



## General Assembly

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### Seventy-ninth session

#### Agenda item: Moratorium on the execution of the death penalty

Sponsors: Argentina, Australia, Austria, Belgium, Canada, Croatia, Denmark, Ecuador, France, Germany, Ghana, India, Ireland, Israel, Italy, Jamaica, Malaysia, Mongolia, Nepal, Netherlands, Norway, Panama, Philippines, Poland, Portugal, Republic of Korea, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Ukraine, United Kingdom.

*The General Assembly,*

*Recalls* the purposes and principles contained in the Charter of the United Nations,

*Recalling* the Universal Declaration of Human Rights, particularly Article 3 and Article 5, which affirm the right to life and prohibit cruel, inhuman, or degrading treatment or punishment,

*Reaffirming* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, and the work of the Human Rights Council, the Vienna Convention on Consular Relations,

*Recalling* the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aims at the abolition of the death penalty, and emphasizing the necessity for more nations to ratify this protocol,

*Recalling* its resolutions on the question of a moratorium on the use of the death penalty, including Resolution 62/149 (2007), Resolution 63/168 (2008), Resolution 65/206 (2010), Resolution 67/176 (2012), Resolution 69/186 (2014), Resolution 71/187 (2016), Resolution 73/175 (2018), Resolution 75/183 (2020), and Resolution 77/222 (2022),

*Emphasizing* that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, especially the right to life,

*Recognizing* that the reintroduction of the death penalty by Member States that have abolished it would undermine progress in upholding human dignity and justice,

*Recognizing* that a repeal of the moratorium on the death penalty by Member States would undermine progress in upholding human dignity and justice,

*Recognizing* the necessity to follow the aforementioned standards established by the international society in the context of the death penalty,

*Recognizing* the heightened vulnerability of certain individuals and the necessity of safeguarding their rights and dignity under international human rights standards,

*Reaffirming* the universal principles of equality and non-discrimination as enshrined in international human rights law, and the need to ensure that the death penalty is not applied in a discriminatory manner,

*Highlighting* the importance of fair trial standards and court proceedings such as but not limited to clemency, and execution convictions,

*Highlighting* the importance of fair trial standards, judicial reform, and the prevention of errors that could lead to wrongful convictions and the irreversible imposition of the death penalty,

*Acknowledge* that the application of the death penalty is irreversible and poses risks of wrongful executions, which cannot be rectified, and that there have been multiple cases of wrongful convictions and executions in the past,

*Deploring* current methods of execution, including but not limited to hanging and firing squad shootings,

*Acknowledging* the need for ethical discourse on the methods used in capital punishment,

*Recognizing* the ethical challenges and subjectivity in defining humane methods of execution,

*Recognizing* that information provided by all states on the death penalty would greatly contribute to discussions on the agenda and would be essential to create a fair and just public opinion,

*Recognizing* that transparency and accountability are essential in ensuring that the death penalty is applied in accordance with human rights standards and principles of justice;

*Recognizing* the difficulties in some Member States to collect data on the death penalty executions,

*Recognizing* the need for accurate information from nations implementing the death penalty to enhance transparency.

*Concerned* that individuals from abolitionist States may still face the death penalty when prosecuted under jurisdictions that retain capital punishment, creating conflicts with their home States' principles and international commitments;

*Reaffirms* the sovereign right of all countries to develop their own legal systems, including determining appropriate legal penalties, in accordance with their international law obligations such as human rights treaties,

*Recognizing* the need of a firm definition of "most serious crimes" to ensure a rightful execution of the death penalty,

*Reaffirming* the definition of "most serious crimes" provided by the Human Rights Council, until a new definitions are decided such as drug related crimes,

*Concerned* by the impact of executions of individuals on direct families, and recognizing the need to assist them,

*Recognizing* the need for international cooperation and assistance in overcoming challenges faced by countries in establishing a moratorium on the death penalty,

*Recognizing* the importance of ensuring transparency within each country to fully take benefit of aid,

*Recognizing* that there is no conclusive evidence of the deterrent value of the death penalty,

*Expresses its concern* about the continued application of the death penalty that results in the loss of valuable human lives, despite the other feasible methods that exist;

*Approves* the steps taken by some States to reduce the number of offences for which the death penalty maybe imposed as well as steps taken to limit its application, including by commuting death sentences,

*Noting* the importance of dialogue in building understanding about human rights, and the effectiveness of moratoriums,

*Noting* that open and inclusive domestic discussions concerning human rights implications of the death penalty is necessary,

*Emphasizing* the responsibility of States to uphold their international commitments to protect human rights and fundamental freedoms for all individuals,

*Recognizing* the importance of education in fostering a culture of respect for human rights and raising awareness about the implications of the death penalty on fundamental freedoms and human dignity,

*Emphasizing* the need for the universal protection of human rights, including the right to a fair trial, access to legal representation, and freedom from cruel, inhuman, or degrading treatment,

*Acknowledging* the importance of consular access in protecting the legal rights of foreign nationals and preventing potential miscarriages of justice,

*Acknowledging* that not all nations have the capability to rectify the issues in their justice systems which are at risk of causing human rights issues,

*Recognizing* that transparency and accountability are essential in ensuring that the death penalty is applied in accordance with human rights standards and principles of justice;

*Recognizing* the importance of upholding human rights, ensuring the fair and equitable application of justice, and improving conditions for individuals facing the death penalty in nations that decide not to implement abolishments or moratoriums,

*Encouraging* open dialogue and reflection on the ethical, legal, and human rights implications of the death penalty,

*Acknowledging* the positive trend towards a global reduction in the use of the death penalty and the growing support for the establishment of moratoriums,

*Recognizing* the importance of clarity in defining the scope of the death penalty to ensure that it is only applied to the most severe offenses, in line with international human rights standards,

*Deploring* current methods of execution, including but not limited to hanging and firing squad shootings,

*Recognizing* the possible existence of exceptions to the death penalty such as drug related crimes, national treason, terrorism,

*Recognizing* the existence of war and terrorism and the need for a better punishment system,

*Recognizing* the fact that there are instances of capital punishment not meeting the minimum standards established by ECOSOC in 1984 are being carried out,

*Recognizing* the fact that executions of minors are being carried out,

1. *Emphasizes* the duty of States to promote and protect human rights and fundamental freedoms;
2. *Stresses* that the execution of the death penalty constitutes a violation of fundamental human rights, and is concerned by the current continued application of the death penalty;
3. *Calls upon* Member states capable to implement an abolishment, and all other Member states to establish and maintain a moratorium on the death penalty until the international society has gained a consensus on the abolishment of the death penalty, with the view of achieving a full global moratorium and eventual possible abolishing of the death penalty in the future;

4. *Calls upon* Member states who have abolished the death penalty to not reintroduce the death penalty, to protect fundamental human rights including the right to life;
5. *Encourages* States that have implemented moratoriums, to avoid repealing them;
6. *Requests* member states to respect the following in the context of the death penalty;
  - a. Standards established by the international society, especially the minimum standards set out in the ECOSOC;
  - b. The ICCPR especially Article 1 prohibits arbitrary executions;
7. *Calls upon* Member States to refrain from carrying out the death penalty on individuals belonging to the following vulnerable groups at the time of crime until these individuals are excluded from the following groups:
  - a. People with mental disorders or intellectual disabilities;
  - b. Individuals under the age of eighteen, or over the age of seventy-five;
  - c. Pregnant women;
  - d. Birth mothers with children under the age of five;
  - e. Official guardians who are legally responsible for a child under the age of five;
8. *Calls upon* all Member States to move for the abolition of all forms of discrimination in the application of the death penalty, ensuring that no individual is subjected to capital punishment based on their nationality, ethnicity, gender, religion, or any other form of bias;
9. *Calls upon* Member States to ensure that all court proceedings, decisions on clemency, and executions related to the death penalty are conducted impartially, free from bias and with transparency;
10. *Calls upon* Member States to improve their judicial system to prevent wrongful death penalty executions;
11. *Condemns* wrongful convictions and executions done by member states in the past;
12. *Regrets the use of* inhumane methods of executions by Member States, including but not limited to:
  - a. Decapitations;
  - b. Gas chambers;
  - c. Shootings;
  - d. Hangings;
  - e. Stonings;
  - f. Electric chairs;
  - g. Testing methods of executions on convicts without their consent,

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13. *Calls upon* Member States that continue to implement the death penalty to consider more humane methods of executions in line with international humanitarian standards, including examples such as but not limited lethal injection done alongside anesthesia;
  14. *Requests* Member States to come together to do the following to decide on the definition of humane and inhumane executions, as mentioned previously:
    - a. Hold a future conference to discuss these definitions;
    - b. Continue research on the most humane execution methods;
  15. *Requests* Member States to provide detailed information about each anonymous individual, including the following:
    - a. Mental condition;
    - b. Pregnancy status;
    - c. Age;
    - d. Religious affiliation;
    - e. Execution method;
    - f. Ethnicity
    - g. Sex;
    - h. Nationality;
    - i. Reason for execution;
  16. *Requests* Member States to provide detailed information, yearly, on the following:
    - a. Number of death penalty sentencings;
    - b. Number of executions carried out;
    - c. Execution methodology used and how many times;
    - d. Number of overturned decisions and attempted appeals after initial death penalty sentencing;
    - e. Socio-economic status of executed inmates;
    - f. Demographic of executed inmates;
  17. *Requests* UN bodies, organizations, and third-party organizations that have collaborated with the United Nations in the past to assist and supervise in the creation, collection, and publishing of the data mentioned in previous clauses:
    - a. United Nations Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions;
    - b. Office of the United Nations High Commissioner for Human Rights;
  18. *Requests*—organizations that assist and supervise to take reasonable measures available to them to ensure the quality and accuracy of data, including but not limited to:

- a. Cross-check national data with independent sources to identify inconsistencies;
  - b. Conduct on-site visits and gather firsthand information from stakeholders;
  - c. Enforce uniform guidelines for data collection and reporting;
  - d. Provide training to improve national data collection and reporting methods;
  - e. Facilitate expert reviews of national submissions for impartiality;
19. *Stresses* that the death penalty shall not be imposed, but rather on any person who holds a valid passport of a State that has completely abolished the death penalty, as decided by the following criteria, regardless of the jurisdiction in which the individual is being prosecuted:
- a. Absence of legal provisions permitting the death penalty for all crimes, in both peacetime and wartime;
  - b. Ratification of relevant international instruments such as, but not limited to the Second Optional Protocol to the ICCPR or Protocol No. 13 to the ECHR, where applicable;
  - c. Official abolition status as recognized by authoritative international bodies such as the OHCHR;
20. *Requests* Member States to come together to hold a future conference to decide on the definition of “most serious crimes” mentioned in Article 6, Paragraph 2 of the International Covenant on Civil and Political Rights;
21. *Calls upon* Member States that are party to the ICCPR to follow its article 6, until the aforementioned future conference can be held, which prohibits the use of the death penalty other than the “most serious crimes”, and to follow the definitions provided by the HRC as “intentional killing” such as mass killings and war crimes, and ECOSOC’s definition;
22. *Encourages* member states to engage with local religious leaders, to further our efforts in negotiating for a moratorium;
23. *Requests* Member States to ensure that the financial support and protection to the direct families of individuals subjected to capital punishment, safeguarding their socioeconomic well-being, ensuring basic safety, including but not limited to the following:
- a. Counseling services for grief and trauma;
  - b. Funds for burial or memorial expenses;
  - c. Support for relocating due to stigma or safety concerns;
  - d. Financial help for dependent children;
  - e. Providing vocational and educational schooling;
24. *Invites* Member States to consider operative clause 23 clause on financial support and protection for crimes not punishable by the death penalty, and to consider it after implementation of a moratorium for crimes that would have originally been published by the death penalty;
25. *Urges* Member states to respect international standards such as of the Vienna Convention on Consular Relations for safeguarding the rights of those facing the death penalty;

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- a. Adherence to international human rights treaties, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR);
  - b. Maintenance of adequate living conditions, including food, water, healthcare, and sanitation, as emphasized by the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules);
  - c. Provision of mental health support, including counseling and psychiatric care, to address the unique psychological needs of inmates, particularly those on death row;
  - d. Granting ranting foreign nationals on death row or facing the death penalty the right to consular access, timely notification of their consulate, and adequate legal representation, to safeguard their rights and protect them from wrongful or disproportionate sentencing;
26. *Encourages* Member States with the capacity and willingness to provide financial, technical, and educational aid to other nations in adopting the measures outlined in the above operative clause requesting member states to employ humane methods of execution to provide technological aid and collaboration projects;
27. *Requests* Member States that are politically, socially, and financially capable to give necessary aid to nations in need of assistance to better their justice, policing or court system, under the requirement that the death penalty be put on moratorium entirely within the next 20 years within the recipient nation;
28. *Calls upon* States that have not yet done so to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, as a means of furthering the global movement towards the abolition of the death penalty;
29. *Calls upon* the following states and organizations to do the following:
- a. All member states involved in the aid, both receiving and giving, to submit annual reports to OHCHR;
  - b. The UNODC to act as the primary organization in charge of technical and judicial aid;
  - c. The UNDP to act as the primary organization in charge of humanitarian and financial aid;
  - d. Organizations like Amnesty International to form partnerships with the UN and appropriate organizations to cooperate with the execution of aid clauses;
30. *Requests* the Secretary-General and the UN as a whole to monitor and create a report on the implementation of this resolution and the global situation with regard to the death penalty;
31. *Requests* member states to conduct the following in order to better our understanding of the death penalty and further discussions of the death penalty, to work towards an abolishment:
- a. Promote international and domestic discussion and research on the death penalty, especially its relation to the right to life;
  - b. Assess obstacles towards abolishing the death penalty such as religious reasons, deterrence;
  - c. Facilitate educational initiatives and awareness campaigns aimed at promoting the fundamental shift in mindsets of their citizens regarding the death penalty, with the goal of advancing a more enlightened and humane perspective, in alignment with the universal principle of human rights and the preservation of human dignity, as accepted by the United Nations and its member states;

32. *Requests* Member States to continue active discourse on the matters discussed in this session in the future.