assembly called upon States that had abolished the death penalty not to reintroduce it and encouraged them to share their experience in this regard. The Human Rights Committee noted that States parties to the International Covenant on Civil and Political Rights that have abolished the death penalty by amending their domestic laws, becoming parties to the Second Optional Protocol to the Covenant or adopting another international instrument obligating them to abolish the death penalty are barred from reintroducing it ([CCPR/C/GC/36](#), para. 34). The Secretary-General also recalled that, where a long de jure or de facto moratorium on the use of the death penalty had been observed, resuming its use could be contrary to the object and purpose of article 6 of the Covenant ([A/HRC/42/28](#), para. 45).³⁶

24. In December 2022, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported that in Afghanistan the Taliban de facto authorities had resumed executions, including public executions.³⁷ In July 2023 Kuwait executed a Sri Lankan national for drug trafficking, ending its 15-year unofficial moratorium on drug-related executions.³⁸

V. Protection of the rights of those facing the death penalty

25. In its resolution [77/222](#), the General Assembly called upon States to respect international standards that provide safeguards guaranteeing the 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](#). The Human Rights Committee, in its general comment No. 36 (2018) on the right to life, notably addressed the meaning of “most serious crimes”; the prohibition of mandatory death sentences; the methods of execution; deportation and extradition; fair trial guarantees; the right to consular notification; and the protection of juveniles, persons with disabilities and pregnant women ([CCPR/C/GC/36](#), paras. 32–51).

26. In his recent report to the Human Rights Council on the question of the death penalty ([A/HRC/54/33](#)), the Secretary-General describes trends regarding the protection of the rights of those facing the death penalty, including the right to seek pardon or commutation of sentences and the right to have one’s conviction and sentence reviewed by a higher tribunal according to law, in accordance with the

³³ OHCHR, “Iraq must immediately stop mass, unannounced executions: UN experts”, 30 January 2024.

³⁴ Viasna, “Condemned prisoner’s death date revealed more than a year after the execution”, 17 February 2023.

³⁵ See Associated Press, “Russia ally Belarus brings in death penalty for high treason”, *The Guardian*, 9 March 2023; and Reuters, “Belarus approves death penalty for officials convicted of high treason”, 9 March 2023.

³⁶ See also [CCPR/C/GC/36](#), para. 50.

³⁷ See UN News, “Afghanistan: first public execution since Taliban takeover, ‘deeply disturbing’ says UN rights office”, 7 December 2022.

³⁸ Submission of Harm Reduction International, p. 2. See also Nick El Hajj, “Kuwait executes 5 prisoners, including a man convicted in 2015 Islamic State-claimed mosque bombing”, Associated Press, 27 July 2023.

safeguards set out in the annex to Economic and Social Council resolution 1984/50. Some of the key trends are outlined below.

A. Imposition of the death penalty for drug-related offences

27. In accordance with article 6 (2) of the International Covenant on Civil and Political Rights, States that have not abolished the death penalty may impose it only for the “most serious crimes”, which have been interpreted by the Human Rights Committee as constituting crimes of extreme gravity involving intentional killing. Within this framework, drug-related offences can never serve as the basis for the imposition of the death penalty (CCPR/C/GC/36, para. 35). The Secretary-General has reiterated that there is no evidence that the death penalty deters drug-related crimes more than other methods of punishment, or that it affects crime reduction.³⁹

28. There was a considerable increase in executions for drug-related offences during the reporting period. According to Amnesty International, 325 executions for drug-related offences were carried out worldwide in 2022, more than twice as many as in 2021.⁴⁰ In 2023, it reported 508 global executions for drug-related offences, a 64 per cent increase compared with 2022.⁴¹ Harm Reduction International reported that drug-related offences were responsible for roughly 42 per cent of all executions confirmed globally in 2023, the highest recorded figure since 2016. It also indicated that 98 per cent of all confirmed executions for drug-related offences in 2023 took place in the Islamic Republic of Iran.⁴²

29. As at the end of 2023, 34 States continued to impose the death penalty under their laws as a punishment for drug offences, one State less than in 2022, and at least 3,000 people were on death row for drug-related offences in 19 countries.⁴³

30. The Parliament of Sri Lanka extended the death penalty to drug-related offences by adopting an amendment to the Poisons, Opium and Dangerous Drugs Act, which made possession and trafficking of 5 g or more of methamphetamine punishable by death.⁴⁴ Singapore executed 5 people for drug-related offences in 2023,⁴⁵ and Viet Nam reportedly sentenced at least 34 people to death for drug-related offences in the same year.⁴⁶

31. In a landmark legislative decision, in July 2023 Pakistan removed the death penalty from the punishments listed in the law on drug-related offences.⁴⁷ However, judges have reportedly continued imposing death sentences for drug-related offences as recently as January 2024.⁴⁸ As of October 2023, there were reportedly still 1,026

³⁹ A/HRC/42/28, para. 10; A/73/260, para. 60; and A/HRC/48/38, para. 44.

⁴⁰ Amnesty International, “Death sentences and executions 2022”, p. 7.

⁴¹ Amnesty International, “Death sentences and executions 2023”, p. 46.

⁴² Harm Reduction International, *The Death Penalty for Drug Offences: Global Overview 2023* (London, 2024).

⁴³ Ibid.

⁴⁴ See Amnesty International, “Death sentences and executions 2022”, 2023, p. 25.

⁴⁵ Harm Reduction International, *The Death Penalty for Drug Offences: Global Overview 2023* (London, 2024).

⁴⁶ See <https://tvphapluat.vn/video/6-bi-cau-linh-an-tu-hinh-trong-vu-buon-ban-ma-tuy-tu-nghe-an-vao-tp-hcm-67328/>; www.vietnamplus.vn/son-la-10-an-tu-hinh-trong-vu-an-mua-ban-trai-phep-hon-21kg-ma-tuy-post866545.vnp; <https://nhandan.vn/tuyen-tu-hinh-18-bi-cau-ve-toi-mua-ban-van-chuyen-tang-tru-ma-tuy-post782131.html>.

⁴⁷ See Justice Project Pakistan, *Death Penalty in Pakistan*.

⁴⁸ Joint submission of Eleos Justice and Monash University. It was confirmed that the amendment to the Control of Narcotic Substances Act removing the death penalty as a punishment entered into force on 5 August 2023; see Pakistan, Act No. XXXVIII of 2023, *Gazette of Pakistan*, vol. 1520 (2023).

individuals on death row for drug-related offences in Pakistan, underscoring the importance of instituting a policy for re-evaluating their sentences.⁴⁹

B. Imposition of the death penalty by special or military courts

32. According to the Human Rights Committee, as a rule, civilians must not be tried for capital crimes before military tribunals, and military personnel should be tried for offences carrying the death penalty only before a tribunal affording all fair trial guarantees (CCPR/C/GC/36, para. 45).⁵⁰ Given that stricter due process guarantees should apply to death penalty cases, expedited procedures may not be compatible with article 6 of the International Covenant on Civil and Political Rights if they do not permit adequate time and facilities for the preparation of the defence (CCPR/C/GC/36, paras. 41 and 68). The Working Group on Arbitrary Detention has consistently argued that the trial of civilians by military courts is a violation of the Covenant and customary international law and that, under international law, military tribunals are competent to try only military personnel for military offences (A/HRC/WGAD/2019/65, para. 77). The Working Group has noted that military justice must not fail to respect the minimum guarantee that military tribunals should never be competent to impose the death penalty (A/HRC/27/48, para. 69).⁵¹

33. During the reporting period, the High Commissioner for Human Rights expressed alarm that more than 130 people had been sentenced to death by secretive military courts in Myanmar since the military coup was launched. The High Commissioner warned that military courts had consistently failed to uphold any degree of transparency, contrary to the most basic due process or fair trial guarantees. He also decried that the Myanmar military had carried out four executions in July 2022, the first in approximately 30 years.⁵²

34. Five men are facing capital prosecution by a United States military tribunal at Guantanamo Bay for their alleged role in the attacks on the United States of 11 September 2001.⁵³ In 2023 special courts reportedly imposed death sentences in Bangladesh, India, the Islamic Republic of Iran, Pakistan, Saudi Arabia and Yemen.⁵⁴

C. Prohibition of extradition, expulsion or deportation to countries where there is a risk of being subjected to the death penalty

35. According to the Human Rights Committee, States that have abolished the death penalty cannot deport, extradite or otherwise transfer persons to a country in which they are facing criminal charges that carry the death penalty, unless credible and effective assurances against the imposition of the death penalty have been obtained. Furthermore, States should not deport, extradite or otherwise transfer an individual to a country in which he or she is expected to stand trial for a capital offence, if the same offence does not carry the death penalty in the removing State, unless credible and effective assurances against exposing the individual to the death penalty have been obtained (CCPR/C/GC/36, para. 34).

⁴⁹ Justice Project Pakistan, *Death Penalty in Pakistan*.

⁵⁰ See also Human Rights Committee, general comment No. 32 (2007), para. 22.

⁵¹ See also A/HRC/WGAD/2019/65, para. 77.

⁵² OHCHR, “Myanmar: UN Human Rights Chief alarmed at death sentences by secretive military courts”, 2 December 2022.

⁵³ Carol Rosenberg, “Trial guide: the Sept. 11 case at Guantánamo Bay”, *New York Times*, 15 July 2024.

⁵⁴ Amnesty International, “Death sentences and executions 2023”, p. 13.

36. A British court ruled that the United Kingdom of Great Britain and Northern Ireland could not extradite an individual to the United States on espionage charges unless the authorities of the United States guaranteed that he would not face the death penalty.⁵⁵

D. Conditions on death row

37. In its resolution [77/222](#), the General Assembly emphasized the need to ensure that persons facing the death penalty are treated with humanity and with respect for their inherent dignity and in compliance with their rights under international human rights law, and to improve conditions in prisons in accordance with international standards, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). According to the Human Rights Committee, failure to provide persons on death row with timely notification about the date of their execution constitutes, as a rule, a form of ill-treatment, which renders the subsequent execution contrary to article 7 of the International Covenant on Civil and Political Rights. Failure to respect article 7 inevitably renders the execution arbitrary in nature and thus also in violation of article 6 ([CCPR/C/GC/36](#), para. 40).

38. In its submission, Argentina asserted that the mental anguish endured by death row prisoners constitutes ill-treatment. The Committee against Torture expressed concern over reports that Egypt had carried out a number of executions in secret, without allowing family visits or timely notification ([CAT/C/EGY/CO/5](#), paras. 37 and 38 (b)).

E. Methods of execution and prohibition of public executions

39. According to the Human Rights Committee, States parties that have not abolished the death penalty must respect article 7 of the International Covenant on Civil and Political Rights. The Committee has opined that stoning, injection of untested lethal drugs, gas chambers, burning and burying alive, public executions and other painful and humiliating methods of execution are contrary to article 7. The Committee has also noted that countries that have not abolished the death penalty should establish laws and procedures regulating the use of the death penalty as well as effective institutional safeguards to prevent arbitrary deprivation of life ([CCPR/C/GC/36](#), para. 16). In its resolution [48/9](#), the Human Rights Council called upon States that had not yet abolished the death penalty to be transparent with respect to their execution methods.

40. According to the Death Penalty Information Centre, in the United States, in July 2022 the state of Alabama carried out the “longest botched lethal injection execution” in the country’s history, which is estimated to have lasted at least three hours.⁵⁶ Two other lethal injection executions were halted in Alabama owing to complications in placing intravenous lines⁵⁷ while three additional lethal injection executions were

⁵⁵ Sylvia Hui and Jill Lawless, “Assange can’t be extradited until U.S. rules out death penalty, UK court says”, PBS, 26 May 2024.

⁵⁶ See Death Penalty Information Centre, “The death penalty in 2023: year-end report”, December 2023; and Death Penalty Information Centre, “Private autopsy documents ‘carnage’ experienced by Alabama death-row prisoner Joe Nathan James during longest botched lethal-injection execution in history”, 16 August 2022.

⁵⁷ Death Penalty Information Centre, “Federal Court orders Alabama to preserve evidence of botched attempted execution of Alan Miller”, 26 September 2022; and Death Penalty Information Centre, “After U.S. Supreme Court overturns lethal injection stay, Alabama tries and fails to execute Kenneth Eugene Smith”, 26 September 2022.

carried out with difficulties in the states of Texas, Arizona and Idaho.⁵⁸ In its concluding observations on the fifth periodic report of the United States, the Human Rights Committee expressed regret concerning the lack of information on allegations that untested lethal drugs had been used to execute prisoners in the country and on reported cases of excruciating pain caused by the use of those drugs and botched executions ([CCPR/C/USA/CO/5](#), para. 30).

41. In January 2024, the state of Alabama executed a man using the novel and untested method of suffocation by nitrogen gas. According to eyewitness accounts, the process took several minutes and appeared to subject the prisoner to extreme suffering.⁵⁹ The High Commissioner for Human Rights deeply regretted that the execution had been carried out despite concerns that the novel and untested method could amount to torture or ill-treatment.⁶⁰ Shortly thereafter, bills aimed at approving the use of nitrogen suffocation as a method of execution were introduced in the legislatures of the states of Kansas, Louisiana, Nebraska and Ohio in the United States.⁶¹

42. Public executions were reportedly conducted in Afghanistan⁶² and the Islamic Republic of Iran⁶³ during the reporting period.

VI. Prohibition of the use of the death penalty against children and persons with psychosocial or intellectual disabilities

A. Children

43. In its resolution [77/222](#), the General Assembly called upon States to progressively restrict the use of the death penalty and not to impose it for offences committed by persons below 18 years of age or whose age above 18 years at the time of the commission of the crime cannot be accurately determined, pursuant to article 6 (5) of the International Covenant on Civil and Political Rights and article 37 (a) of the Convention on the Rights of the Child. The Committee on the Rights of the Child has stated that article 37 (a) reflects the customary international law prohibition of the imposition of the death penalty for a crime committed by a person who is under 18 years of age and has reiterated that the explicit and decisive criterion is the age at the time of the commission of the offence ([CCPR/C/GC/24](#), para. 79).⁶⁴ If there is no reliable and conclusive proof that the person was below the age of 18 at the time the offence was committed, the individual should have the right to the benefit of doubt and the death penalty cannot be imposed ([CCPR/C/GC/24](#), para. 79, and [CCPR/C/GC/36](#), para. 48).

⁵⁸ See <https://deathpenaltyinfo.org/executions/botched-executions>; Death Penalty Information Centre, “As lethal injection turns forty, States botch a record number of executions”, 7 December 2022; and Death Penalty Information Centre, “Idaho halts first lethal injection execution in 12 years after failure to establish I.V. lines”, 29 February 2024.

⁵⁹ Submission of Reverend Dr. Jeff Hood, Spiritual Adviser, Death Rows Across the United States. See also Alison Mollman, “Alabama has executed a man with nitrogen gas despite jury’s life verdict”, American Civil Liberties Union, 1 February 2024.

⁶⁰ OHCHR, “Alabama execution”, 26 January 2024.

⁶¹ Tim Carpenter, “Attorney General in Kansas sponsors bill adding hypoxia option for executing capital murderers”, *Kansas Reflector*, 9 February 2024; Erik Ortiz and Abigail Brooks, “Louisiana lawmaker’s bill would allow nitrogen gas executions”, NBC News, 9 February 2024; Margery A. Beck, “Nebraska bill would add asphyxiation by nitrogen gas as form of execution for death row inmates”, Associated Press, 5 January 2024; and Nick Evans, “Ohio House holds first hearing for new nitrogen gas death penalty method”, *Ohio Capital Journal*, 18 April 2024.

⁶² See UN News, “Afghanistan: first public execution since Taliban takeover”.

⁶³ Amnesty International, “Death sentences and executions 2023”, p. 13.

⁶⁴ See also Human Rights Council resolution 2003/67.

44. Death sentences for offences committed by persons under 18 appear to remain lawful in some countries. Amnesty International has reported that seven young men, all of whom were children at the time of the commission of the offence, were facing an imminent threat of execution in Saudi Arabia, despite a 2020 royal decree abolishing the death penalty for persons who were children at the time of the commission of the offence.⁶⁵

45. The International Bar Association's Human Rights Institute reported that the Democratic People's Republic of Korea allegedly executed two children by firing squad in public for distributing movies from the Republic of Korea.⁶⁶

46. In 2023, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed concern that Iranian authorities continued to execute persons who had been sentenced when they were below 18 years of age and that at least 85 child offenders remained on death row ([A/HRC/52/67](#), para. 65). The Committee against Torture expressed grave concern about reports that children had been sentenced to death in Egypt for offences allegedly committed before they attained the age of 18 years ([CAT/C/EGY/CO/5](#), para. 37).

47. In April 2023, India freed a man who had spent 28 years on death row after being sentenced to death when he was 12 years old.⁶⁷

B. Persons with psychosocial or intellectual disabilities

48. In its resolution [77/222](#), the General Assembly called upon States to progressively restrict the use of the death penalty and not to impose capital punishment on persons with mental or intellectual disabilities. The Human Rights Committee has stated that States must refrain from imposing the death penalty on individuals who face special barriers in defending themselves on an equal basis with others, such as persons whose serious psychosocial and intellectual disabilities impeded their effective defence, and persons that have diminished ability to understand the reasons for their sentence ([CCPR/C/GC/36](#), para. 49).⁶⁸ Furthermore, it has noted that violations of fair trial guarantees resulting in the imposition of the death penalty, such as failure to provide accessible documents and procedural accommodation for persons with disabilities, would render the sentence arbitrary in nature, in violation of article 6 of the International Covenant on Civil and Political Rights ([CCPR/C/GC/36](#), para. 41). The Committee on the Rights of Persons with Disabilities has noted that persons with psychosocial or intellectual disabilities are more likely to be denied guarantees of fair trial owing to the lack of procedural accommodations,⁶⁹ and has called for the abolition of the death penalty and the suspension of all death sentences of persons with psychosocial or intellectual disabilities, with a view to complying with article 10 of the Convention on the Rights of Persons with Disabilities.⁷⁰

⁶⁵ Amnesty International, "Saudi Arabia: imminent execution of seven young men would violate Kingdom's promise to abolish death penalty for juveniles", 15 June 2023.

⁶⁶ Submission of the International Bar Association's Human Rights Institute, citing Hyemin Son, "North Korea publicly executes 2 teenagers for distributing South Korean movies", Radio Free Asia, 2 December 2022.

⁶⁷ Himanshi Dhawan, "If only they'd checked my age: juvenile on death row for 28 years walks free", *Times of India*, 13 April 2023.

⁶⁸ See also Economic and Social Council resolutions [1984/50](#) and [1989/64](#).

⁶⁹ [CRPD/C/20/D/38/2016](#); [CRPD/C/18/D/30/2015](#); and [CRPD/C/IRN/CO/1](#), paras. 22–23.

⁷⁰ [CRPD/C/KWT/CO/1](#), paras. 20–21; [CRPD/C/SAU/CO/1](#), paras. 17–18. See also Office of the Special Rapporteur and the Special Envoy of the Secretary-General on Disability and Accessibility, "International principles and guidelines on access to justice for persons with disabilities", August 2020.

49. Persons with psychosocial and intellectual disabilities reportedly were executed in the United States. The Death Penalty Information Centre alleges that 79 per cent of people executed in the country in 2023 had at least one of the following impairments: serious mental health issue, brain injury, developmental brain damage or intellectual impairment.⁷¹ Persons with psychosocial and intellectual disabilities were also reportedly executed in the Islamic Republic of Iran.⁷²

50. In the United States, in April 2023 the House of Representatives of the state of Texas adopted a bill exempting people with severe mental illness from the death penalty, which will be considered by the Texas Senate.⁷³ As at 24 July 2024, the bill was still being considered.

VII. Disproportionate use of the death penalty on poor and economically vulnerable persons, foreign nationals, persons exercising their human rights and persons belonging to minorities

51. In its resolution [77/222](#), the General Assembly noted with deep concern that, frequently, poor and economically vulnerable persons, foreign nationals, persons exercising their human rights and persons belonging to religious or ethnic minorities were disproportionately represented among those sentenced to death and called upon States to ensure that the death penalty was not applied on the basis of discriminatory laws, including laws that target individuals for exercising their human rights, or as a result of discriminatory or arbitrary application of the law. The Human Rights Committee has stated that the death penalty must not be imposed in a discriminatory manner contrary to the principles of equality before the law and non-discrimination. Furthermore, it has highlighted that data suggesting that members of religious, racial or ethnic minorities and indigent persons are disproportionately likely to face the death penalty may indicate an unequal application of the death penalty, which raises concerns under articles 2 (1) and 26 of the International Covenant on Civil and Political Rights ([CCPR/C/GC/36](#), para. 44). At the biennial high-level panel discussion of the Human Rights Council on the question of the death penalty held in 2023, it was reiterated that the death penalty was often applied discriminatorily to vulnerable and marginalized members of society ([A/HRC/54/46](#), paras. 16 and 26). The Secretary-General has also noted that discrimination against vulnerable or marginalized groups is aggravated when there is no or insufficient transparency about the use of the death penalty ([A/HRC/48/29](#), para. 50).

52. Persons from ethnic minority groups, foreign nationals and women are uniquely vulnerable to capital punishment for drug-related offences. Harm Reduction International reported that, while persons of Baluchi ethnicity account for roughly 2 per cent of the population, around 40 per cent of those executed for drug-related offences in the Islamic Republic of Iran in 2022 were Baluchis.⁷⁴

53. The Human Rights Committee has reaffirmed that under no circumstances can the death penalty ever be applied as a sanction against conduct the very criminalization of which violates the International Covenant on Civil and Political

⁷¹ Death Penalty Information Centre, “The death penalty in 2023: year-end report”.

⁷² Iran Human Rights and Together against the Death Penalty, *Annual Report on the Death Penalty in Iran 2022* (2022); and Amnesty International, “Iran: executions of protester with mental disability and Kurdish man mark plunge into new realms of cruelty”, 24 January 2024.

⁷³ Jolie McCullough, “Texas House passes bill barring the death penalty for some mentally ill defendants”, *Texas Tribune*, 5 April 2023.

⁷⁴ Harm Reduction International, *The Death Penalty for Drug Offences*, p. 30.

Rights. Such conduct includes adultery, homosexuality, apostasy, establishing political opposition groups or offending a head of State ([CCPR/C/GC/36](#), para. 36). The Independent Expert on the enjoyment of all human rights by older persons expressed deep concern at information that a court in Nigeria had sentenced three men to death by stoning after convicting them for engaging in homosexuality ([A/HRC/54/26/Add.1](#), para. 34). As at August 2023, two men in Uganda were facing separate charges of “aggravated homosexuality”, an offence punishable by death under the country’s newly adopted Anti-Homosexuality Act.⁷⁵

54. Special procedures mandate holders decried death sentences imposed by the Islamic Republic of Iran on individuals for expressing opinions critical of the Government and religious leaders.⁷⁶ As at 24 July 2024, at least 11 States reportedly maintained the death penalty for apostasy or blasphemy.⁷⁷ In its concluding observations on the fifth periodic report of the United States, the Human Rights Committee reiterated its grave concern at the racial disparities in the imposition of the death penalty in the country, which had a disproportionate impact on people of African descent ([CCPR/C/USA/CO/5](#), para. 30).

VIII. Discriminatory application of the death penalty against women

55. In resolution [77/222](#), the General Assembly noted with deep concern the discriminatory application of the death penalty against women and called upon all States to ensure that the death penalty was not applied on the basis of discriminatory laws or as a result of the discriminatory or arbitrary application of the law. The Committee on the Elimination of Discrimination against Women has recommended that States parties repeal all legal provisions that are discriminatory against women, including those resulting in the discriminatory application of the death penalty against women. It has also recommended that States should take measures to eliminate gender stereotyping and bias and to incorporate a gender perspective into all aspects of the justice system ([CEDAW/C/GC/33](#), para. 29). The Special Rapporteur on extrajudicial, summary or arbitrary executions has noted that a gender-sensitive approach to the right to life, including to arbitrary killings, requires consideration of the impact of gender norms, identity and expression, in intersection with other identity markers ([A/HRC/35/23](#), para. 96).

56. According to a global study conducted by Cornell Law School and the Cornell Center on the Death Penalty Worldwide, defence attorneys frequently failed to present evidence of gender-based violence in women’s capital trials and prosecutors often relied on gendered tropes to discredit women’s accounts of childhood sexual abuse, rape and intimate partner violence. As a result of those findings, it was concluded that “those who sentence women to die rarely comprehend the extensive trauma that the women have endured, and how that trauma relates to their legal and moral culpability”.⁷⁸

⁷⁵ Bethlehem Feleke, David McKenzie and Nimi Princewill, “Two Ugandan men may face death penalty after ‘aggravated homosexuality’ charge”, CNN, 29 August 2023.

⁷⁶ OHCHR, “Iran: UN experts alarmed by death sentence imposed on peaceful activist, demand moratorium on death penalty”, 13 May 2024; OHCHR, “Iran: UN experts alarmed by death sentence imposed on rapper and songwriter, Toomaj Salehi, 25 April 2024; OHCHR, “Iran: UN experts condemn recent executions, urge moratorium on death penalty”, 9 May 2023; and OHCHR, “Iran: stop sentencing peaceful protesters to death, say UN experts”, 11 November 2022.

⁷⁷ Submission of Jubilee Campaign.

⁷⁸ Sandra Babcock and Nathalie Greenfield, “Gender, violence, and the death penalty”, *California Western International Law Journal*, vol. 53, No. 2 (2023).

57. The Committee on the Elimination of Discrimination against Women noted that Singapore retained the death penalty and applied it in practice and expressed concern that the country's courts reportedly often failed to consider pertinent circumstances and mitigating factors in criminal proceedings against women, such as evidence of trauma, economic pressure, child marriage, domestic and gender-based violence, and intellectual and/or psychosocial disabilities. It also noted that women facing capital punishment were subjected to solitary confinement and did not systematically benefit from a legal assistance scheme for persons charged with capital offences at all stages owing to a lack of personnel with expertise in gender-sensitive administration of justice (CEDAW/C/SGP/CO/6, para. 17).

58. During the reporting period, an increase in the number of women executed in Saudi Arabia was recorded, with one woman executed in 2022⁷⁹ and six executed in 2023.⁸⁰ A similar increase was reported for the Islamic Republic of Iran, where 12 women were executed in 2022⁸¹ and 24 in 2023.⁸² In January 2023, a pregnant Kurdish woman was reportedly sentenced to death for allegedly setting fire to a portrait of a former Iranian supreme leader.⁸³ In the United States, a federal appeals court denied relief to a woman who had been sentenced to death, despite evidence that prosecutors had relied on gender stereotypes of women's sexuality to convince a jury that she had murdered her husband.⁸⁴

59. There are reportedly 2 women on death row in Cameroon, 3 in the Democratic Republic of the Congo, 3 in Ethiopia, 6 in Ghana, 2 in Kenya, 1 in the Lao People's Democratic Republic, 104 in Malaysia, 52 in the United States and at least 1 in Viet Nam.⁸⁵

IX. International and regional initiatives relating to the implementation of General Assembly resolution 77/222

A. Human Rights Council

60. In February 2023 the Human Rights Council held a high-level panel discussion on the question of the death penalty, the theme of which was "Human rights violations relating to the use of the death penalty, in particular with respect to limiting the death penalty to the most serious crimes".

61. Special procedure mandate holders monitored the application of international human rights standards for the protection of the rights of those facing the death penalty and reaffirmed that international law unequivocally forbids the imposition of the death penalty for the expression of opinions online;⁸⁶ that executions following flawed trials are tantamount to arbitrary deprivation of life;⁸⁷ that countries that have retained the death penalty may only impose it for the most serious crimes, namely, those of extreme gravity involving intentional killing; and that drug offences do not

⁷⁹ Amnesty International, "Death sentences and executions 2022", p. 10.

⁸⁰ Andrew Purcell, "Saudi Arabia executed at least 172 people in 2023", *Reprieve*, 2 January 2024.

⁸¹ Amnesty International, "Death sentences and executions 2022", p. 10.

⁸² Amnesty International, "Death sentences and executions 2023", p. 32.

⁸³ Ismaeel Naar, "Iran sentences pregnant Kurdish woman to death", *The National*, 26 January 2023.

⁸⁴ Adam Liptak, "Did prosecutors' sex shaming help send Brenda Andrew to death row?", *New York Times*, 1 April 2024.

⁸⁵ Submission of The Advocates for Human Rights, the World Coalition against the Death Penalty and Together against the Death Penalty.

⁸⁶ OHCHR, "Saudi Arabia: revoke death penalty for social media activity, UN experts urge", 15 September 2023.

⁸⁷ OHCHR, "Iran: UN experts condemn recent executions, urge moratorium on death penalty".

meet this threshold.⁸⁸ In the context of the universal periodic review, States formulated recommendations related to the death penalty, including in relation to the Bahamas, Bahrain, Botswana, Guatemala, Indonesia, Israel, Mali, Pakistan, Peru, the Republic of Korea and Tonga.⁸⁹

62. During the reporting period, the Human Rights Council also held an intersessional panel discussion on human rights challenges in addressing and countering all aspects of the world drug problem, including the use of the death penalty for drug-related offences.

B. Office of the United Nations High Commissioner for Human Rights

63. OHCHR priorities include undertaking strategic advocacy and developing partnerships to promote the abolition of the death penalty and, pending its abolition, to promote moratoriums and increased adherence to international human rights law.⁹⁰ In this regard, OHCHR advocated for the abolition of the death penalty generally and with respect to individual cases in Iraq, the Islamic Republic of Iran, Pakistan (in relation to drug-related offences), the United States, Viet Nam and Zimbabwe. The Office also provided technical advice on death penalty provisions in the new criminal code of India (A/HRC/56/20, para. 78).

64. OHCHR organized the Human Rights Council's biennial high-level panel discussion on the question of the death penalty, held on 28 February 2023, which focused on the topic of limiting the death penalty to the most serious crimes. During the discussion, the High Commissioner for Human Rights called on States that had not yet done so to establish moratoriums on the death penalty and work towards abolition. OHCHR also moderated side events relating to the death penalty for drug offences during the sixty-sixth and sixty-seventh sessions of the Commission on Narcotic Drugs.⁹¹

65. The High Commissioner for Human Rights expressed alarm over death sentences issued by secretive military courts;⁹² increases in executions that also disproportionately affected members of minority groups;⁹³ legislation prescribing the death penalty for homosexual acts;⁹⁴ and an execution that may have amounted to torture or ill-treatment.⁹⁵ OHCHR conducted a mission to China, led by the High Commissioner for Human Rights, and a mission to the Islamic Republic of Iran, led by the United Nations Deputy High Commissioner for Human Rights, which featured discussions with national authorities on matters related to the death penalty.

⁸⁸ OHCHR, "Singapore: UN experts condemn continued use of death penalty for drug-related crimes".

⁸⁹ Bahamas (A/HRC/54/10), Bahrain (A/HRC/52/4), Botswana (A/HRC/54/9), Guatemala (A/HRC/53/9), Indonesia (A/HRC/52/8), Israel (A/HRC/54/16), Mali (A/HRC/54/8), Pakistan (A/HRC/53/13), Peru (A/HRC/53/8), South Korea (A/HRC/53/11) and Tonga (A/HRC/54/6).

⁹⁰ OHCHR, *United Nations Human Rights Management Plan 2022–2023* (Geneva, 2022), pp. 36 and 37.

⁹¹ See <https://cndblog.org/2023/03/side-event-the-death-penalty-for-drug-offences-the-role-of-international-advocacy-and-diplomacy/>; and <https://cndblog.org/2024/03/side-event-the-death-penalty-for-drug-related-offences-challenges-to-restrict-its-use-and-pathways-towards-abolition/>.

⁹² OHCHR, "Myanmar: UN Human Rights Chief alarmed at death sentences by secretive military courts".

⁹³ OHCHR, "Iran: 'frightening' number of executions as Türk calls for end to death penalty".

⁹⁴ OHCHR, "Uganda: Türk dismayed at ruling upholding discriminatory anti-gay law", 3 April 2024.

⁹⁵ OHCHR, "Alabama execution".

C. Other initiatives, including regional initiatives

66. In its resolution [77/222](#), the General Assembly recognized the role of national human rights institutions and civil society in contributing to ongoing local and national debates and regional initiatives on the death penalty. One such initiative was the Congress of Ministers of Justice for a World without the Death Penalty, organized by Sant'Egidio and held in March 2023. The Fourth Regional Congress on the Death Penalty in the Middle East, organized by Together against the Death Penalty, Penal Reform International and the Adaleh Centre for Human Rights Studies, was held in Amman in July 2023. OHCHR participated in the event, which ended with an appeal to the States of the region to develop a progressive strategy for abolishing the death penalty by gradually reducing its scope.

67. During the reporting period, the Chairperson of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa of the African Commission on Human and Peoples' Rights met with the Group of French-speaking Ambassadors to the African Union in October 2023 and the Permanent Representatives Committee of the African Union in December 2023 to seek support in validating the protocol to the African Charter on Human and Peoples' Rights on the abolition of the death penalty in Africa.⁹⁶

68. In the context of the Human Rights 75 initiative, in December 2023, the European Union stated that it remained committed to the abolition of the death penalty worldwide and pledged to strengthen partnerships to achieve that goal, both politically and through programming, namely, through its civil society-led Global Consortium for Death Penalty Abolition.⁹⁷ The Organization for Security and Cooperation in Europe, the Permanent Mission of Belgium to the United Nations in Geneva and the International Bar Association's Human Rights Institute organized a side event during the fifty-second session of the Human Rights Council in February 2023 on the role of defence lawyers in death penalty cases.⁹⁸

X. Conclusions and recommendations

69. **I welcome the continued progress in several States towards the universal abolition of the death penalty since the adoption of General Assembly resolution [77/222](#). All measures taken towards limiting the use of the death penalty constitute progress in the protection of the right to life. I reiterate my call for universal ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights and urge abolitionist States that have not yet ratified it to do so without delay. States are encouraged to support regional strategies and instruments aimed at abolishing the death penalty. States should follow through on their pledges made in the context of the Human Rights 75 initiative to abolish the death penalty and ratify the Second Optional Protocol.**

⁹⁶ See African Commission on Human and People's Rights, Rapport d'activité intersession du groupe de travail sur la peine de mort, les exécutions extrajudiciaires, sommaires ou arbitraires et les disparitions forcées en Afrique pour le 77ème session ordinaire, Arusha, October–November 2023; and African Commission on Human and People's Rights, Intercession activity report of the working group on death penalty, extrajudicial, summary or arbitrary killings and enforced disappearances in Africa for the 79th ordinary session, Banjul, May–June 2024.

⁹⁷ European Union, "Pledge submitted by the European Union to the Human Rights 75 secretariat", December 2023.

⁹⁸ See www.osce.org/odihr/537777. The event was co-sponsored by OHCHR and the Permanent Missions to the United Nations in Geneva of Costa Rica, France, Mexico, Moldova, Mongolia, the Republic of Benin and Switzerland.

70. With respect to countries that have not yet abolished the death penalty, the increase, sometimes significant, in the imposition and application of the death penalty, and the resumption of such activities, remain of concern. I reiterate my recommendation that States that continue to use the death penalty should adopt a moratorium on executions with a view to abolition. Where a long de jure or de facto moratorium on the use of the death penalty has been observed, resuming its use could be contrary to the object and purpose of article 6 of the Covenant.
71. Pending abolition, States must guarantee the human rights of persons facing the death penalty, including by ensuring that international fair trial standards are met. The death penalty should never be imposed as a sanction against conduct, including adultery, homosexuality, apostasy, establishing political opposition groups or offending a head of State, the very criminalization of which violates the Convention.
72. Under international human rights law, the death penalty may be imposed only for the most serious crimes. That term has been consistently interpreted to refer to crimes of extreme gravity involving intentional killing. States must therefore refrain from using the death penalty for crimes not involving intentional killing, such as drug-related offences.
73. States must ensure that the death penalty is not applied on the basis of discriminatory laws or as a result of a discriminatory or arbitrary application of the law. States should repeal any provisions that may result in the discriminatory and disproportionate application of the death penalty to poor or economically vulnerable individuals, foreign nationals, women and those exercising their human rights. States must also ensure that foreign nationals are informed of their right to receive information on consular assistance and, if those persons so request, notify consular services, in accordance with the Vienna Convention on Consular Relations.
74. States must ensure that the death penalty is never imposed on persons who are or may have been under the age of 18 years at the time of the commission of the offence.
75. States should also prohibit the imposition of the death penalty on persons with psychosocial or intellectual disabilities and ensure their equal access to justice without discrimination.
76. States should urgently examine the effects of the conditions on death row to ensure that they do not constitute cruel, inhuman or degrading punishment or treatment, and take immediate steps to strengthen legal safeguards. States should also ensure that laws on extradition and deportation specifically prohibit the enforced transfer of persons to States where there is a genuine risk that the death penalty may be imposed in violation of internationally recognized standards, unless adequate assurances are obtained that the death penalty will not be carried out.
77. States that retain the death penalty should systematically make available full, accurate and disaggregated data by sex, age, nationality and race, as applicable, on their use of the death penalty, including data on the characteristics of convicted and executed persons and on the crimes with which they are charged.
78. Pending abolition, States may not violate article 7 of the Covenant by carrying out executions that are cruel, superfluously painful or humiliating. Failure to respect the prohibition against torture and ill-treatment renders an execution arbitrary in nature and thus also in violation of the right to life.

79. I call upon States to pay more attention to the gender dimension of the death penalty, including by addressing multiple forms of gender bias facing women sentenced to death and taking full account of gender-related mitigating factors during sentencing, such as a history of surviving gender-based violence. States should offer gender-sensitive health care to women on death row and provide for the needs of women on death row who are incarcerated together with their children.
