



General Assembly

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Agenda item: Moratorium on the execution of the death penalty

Sponsors: Algeria, Australia, Belgium, Brazil, Ghana, Mongolia, Panama, Republic of Korea, Spain, Sweden

The General Assembly,

Guided by 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 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,

Noting that the application of the death penalty is irreversible and poses risks of wrongful executions, which cannot be rectified,

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),

Welcoming the efforts of States that have implemented moratoriums on the death penalty or abolished it entirely, as these measures represent significant progress in the protection of human rights,

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

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;

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

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,

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;

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

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;

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;

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

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;

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,

1. *Recalls* the duty of States to promote and protect human rights and fundamental freedoms;
2. *Stresses* that the death penalty constitutes a violation of fundamental human rights;
3. *Calls upon* all States to establish a moratorium on death penalty with a view to abolishing the death penalty;
4. *Discourages* States that have abolished the death penalty from reintroducing it;
5. *Encourages* States with moratoriums to maintain them;
6. *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:
 - a. People with a mental disorder or an intellectual disability;
 - b. Underage individuals, as defined by the laws of each Member State;
 - c. Pregnant women;

- d. New mothers with children under the age of five;
 - e. Official guardians who are legally responsible for a child under the age of five;
7. *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;
 8. *Calls upon* Member States to ensure that all court proceedings, decisions on clemency, and executions related to the death penalty are conducted impartially and free from bias.
 9. *Requests* Member States to improve their judicial system in order to prevent wrongful conviction;
 10. *Condemns* any past actions by Member States that have resulted in wrongful convictions and executions,
 11. *Urges* nations that continue to implement the death penalty to consider more humane methods of execution in line with international humanitarian standards, rather than implement inhumane methods including but not limited to:
 - a. decapitations,
 - b. gas chambers,
 - c. shootings,
 - d. hangings,
 - e. stonings,
 - f. electric chairs,
 12. *Requests* Member States to provide detailed information about their use of the death penalty, including data broken down by sex, age, nationality, race, and other relevant factors, to ensure transparency and confirm that the death penalty was applied fairly and through a just legal process;
 13. *Requests* Member States to provide detailed information, yearly, on the following:
 - a. number of death penalty sentences
 - 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
 14. *Decides* that a third-party organization will assist and supervise in the creation, collection and publishing of the data mentioned in previous clauses;
 15. *Decides* that the death penalty shall not be imposed on any person who is a national 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;
16. *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;
 17. *Decides* Member states to use other existing international standards for the definition of the “most serious crimes” until a future conference can be held;
 18. *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,
 19. *Requests* Member States to consider this financial support and protection
 20. *Urges* Member states to respect international standards for safeguarding the rights of those facing the death penalty;
 21. *Encourages* Member States to ensure full compliance with the Vienna Convention on Consular Relations by granting 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;
 22. *Encourages* Member States with the capacity and willingness to assist other nations in adopting the measures outlined in the above operative clause requesting member states to employ humane methods of execution;
 23. *Requests* Member States to aid nations that are in the process of moving to a moratorium or abolishment of the death penalty if there are any obstructions hindering countries from carrying them out;
 24. *Requests* nations 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;
 25. *Calls upon* 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, as a means of furthering the global movement towards the abolition of the death penalty;