



# General Assembly

Distr.: General  
8 August 2022

Original: English

---

## Seventy-seventh session

Item 69 (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 [75/183](#). It discusses developments towards the abolition of the death penalty and the establishment of moratoriums on executions and highlights 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. The report discusses 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 relating to persons exercising their human rights, and various initiatives for advancing its abolition. The report welcomes progress made towards universal abolition in States representing different legal systems, traditions, cultures and religious backgrounds. It concludes that all measures aimed towards limiting the application of the death penalty constitute progress in the protection of the right to life.

---

\* [A/77/150](#).

\*\* The present report was submitted after the deadline in order to reflect recent developments.



## I. Introduction

1. In its resolution [75/183](#), the General Assembly requested the Secretary-General to report to it at its seventy-seventh session on the implementation of that resolution. The Secretary-General draws attention to the reports submitted to the Human Rights Council on the same topic.
2. The present report covers the period from December 2020 to June 2022 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.

## II. Transparency in the use of the death penalty

3. In its resolution [75/183](#), the General Assembly called upon States to make available relevant information, disaggregated by sex, age, nationality and race, as applicable, and other applicable criteria, with regard to their use of the death penalty, inter alia, the number of persons sentenced to death, the number of persons on death row and the number of executions carried out, the number of death sentences reversed or commuted on appeal or in which amnesty or pardon had been granted, as well as information on any scheduled execution, which could 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 Human Rights Council and human rights treaty bodies 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 were properly notified of impending executions.<sup>1</sup> The Human Rights Committee recalled that undisclosed executions are a breach of the International Covenant on Civil and Political Rights.<sup>2</sup>
4. The Secretary-General has previously highlighted that the lack of transparency in the imposition and application of the death penalty has serious human rights implications, including with respect to the right to timely and adequate legal defence for individuals sentenced to death, especially those under imminent risk of executions, as well as the right to freedom of information, the right to a fair trial, the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, and the principles of non-discrimination and equality before the law.<sup>3</sup> The Secretary-General noted that the ability of civil society to effectively monitor death penalty-related matters has been made more challenging since the onset of the coronavirus disease (COVID-19) pandemic, stressing that it was therefore more important than ever for States to comply with transparency requirements on the imposition and application of the death penalty.<sup>4</sup>
5. Submissions by non-governmental and civil society organizations stated that the lack of transparency in the use of the death penalty remained an issue of concern in many States.<sup>5</sup> It was noted that the pandemic had underscored the need for transparent

---

<sup>1</sup> Human Rights Council resolution [48/9](#), para. 10.

<sup>2</sup> See [www.ohchr.org/en/press-releases/2022/03/belarus-un-human-rights-committee-condemns-execution](http://www.ohchr.org/en/press-releases/2022/03/belarus-un-human-rights-committee-condemns-execution). See also, for example, [CCPR/C/106/D/2120/2011](#), para. 11.10.

<sup>3</sup> See report of the Secretary-General on the question of the death penalty ([A/HRC/48/29](#)), para. 54.

<sup>4</sup> *Ibid.*, para. 56.

<sup>5</sup> Ensemble Contre la Peine de Mort (ECPM), Harm Reduction International (HRI), International Commission against the Death Penalty (ICDP), Justice Project Pakistan (JPP) and Reprieve submissions.

reporting on matters related to the death penalty, including deaths of persons on death row due to the pandemic.<sup>6</sup>

### III. Developments since the adoption of General Assembly resolution 75/183

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

6. In its resolution 75/183, the General Assembly welcomed the considerable movement towards the abolition of the death penalty globally and the increasing number of accessions to and ratifications of the Second Optional Protocol to the International Covenant on Civil and Political Rights and called upon States that had not yet done so to consider acceding to or ratifying the Second Optional Protocol. Kazakhstan,<sup>7</sup> Sierra Leone,<sup>8</sup> the Central African Republic,<sup>9</sup> and Papua New Guinea<sup>10</sup> adopted laws abolishing the death penalty. Armenia and Kazakhstan became parties to the Second Optional Protocol to the International Covenant on Civil and Political Rights, bringing the number of States parties to 90.<sup>11</sup> In the United States of America, the State of Virginia abolished the death penalty,<sup>12</sup> bringing to 36 the number of States that have abolished the death penalty, have a formal moratorium on its use or have not carried out an execution in the last 10 years.<sup>13</sup> Several other States described their process of abolition and their support for the abolition of the death penalty.<sup>14</sup>

#### B. Moratoriums

7. In its resolution 75/183, 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. The Assembly called upon States to establish a moratorium on executions with a view to abolishing the death penalty and encouraged States that had a moratorium to maintain it and to share their experience in that regard.

8. In its submission, Cuba indicated that it was opposed to the application of the death penalty and was in favour of eliminating it when appropriate conditions were in place. Mali, Mauritius and Morocco recalled the moratorium that they had in place. In the United States, the Attorney General ordered a moratorium on all federal

<sup>6</sup> ICDP submission.

<sup>7</sup> Law on Amendments and Additions to Certain Legislative Acts on the Abolition of the Death Penalty, 29 December 2021.

<sup>8</sup> Law on the abolition of the death penalty, 8 October 2021.

<sup>9</sup> Law No. 22.001 abolishing the death penalty in the Central African Republic, 27 June 2022.

<sup>10</sup> See [www.parliament.gov.pg/uploads/acts/22A\\_10.pdf](http://www.parliament.gov.pg/uploads/acts/22A_10.pdf).

<sup>11</sup> See [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-12&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-12&chapter=4&clang=en).

<sup>12</sup> Virginia House Bill 2263, 24 March 2021.

<sup>13</sup> See <https://reports.deathpenaltyinfo.org/year-end/YearEndReport2021.pdf>.

<sup>14</sup> Submissions of Argentina, Australia, Bosnia and Herzegovina, Croatia, Ecuador, El Salvador, Honduras, Morocco, Romania, Switzerland and Venezuela (Bolivarian Republic of). See also the submissions of the People's Advocate of Albania, the National Human Rights Commission of Mexico, the National Human Rights Commission of Togo, the European Union and the United Nations Office on Drugs and Crime.

executions pending review of certain policies and procedures<sup>15</sup> and at the State level, Ohio announced a moratorium on executions.<sup>16</sup>

9. United Nations human rights treaty bodies called upon States to apply a moratorium on the use of the death penalty with a view to abolishing it.<sup>17</sup> With respect to Cuba and Kenya, treaty bodies recommended the adoption of formal moratoriums with a view to the future abolition of the death penalty.<sup>18</sup> With regard to Botswana, the treaty bodies regretted that it did not plan to abolish the death penalty or to impose a moratorium and recommended that it consider undertaking a political and legislative process aimed at abolishing the death penalty.<sup>19</sup> Similar calls were made during the universal periodic review.<sup>20</sup>

10. Some States continued to impose the death penalty or increased its imposition, contributing to the “death row phenomenon”, prison overcrowding and distress among inmates due to uncertainty over execution or commutation of death sentences.<sup>21</sup>

### C. Reduction in the number of offences punishable by death

11. In its resolution [75/183](#), the General Assembly called upon States to reduce the number of offences for which the death penalty might be imposed, including by considering removing its mandatory application. In his 2022 report to the Human Rights Council on the question of the death penalty,<sup>22</sup> the Secretary-General provides information on the reduction in the number of offences punishable by death and the removal of the mandatory death penalty.

### D. National initiatives to advance abolition

12. In its resolution [75/183](#), 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 to advance abolition around the world.<sup>23</sup> In their submissions, Australia, Croatia, Romania and Switzerland, all abolitionist States, reported that advocating for moratoriums or abolition was a priority for their Governments and highlighted initiatives undertaken in that regard at the United Nations.

13. During the universal periodic review, some States referred to their commitment to abolishing the death penalty.<sup>24</sup> Other States indicated that they had initiated steps to restrict the use of the death penalty.<sup>25</sup> Thailand supported a recommendation to

<sup>15</sup> See [www.justice.gov/opa/pr/attorney-general-merrick-b-garland-imposes-moratorium-federal-executions-orders-review](http://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-imposes-moratorium-federal-executions-orders-review).

<sup>16</sup> See <https://governor.ohio.gov/media/news-and-media/Governor-DeWine-Issues-Reprieves-02182022>; <https://reports.deathpenaltyinfo.org/year-end/YearEndReport2020.pdf>.

<sup>17</sup> CAT/C/IRQ/CO/2, para. 31; CAT/C/NGA/COAR/1, para. 28 (b); CERD/C/SGP/CO/1, para. 22 (b); and CEDAW/C/SSD/CO/1, para. 49 (a).

<sup>18</sup> CAT/C/CUB/CO/3, para. 39; and [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/KEN/INT\\_CAT\\_COC\\_KEN\\_48653\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/KEN/INT_CAT_COC_KEN_48653_E.pdf), para. 34 (b).

<sup>19</sup> CCPR/C/BWA/CO/2, paras. 15 and 16 (d).

<sup>20</sup> A/HRC/51/7, para. 9.

<sup>21</sup> ECPM and International Federation of Action by Christians for the Abolition of Torture (FIACAT) submissions.

<sup>22</sup> A/HRC/51/7.

<sup>23</sup> Ibid., para. 7.

<sup>24</sup> Ibid., para. 10.

<sup>25</sup> Ibid.

consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights.<sup>26</sup>

14. Some States announced that they would abolish or restrict the use of the death penalty. The President of Zambia announced the decision to abolish the death penalty and work with parliament towards that end.<sup>27</sup> The President of Malawi stated that a ruling of the Supreme Court of Appeals, which had declared the death penalty unconstitutional but was subsequently changed, would be respected.<sup>28</sup> In Malaysia, the Government announced that it would abolish the mandatory death penalty for 11 offences, including drug-related offences, and would inquire into the use of the death penalty in 22 other offences.<sup>29</sup>

15. In Equatorial Guinea, a Penal Code review abolishing the death penalty was approved by the Senate and, at the time of writing, was awaiting the final approval of the President.<sup>30</sup> In its submission, Morocco indicated that a new draft penal code reduces the number of provisions of capital offences from 31 to 11 and that the reform of the criminal procedure code limits the use of the death penalty by requiring unanimous judicial decisions for its imposition. Uganda removed mandatory capital offences from various criminal law statutes.<sup>31</sup> In Pakistan, the Supreme Court prohibited the execution of prisoners with certain psychosocial or intellectual disabilities.<sup>32</sup> In the United States, the States of Ohio and Kentucky adopted laws prohibiting the death penalty for persons with serious psychosocial or intellectual disabilities<sup>33</sup> and the State assembly of Nevada adopted a bill abolishing the death penalty.<sup>34</sup> In Ghana, a bill was proposed to Parliament which provides for the repeal of the death penalty in the Criminal and Other Offences Act.<sup>35</sup>

16. As highlighted in previous reports, the effectiveness and transparency of any debate on the death penalty require that the public have access to balanced information, including accurate information and statistics on criminality and the various effective ways to combat it without resorting to capital punishment.<sup>36</sup> During the reporting period, public opinion surveys and studies as well as awareness-raising activities were conducted on various aspects of the use of the death penalty.<sup>37</sup>

<sup>26</sup> A/HRC/49/17/Add.1, para. 14.

<sup>27</sup> See <https://news.un.org/en/story/2022/05/1119282>.

<sup>28</sup> See [www.ohchr.org/en/2021/08/comment-un-human-rights-spokesperson-marta-hurtado-malawis-death-penalty-reinstatement](http://www.ohchr.org/en/2021/08/comment-un-human-rights-spokesperson-marta-hurtado-malawis-death-penalty-reinstatement).

<sup>29</sup> See [www.ohchr.org/en/press-releases/2022/06/malaysia-un-experts-welcome-announcement-abolish-mandatory-death-penalty](http://www.ohchr.org/en/press-releases/2022/06/malaysia-un-experts-welcome-announcement-abolish-mandatory-death-penalty).

<sup>30</sup> See <https://ahoraeg.com/politica/2022/05/31/se-aprueba-en-el-senado-el-proyecto-de-ley-del-primer-codigo-penal-propio-de-guinea-ecuatorial/>.

<sup>31</sup> The Law Revision (Penalties in Criminal Matters) Miscellaneous Amendment Act (2019) of 5 November 2021.

<sup>32</sup> See <https://perma.cc/JYL9-2573>.

<sup>33</sup> Ohio House Bill 136 and Kentucky House Bill 269.

<sup>34</sup> See [www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/8006/Overview](http://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/8006/Overview).

<sup>35</sup> Amnesty International submission.

<sup>36</sup> A/75/309, para. 13; and A/HRC/48/29, para. 37.

<sup>37</sup> See [www.fiacat.org/attachments/article/3048/FIACAT\\_rapport%20d'activit%C3%A9\\_2021\\_FR\\_MAILING.pdf](http://www.fiacat.org/attachments/article/3048/FIACAT_rapport%20d'activit%C3%A9_2021_FR_MAILING.pdf); and submissions from Morocco and the European Union.

## IV. Trends in the use of the death penalty

### A. Number of executions and executing countries

17. Up-to-date and accurate global figures on the use of the death penalty remain difficult to obtain. Some countries reportedly continue to classify data on its use as a State secret.<sup>38</sup> Little or no information was reportedly available for a few other countries.<sup>39</sup>

18. There was a reported decrease in the number of death sentences imposed and carried out in 2020, owing partly to measures adopted to address the COVID-19 pandemic.<sup>40</sup> As pandemic-related restrictions eased in 2021, executions resumed or increased in several countries.<sup>41</sup> Based on the information available, 18 States carried out executions in 2021, the same number as in 2020.<sup>42</sup> There was reportedly an increase compared with 2020 in the number of death sentences and confirmed executions.<sup>43</sup> Despite the reported increase, the number of executions recorded in 2021 was the second lowest yearly number, after that recorded for 2020, in a decade.<sup>44</sup>

19. Egypt, Iran (Islamic Republic of) and Saudi Arabia reportedly accounted for 80 per cent of confirmed executions in 2021.<sup>45</sup> The Secretary-General and special procedure mandate holders of the Human Rights Council reiterated their concern at executions in the Islamic Republic of Iran.<sup>46</sup> At least 333 executions were reportedly carried out in the country in 2021, including of at least 17 women, compared with 267 in 2020. The Islamic Republic of Iran remained responsible for 60 per cent of known executions in the region of the Middle East and Northern Africa.<sup>47</sup> At least three juvenile offenders were among those executed in 2021.<sup>48</sup> The increase in the number of reported executions in 2021 in the Islamic Republic of Iran was due notably to an increase in drug-related executions, which accounted for over 38 per cent of cases.<sup>49</sup> Reports indicate that in the first trimester of 2022, the number of executions continued to rise and at least 105 people were executed.<sup>50</sup> In Saudi Arabia, 65 executions were carried out in 2021, a significant increase from the 27 executions recorded in 2020.<sup>51</sup> This trend continued in 2022 with the execution of 81 persons in a single day in March

<sup>38</sup> See *Death Sentences and Executions 2021: Amnesty International Global Report* (p. 6), available at [www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf). See also Amnesty International submission.

<sup>39</sup> *Death Sentences and Executions 2021*, p. 6.

<sup>40</sup> See [www.amnesty.org/en/wp-content/uploads/2021/05/ACT5037602021ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2021/05/ACT5037602021ENGLISH.pdf); and <https://reports.deathpenaltyinfo.org/year-end/YearEndReport2020.pdf>.

<sup>41</sup> See [www.amnesty.org/en/wp-content/uploads/2022/03/09/HRI\\_Global\\_Overview\\_2021\\_Final.pdf](http://www.amnesty.org/en/wp-content/uploads/2022/03/09/HRI_Global_Overview_2021_Final.pdf); and [www.hri.global/files/2022/03/09/HRI\\_Global\\_Overview\\_2021\\_Final.pdf](http://www.hri.global/files/2022/03/09/HRI_Global_Overview_2021_Final.pdf).

<sup>42</sup> See [www.amnesty.org/en/wp-content/uploads/2021/05/ACT5037602021ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2021/05/ACT5037602021ENGLISH.pdf), p. 10.

<sup>43</sup> According to Amnesty International, the number of confirmed executions in 2021 (at least 579) had increased by 20 per cent compared with 2020 (at least 483). At least 2,052 death sentences were handed down in 2021 (compared with 1,477 in 2020, representing an increase of 39 per cent compared with 2020) and 56 countries imposed death sentences in 2021 (compared with 54 in 2020). These figures do not include China. See [www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf), pp. 9 and 12.

<sup>44</sup> See [www.amnesty.org/en/latest/news/2022/05/death-penalty-2021-state-sanctioned-killings-rise-as-executions-spike-in-iran-and-saudi-arabia/](http://www.amnesty.org/en/latest/news/2022/05/death-penalty-2021-state-sanctioned-killings-rise-as-executions-spike-in-iran-and-saudi-arabia/).

<sup>45</sup> See [www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf), p. 10.

<sup>46</sup> A/HRC/50/19, A/HRC/49/75, A/76/268 and A/76/160.

<sup>47</sup> See [www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf), p. 40.

<sup>48</sup> *Ibid.*, p. 46.

<sup>49</sup> See [iranhr.net/media/files/Annual\\_Report\\_on\\_the\\_Death\\_Penalty\\_in\\_Iran\\_2021\\_BwW7LPR.pdf](http://iranhr.net/media/files/Annual_Report_on_the_Death_Penalty_in_Iran_2021_BwW7LPR.pdf).

<sup>50</sup> See <https://iranhr.net/en/articles/5147/>.

<sup>51</sup> See [www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf), p. 41.

2022.<sup>52</sup> Reportedly, executions also increased significantly in Somalia (where executions almost doubled), South Sudan and Yemen.<sup>53</sup>

## B. Resumption of executions

20. In its resolution [75/183](#), the General Assembly called upon States that had abolished the death penalty not to reintroduce it and encouraged them to share their experience. The Human Rights Committee has 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, or adopting another international instrument obligating them to abolish the death penalty are barred from reintroducing it.<sup>54</sup> The Secretary-General 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 International Covenant on Civil and Political Rights.<sup>55</sup>

21. In 2021, Belarus, Japan and the United Arab Emirates resumed executions.<sup>56</sup> In the United States, after several years without executions, the States of Mississippi and Oklahoma resumed executions in 2021.<sup>57</sup>

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

22. In its resolution [75/183](#), the General Assembly called upon States to, inter alia, 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](#).<sup>58</sup> The Human Rights Committee, in its general comment No. 36 (2018) on the right to life,<sup>59</sup> notably addressed the meaning of the term “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.

23. Jordan, Lebanon, Morocco and Saudi Arabia provided information regarding guarantees and safeguards in capital cases within their jurisdictions. Trends regarding the protection of the rights of those facing the death penalty, including with regard to proceedings that have failed to meet international fair trial standards, are presented in the recent report of the Secretary-General to the Human Rights Council.<sup>60</sup> Some key trends are outlined below.

<sup>52</sup> See [www.ohchr.org/en/statements/2022/03/comment-un-high-commissioner-human-rights-michelle-bachelet-execution-81-people](http://www.ohchr.org/en/statements/2022/03/comment-un-high-commissioner-human-rights-michelle-bachelet-execution-81-people).

<sup>53</sup> See [www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf), p. 11.

<sup>54</sup> [CCPR/C/GC/36](#), para. 34.

<sup>55</sup> [A/HRC/42/28](#), para. 45. See also [CCPR/C/GC/36](#), para. 50.

<sup>56</sup> See [www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf), p. 10; and [www.amnesty.org/en/wp-content/uploads/2021/05/ACT5037602021ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2021/05/ACT5037602021ENGLISH.pdf), p. 11.

See also CrimeInfo and Eleos Justice at Monash University submission.

<sup>57</sup> Amnesty International and ECPM submissions. See also <https://reports.deathpenaltyinfo.org/year-end/YearEndReport2021.pdf>.

<sup>58</sup> See the safeguards guaranteeing protection of the rights of those facing the death penalty, approved by the Economic and Social Council in its resolution [1984/50](#) of 25 May 1984.

<sup>59</sup> [CCPR/C/GC/36](#).

<sup>60</sup> [A/HRC/51/7](#).

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

24. 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”, a term that has been interpreted by the Human Rights Committee as referring to crimes of extreme gravity involving intentional killing. Drug-related offences can never serve as the basis, within the framework of article 6, for the imposition of the death penalty.<sup>61</sup> 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.<sup>62</sup> The International Narcotics Control Board reiterated its call upon all States that retain the death penalty for drug-related offences to consider abolishing it for such offences and commuting death sentences that have already been handed down.<sup>63</sup>

25. During the reporting period, at least 35 States and territories reportedly continued to retain the death penalty for drug-related offences.<sup>64</sup> In 12 States, the death penalty remained the mandatory punishment for certain drug-related offences although no executions have been carried out over the last five years.<sup>65</sup> There was an increase in known executions for drug-related offences in 2021 compared with 2020. Specifically, in the Islamic Republic of Iran, there were over 80 executions for drug-related charges in 2021, compared with 25 in 2020, indicating a regression from the positive steps that the Government had taken in reducing executions through amendments to the drug law in 2017.<sup>66</sup> This trend of increased executions for drug-related offences has continued in 2022.<sup>67</sup>

26. Foreign nationals, individuals from ethnic minority backgrounds, women and poor or economically vulnerable individuals continued to be most affected by the imposition of the death penalty for drug-related offences around the world.<sup>68</sup> Special procedure mandate holders for Singapore raised concerns that individuals belonging to minorities in Singapore were sentenced to death and executed for drug-related offences and concerns regarding reports of reprisals against their legal counsels.<sup>69</sup> In early 2022, despite calls from the United Nations, Singapore resumed the application of the death penalty, executing two Malaysian nationals for drug-related offences.<sup>70</sup>

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

27. According to the Human Rights Committee, as a rule, civilians must not be tried for capital crimes before military tribunals and military personnel can be tried for offences carrying the death penalty only before a tribunal affording all fair trial

<sup>61</sup> CCPR/C/GC/36, para. 35.

<sup>62</sup> A/HRC/42/28, para. 10; A/73/260, para. 60; and A/HRC/48/38, para. 44.

<sup>63</sup> See [https://unis.unvienna.org/pdf/2022/INCB/INCB\\_2021\\_Report\\_E.pdf](https://unis.unvienna.org/pdf/2022/INCB/INCB_2021_Report_E.pdf), paras. 212, 216, 219, 681, 769 and 904.

<sup>64</sup> See [www.hri.global/files/2022/03/09/HRI\\_Global\\_Overview\\_2021\\_Final.pdf](http://www.hri.global/files/2022/03/09/HRI_Global_Overview_2021_Final.pdf).

<sup>65</sup> Bahrain, Bangladesh, Egypt, Iraq, Kuwait, Lao People’s Democratic Republic, Pakistan, Sri Lanka, Thailand, United Arab Emirates and State of Palestine. See [www.hri.global/files/2022/03/09/HRI\\_Global\\_Overview\\_2021\\_Final.pdf](http://www.hri.global/files/2022/03/09/HRI_Global_Overview_2021_Final.pdf), p. 32.

<sup>66</sup> A/HRC/49/75 para. 5; and A/76/268 para. 4.

<sup>67</sup> A/HRC/50/19, para. 5.

<sup>68</sup> HRI submission.

<sup>69</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27103>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26982>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26870>; and <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26795>.

<sup>70</sup> See [www.ohchr.org/en/press-releases/2022/05/singapore-un-human-rights-experts-urge-immediate-death-penalty-moratorium](http://www.ohchr.org/en/press-releases/2022/05/singapore-un-human-rights-experts-urge-immediate-death-penalty-moratorium).



guarantees.<sup>71</sup> 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 provide for adequate time and facilities for the preparation of the defence.<sup>72</sup> The Working Group on Arbitrary Detention has consistently argued that the trial of civilians by military courts is a violation of the International Covenant and customary international law and that under international law, military tribunals can be competent to try only military personnel for military offences. The Working Group noted that the minimum guarantees for military justice include the guarantee that military tribunals should never be competent to impose the death penalty.<sup>73</sup>

28. During the reporting period, special or military courts reportedly sentenced civilians to death in Bangladesh, Cameroon, the Democratic Republic of the Congo, Egypt, Jordan, Myanmar, Pakistan, Yemen and the State of Palestine.<sup>74</sup> Following the imposition by a military court at the beginning of 2022 of the death sentence against 51 persons for the killing of two members of the Group of Experts in the Democratic Republic of the Congo, the spokesman for the Secretary-General reiterated the Secretary-General's opposition to the use of the death penalty in all cases and urged authorities to maintain the moratorium and to consider abolishing the death penalty in law.<sup>75</sup> With regard to Myanmar, special procedure mandate holders condemned the imposition by military tribunals of the death penalty against civilians, including a former member of parliament and a political activist, on charges of treason and terrorism, reportedly without their having had access to legal counsel during their rejected appeals. Mandate holders stressed that since the military takeover on 1 February 2021, at least 114 people had reportedly been sentenced to death, including 41 in absentia, and urged the military to halt the imposition of the death penalty.<sup>76</sup>

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

29. 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.<sup>77</sup> 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.<sup>78</sup>

30. At the beginning of 2022, special procedure mandate holders expressed concern in relation to the arrest and detention of a Bahraini national in Serbia who could face the death penalty in Bahrain and who had been extradited to Bahrain despite interim measures ordered by the European Court of Human Rights to stay his extradition. The

<sup>71</sup> [CCPR/C/GC/36](#), para. 45. See also [CCPR/C/GC/32](#), para. 22.

<sup>72</sup> [CCPR/C/GC/36](#), paras. 41 and 68.

<sup>73</sup> [A/HRC/27/48](#), para. 69 (e). See also [A/HRC/WGAD/2019/65](#), para. 77.

<sup>74</sup> See [www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf), p. 66.

<sup>75</sup> See <https://news.un.org/en/story/2022/02/1111032>.

<sup>76</sup> See [www.ohchr.org/en/press-releases/2022/06/myanmar-un-experts-sound-alarm-over-juntas-decision-enforce-death-sentences](http://www.ohchr.org/en/press-releases/2022/06/myanmar-un-experts-sound-alarm-over-juntas-decision-enforce-death-sentences).

<sup>77</sup> [CCPR/C/GC/36](#), para. 34.

<sup>78</sup> *Ibid.*

mandate holders recalled that the prohibition of refoulement extends to all persons, regardless of their legal or migratory status.<sup>79</sup>

31. In its submission, the Public Defender's Office of Georgia noted that in 2021 it had received an application concerning a Georgian national arrested in Belarus who risked being extradited to Lebanon for terrorism-related charges. The Public Defender's Office submitted an amicus curiae brief urging the competent court in Belarus not to authorize the extradition based on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Georgian national was reportedly not extradited and was released.

#### D. Conditions on death row

32. In its resolution 75/183, 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).<sup>80</sup>

33. In relation to Iraq, the Committee against Torture expressed concern regarding reports that prisoners on death row had been held in deplorable conditions of detention and subjected to torture and ill treatment, including false threats from the prison guards about their imminent execution. Furthermore, families were reportedly not notified prior to the execution of their relatives. The Committee urged Iraq, inter alia, to continue its efforts to commute all death sentences to alternative penalties, to improve the conditions of detention of prisoners on death row and to ensure that families are properly notified of impending executions.<sup>81</sup> With regard to Nigeria, the Committee regretted the lack of official statistics on the number of persons on death row and details on the application of the commutation provision and pardons granted in the whole territory. It urged authorities to commute all death sentences to prison sentences, to consider declaring an official moratorium on the death penalty for all crimes in law covering the whole territory and to provide details on sentences commuted and pardons granted.<sup>82</sup>

34. Submissions addressed the impact of the COVID-19 pandemic on the death row population.<sup>83</sup> COVID-19 outbreaks and deaths were reported among death row inmates in the United States.<sup>84</sup> In Zimbabwe, authorities commuted death sentences as part of COVID-19 pandemic-related measures.<sup>85</sup> Concerns were raised with regard to a reported increase in the number of death row prisoners in India, which was allegedly attributed partly to an increase in death sentences imposed by trial courts in 2021 and low disposal rates in appellate courts, reportedly due to the appellate courts' limited functioning during the COVID-19 pandemic.<sup>86</sup>

<sup>79</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27096>.

<sup>80</sup> Resolution 70/175.

<sup>81</sup> CAT/C/IRQ/CO/2, paras. 30–31.

<sup>82</sup> CAT/C/NGA/COAR/1, paras. 27–28.

<sup>83</sup> For example, ICDP and WCADP submissions.

<sup>84</sup> See [www.law.ox.ac.uk/research-and-subject-groups/death-penalty-research-unit/blog/2021/05/covid-19-and-death-row](http://www.law.ox.ac.uk/research-and-subject-groups/death-penalty-research-unit/blog/2021/05/covid-19-and-death-row).

<sup>85</sup> Submissions of World Coalition Against the Death Penalty (WCADP) and A. Satkunanathan. See also <https://abcnews.go.com/International/wireStory/zimbabwe-frees-inmates-reduce-covid-19-risk-jails-77136144>.

<sup>86</sup> Project 39A submission. See <https://static1.squarespace.com/static/5a843a9a9f07f5ccd61685f3/t/61f6d7e8f0e77848cc843477/1643567095391/Annual+Statistics+Report+2021+%281%29.pdf>.

35. Submissions also highlighted concerns regarding conditions of detention of persons on death row in Malawi and Sri Lanka.<sup>87</sup> In Bahrain, an increase was reported of persons on death row, of which nearly 30 per cent were nationals from Bangladesh.<sup>88</sup> Concerns were also reported regarding the lack of proper consideration or denial of pardons or commutation petitions in Malawi, Pakistan and Saudi Arabia.<sup>89</sup> Reportedly, the Supreme Court of India did not confirm any death penalty cases in 2021, inter alia, owing to failures of lower courts to comply with its sentencing guidelines, and commuted death sentences instead.<sup>90</sup>

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

### **A. Children**

36. In its resolution 75/183, 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, as required 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.<sup>91</sup> In a recent opinion, the Working Group on Arbitrary Detention concluded that the death penalty against a juvenile offender in Saudi Arabia amounted to an arbitrary deprivation of life.<sup>92</sup> During the reporting period, juvenile offenders were reportedly sentenced to death and/or remained on death row in Iran (Islamic Republic of), Maldives, Myanmar and Pakistan.<sup>93</sup> Only a very reduced number of States are believed to have executed juveniles during the reporting period.<sup>94</sup>

### **B. Persons with psychosocial or intellectual disabilities**

37. In its resolution 75/183, the General Assembly called upon States not to impose capital punishment on persons with mental or intellectual disabilities. United Nations human rights mechanisms have stated that the death penalty should not be imposed on individuals who face specific barriers in defending themselves on an equal basis with others, such as persons whose psychosocial or intellectual disabilities impeded their effective defence and those that have diminished ability to understand the reasons for their sentence.<sup>95</sup> In addition, they have noted that a failure to provide accessible documents and procedural accommodation for persons with disabilities in

<sup>87</sup> Reprieve and A. Satkunanathan submissions.

<sup>88</sup> Reprieve and Bahrain Institute for Rights and Democracy (BIRD), and Salam for Democracy and Human Rights submissions. See also <https://reprieve.org/uk/2021/07/27/death-penalty-in-bahrain>.

<sup>89</sup> Reprieve, Reprieve and European Saudi Organization for Human Rights (ESOHR), and JPP submissions.

<sup>90</sup> Project 39A submission (see supra, at footnote 86).

<sup>91</sup> *CCPR/C/GC/36*, para. 48; and *CRC/C/GC/24*, para. 79.

<sup>92</sup> See [www.ohchr.org/sites/default/files/2022-01/A\\_HRC\\_WGAD\\_2021\\_72\\_SA\\_AEV.pdf](http://www.ohchr.org/sites/default/files/2022-01/A_HRC_WGAD_2021_72_SA_AEV.pdf).

<sup>93</sup> *A/HRC/51/7*; and *A/HRC/50/CRP.1*, para. 89.

<sup>94</sup> *A/HRC/51/7*; and *A/HRC/50/19*, para. 8. See also [www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf); Reprieve and ESOHR, and Maat for Peace submissions.

<sup>95</sup> Human Rights Committee, general comment No. 36 (2018) on the right to life, paras. 41 and 49; and *CRPD/C/IRN/CO/1*, paras. 22–23. See also Economic and Social Council resolutions 1984/50 and 1989/64; *A/HRC/37/25*, paras. 31 and 34; and *A/75/327*, para. 51. See further [www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR\\_Disability/GoodPractices/Access-to-Justice-EN.pdf](http://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR_Disability/GoodPractices/Access-to-Justice-EN.pdf).

cases where the death penalty has been imposed would render the sentence arbitrary in nature.<sup>96</sup>

38. Despite progress in some States, individuals with psychosocial or intellectual disabilities were reportedly sentenced to death or remained on death row in several States.<sup>97</sup>

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

39. In its resolution [75/183](#), 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 the death penalty and called upon States to ensure that the death penalty was not applied on the basis of discriminatory laws 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.<sup>98</sup> Further, it has highlighted that data suggesting that members of religious, racial or ethnic minorities and indigent persons are disproportionality 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.<sup>99</sup> In the 2021 high-level panel discussion on the question of the death penalty, it was reiterated that the death penalty was often applied discriminatorily to vulnerable and marginalized members of society.<sup>100</sup> The Secretary-General has noted that discrimination against vulnerable or marginalized groups is aggravated when there is no or insufficient transparency about the use of the death penalty.<sup>101</sup>

40. In her comprehensive report on the protection of human rights of Africans and people of African descent against excessive use of force and other human rights violations by law enforcement officers, the United Nations High Commissioner for Human Rights highlighted, inter alia, the imposition of the death penalty on people of African descent.<sup>102</sup> She noted that the death penalty disproportionately affects the poor, while poverty compounds obstacles that vulnerable and disadvantaged groups, including people of African descent, are already facing in many countries.<sup>103</sup> Owing to limited or inadequate legal aid services, poor or less privileged individuals often do not have access to effective legal representation and run a higher risk of being subject to the death penalty.<sup>104</sup>

41. In March 2022, the High Commissioner condemned the mass execution of 81 persons in Saudi Arabia, noting that 41 of those executed belonged to the Shiite minority and had taken part in anti-government protests in 2011–2012 calling for

<sup>96</sup> [CCPR/C/GC/36](#), para. 41; [CRPD/C/IRN/CO/1](#), paras. 22–23; and [CRPD/C/20/D/38/2016](#).

<sup>97</sup> [A/HRC/51/7](#), para. 57.

<sup>98</sup> [CCPR/C/GC/36](#), para. 44.

<sup>99</sup> *Ibid.*

<sup>100</sup> [A/HRC/48/38](#), para. 45

<sup>101</sup> [A/HRC/48/29](#), para. 50.

<sup>102</sup> [A/HRC/47/53](#), para. 25.

<sup>103</sup> [A/HRC/47/CRP.1](#), para. 101.

<sup>104</sup> *Ibid.*

greater political participation.<sup>105</sup> With regard to Egypt, special procedure mandate holders raised concerns about the reported imminent executions in July 2021 of persons who had participated in protests against the Government in 2013 and were sentenced to death for their participation in illegal protests and the murder of members of security forces, among other charges, following a mass trial that reportedly failed to meet fair trial guarantees and a failure to investigate allegations of arbitrary arrest, enforced disappearance and torture.<sup>106</sup> Mandate holders also condemned the execution of a dissident in the Islamic Republic of Iran and called on the authorities to end their systematic misuse of the judicial process to impose arbitrary detention and death sentences against human rights defenders, journalists and other individuals who express dissent against the Government through the free exercise of their human rights.<sup>107</sup> The Secretary-General noted that charges carrying the death penalty were brought against protesters in the Islamic Republic of Iran<sup>108</sup> and urged the Government to introduce a moratorium.<sup>109</sup>

42. The Committee on the Elimination of Racial Discrimination expressed concern about reports of the imposition in Cameroon of the death penalty, although it was not carried out, on members of ethnic, ethno-linguistic and ethno-religious groups before military courts and without the provision of adequate interpretation and recommended that the authorities consider abolishing the death penalty.<sup>110</sup>

43. Reportedly, in the United States, 61 per cent of those sentenced to death in 2021 were Black or Latino and 54 per cent of those executed were persons of African descent.<sup>111</sup>

44. With regard to foreign nationals, in its resolution 75/183, the General Assembly called upon States to comply with their obligations under article 36 of the 1963 Vienna Convention on Consular Relations, particularly the right to receive information on consular assistance. The Human Rights Committee noted that serious procedural flaws such as the failure to promptly inform detained foreign nationals of their right to consular notification pursuant to the Vienna Convention, resulting in the imposition of the death penalty, would violate article 6 (1) of the International Covenant on Civil and Political Rights.<sup>112</sup>

45. The former Special Rapporteur on extrajudicial, summary or arbitrary executions noted that she had received many complaints that detainees' countries of origin considered the provision of consular assistance to their nationals to be discretionary.<sup>113</sup> She noted evidence that foreign nationals, especially migrant workers from Asia and Africa, were disproportionately affected by the death penalty in several States and stated that it is the obligation of the detaining State to inform foreign detainees of their right to receive consular assistance and the obligation of the home State to provide their detained nationals with adequate consular assistance.

<sup>105</sup> See [www.ohchr.org/en/statements/2022/03/comment-un-high-commissioner-human-rights-michelle-bachelet-execution-81-people](http://www.ohchr.org/en/statements/2022/03/comment-un-high-commissioner-human-rights-michelle-bachelet-execution-81-people).

<sup>106</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26535>.

<sup>107</sup> See [www.ohchr.org/en/press-releases/2020/12/iran-un-experts-condemn-execution-ruhollah-zam](http://www.ohchr.org/en/press-releases/2020/12/iran-un-experts-condemn-execution-ruhollah-zam). See also <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25999>.

<sup>108</sup> A/HRC/50/19, paras. 5–7.

<sup>109</sup> *Ibid.*, para. 59 (a).

<sup>110</sup> CERD/C/CMR/CO/22-23, paras. 22 and 23 (e).

<sup>111</sup> See <https://reports.deathpenaltyinfo.org/year-end/YearEndReport2021.pdf>.

<sup>112</sup> CCPR/C/GC/36, para. 42.

<sup>113</sup> A/HRC/47/33, para. 74. See also A/HRC/47/33/Add.2, para. 92.

According to her, the provision of consular assistance by the home State may correspond to an emerging customary international norm.<sup>114</sup>

46. In her recent follow-up report to the 2010 joint study on global practices in relation to secret detention in the context of countering terrorism, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism observed significant resort to the use of diplomatic assurances in counter-terrorism and national security transfers, as States sought to discharge their obligations of non-refoulement, and acknowledged that diplomatic assurances had played a positive role in preventing the application of the death penalty in transfer cases.<sup>115</sup>

47. In its submission, the National Human Rights Commission of Mexico stated that it worked jointly with the Ministry of Foreign Affairs of Mexico to follow up on all cases of imposition of the death penalty against Mexican nationals and to prevent its application in cases in which execution dates have been established. It stressed the cases of 26 Mexicans sentenced to death in the United States without access to consular assistance, whose cases had not yet been reviewed despite being included in the decision of the International Court of Justice.<sup>116</sup> A submission on Pakistan highlighted the situation of Pakistani nationals on death row abroad and noted that an increase in diplomatic efforts had resulted in repatriations.<sup>117</sup>

## VIII. Discriminatory application of the death penalty against women

48. In its resolution 75/183, the General Assembly noted with deep concern the discriminatory application of the death penalty to 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 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.<sup>118</sup> The Committee 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.<sup>119</sup> 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.<sup>120</sup>

49. The Committee on the Elimination of Discrimination against Women noted the persistence of laws that are discriminatory towards women in Yemen, including Penal Code articles regarding adultery and stoning to death, and recommended that authorities repeal them and adopt legislation to combat all forms of discrimination against women.<sup>121</sup> The Committee expressed alarm that women continued to be sentenced to death in South Sudan, including by customary courts and in the absence of fair trial guarantees, and urged authorities to discontinue the execution of all

<sup>114</sup> A/HRC/47/33, paras. 73–75. See also guidelines to States on strengthening the provision of consular assistance to their nationals on death row (A/74/318).

<sup>115</sup> A/HRC/49/45, para. 28.

<sup>116</sup> See [www.icj-cij.org/en/case/128](http://www.icj-cij.org/en/case/128).

<sup>117</sup> JPP submission.

<sup>118</sup> CEDAW/C/GC/35, para. 29 (c) (i).

<sup>119</sup> CEDAW/C/GC/33, para. 29.

<sup>120</sup> A/HRC/35/23, para. 96.

<sup>121</sup> CEDAW/C/YEM/CO/7-8, paras. 17 and 18 (c) and (d).

women on death row with immediate effect.<sup>122</sup> With regard to Maldives, the Committee noted with concern that consensual sexual relations outside marriage were still punished with the death penalty in some instances, a situation that the Committee considered to disproportionately affect women and girls, and recommended that the authorities decriminalize and abolish the imposition of the death penalty for consensual sexual relations outside of marriage.<sup>123</sup>

50. In 2021, the nineteenth World Day against the Death Penalty was devoted to the theme “Women sentenced to death: an invisible reality” to highlight women who are sentenced to death, executed, pardoned or exonerated around the world.<sup>124</sup> The European Union and the Council of Europe noted that in some countries, women are sentenced to death at higher rates than men for offences linked to sexual morality, such as adultery. Further, they highlighted that mitigating circumstances related to gender-based violence and abuse were rarely taken into consideration during the criminal process.<sup>125</sup>

51. Recently, the Inter-American Commission on Human Rights reiterated its recommendation to take all necessary measures to ensure compliance with the highest standards of due process, including the duty to observe the gender perspective in cases involving the application of the death penalty, particularly when there is a history of gender-based violence.<sup>126</sup>

52. While women and girls constitute a minority on death row, their needs are often ignored.<sup>127</sup> Observing that most of the crimes for which women are sentenced reveal patterns of gender inequality, the African Commission on Human and Peoples’ Rights adopted a resolution on the need for better protection of women sentenced to death in Africa, urging States parties to the African Charter on Human and Peoples’ Rights that still retain the death penalty to implement reforms that prevent the application of the death penalty when women act against their abusers and to commute the sentences of women currently on death row in such cases, limit the use of shackles or any restraint on women on death row in line with the Mandela Rules and provide gender-specific health services to women on death row; and called on State parties to reform legislation and train judicial actors to ensure that histories of abuse are considered a mitigating factor in relevant cases.<sup>128</sup>

## **IX. International and regional initiatives relating to the implementation of General Assembly resolution 75/183**

### **A. Human Rights Council**

53. The Human Rights Council held a high-level panel discussion on the question of the death penalty in February 2021, addressing related human rights violations, in particular with respect to whether the use of the death penalty has a deterrent effect on crime rates.<sup>129</sup>

<sup>122</sup> CEDAW/C/SSD/CO/1, paras. 48 and 49 (a).

<sup>123</sup> CEDAW/C/MDV/CO/6, paras. 53–54.

<sup>124</sup> See <https://worldcoalition.org/2021/12/03/showcased-19th-world-day-against-the-death-penalty/>.

<sup>125</sup> See [www.consilium.europa.eu/en/press/press-releases/2021/10/08/european-and-world-day-against-the-death-penalty-joint-statement-by-the-high-representative-on-behalf-of-the-european-union-and-the-secretary-general-on-behalf-of-the-council-of-europe/](http://www.consilium.europa.eu/en/press/press-releases/2021/10/08/european-and-world-day-against-the-death-penalty-joint-statement-by-the-high-representative-on-behalf-of-the-european-union-and-the-secretary-general-on-behalf-of-the-council-of-europe/).

<sup>126</sup> See [www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2022/087.asp](http://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2022/087.asp). See also <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27157>.

<sup>127</sup> A/HRC/47/33, para. 72.

<sup>128</sup> ACHPR/Res.483 (EXT.OS.XXXIII) 2021.

<sup>129</sup> See [www.ohchr.org/en/2021/02/human-rights-council-holds-biennial-high-level-panel-discussion-question-death-penalty](http://www.ohchr.org/en/2021/02/human-rights-council-holds-biennial-high-level-panel-discussion-question-death-penalty). See also A/HRC/48/38.

54. 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 persons below 18 years of age; that death sentences must not be carried out with respect to persons with serious psychosocial and intellectual disabilities; and that countries that have retained the death penalty may impose it only for the most serious crimes, namely, those involving intentional killing.<sup>130</sup> Within the context of the universal periodic review, States formulated recommendations related to the death penalty in relation to Antigua and Barbuda, Belarus, Eswatini, Jamaica, Lebanon, Liberia, Libya, Malawi, Maldives, the Marshall Islands, Mauritania, Micronesia (Federated States of), Nauru, the Niger, Oman, Palau, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sierra Leone, Singapore, Solomon Islands, Somalia, Thailand and the United States of America.<sup>131</sup>

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

55. The priorities of the Office of the United Nations High Commissioner for Human Rights 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.<sup>132</sup> In this regard, the Office of the United Nations High Commissioner for Human Rights undertook advocacy in relation to Liberia, Maldives, the Niger, Sierra Leone, the United States of America and the State of Palestine.<sup>133</sup> During the reporting period, the Office of the High Commissioner participated in the sixty-fifth session of the Commission on Narcotic Drugs in a side event relating to the death penalty for drug offences.<sup>134</sup>

## **C. Other initiatives, including regional initiatives**

56. In its resolution [75/183](#), 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 international campaign “Cities for life” organized by the Community of Sant’Egidio, in which over 2,000 cities across the world lit up monuments on 30 November 2021 to raise awareness about the death penalty.<sup>135</sup> Owing to the COVID-19 pandemic, the eighth World Congress against the Death Penalty, scheduled for 2021, was postponed to 16–18 November 2022.

57. During the reporting period, the African Commission on Human and Peoples’ Rights conducted advocacy missions for the abolition of the death penalty in the

<sup>130</sup> See [www.ohchr.org/en/2022/01/un-rights-experts-decry-imminent-execution-juvenile-offender-hossein-shahbazi-iran](http://www.ohchr.org/en/2022/01/un-rights-experts-decry-imminent-execution-juvenile-offender-hossein-shahbazi-iran); [www.ohchr.org/en/press-releases/2021/12/iran-un-experts-say-executions-child-offenders-must-stop](http://www.ohchr.org/en/press-releases/2021/12/iran-un-experts-say-executions-child-offenders-must-stop); [www.ohchr.org/en/press-releases/2022/05/saudi-arabia-death-penalty-against-juvenile-offender-amounts-arbitrary](http://www.ohchr.org/en/press-releases/2022/05/saudi-arabia-death-penalty-against-juvenile-offender-amounts-arbitrary); and [www.ohchr.org/en/press-releases/2021/11/singapore-un-experts-urge-halt-execution-drug-offender-disabilities](http://www.ohchr.org/en/press-releases/2021/11/singapore-un-experts-urge-halt-execution-drug-offender-disabilities).

<sup>131</sup> A/HRC/51/7.

<sup>132</sup> See [www.ohchr.org/sites/default/files/Documents/Publications/OMP\\_II.pdf](http://www.ohchr.org/sites/default/files/Documents/Publications/OMP_II.pdf), p. 34.

<sup>133</sup> A/HRC/50/4, para. 64. See also [www.ohchr.org/sites/default/files/2022-06/OHCHR\\_Report\\_2021.pdf](http://www.ohchr.org/sites/default/files/2022-06/OHCHR_Report_2021.pdf).

<sup>134</sup> See <https://cndblog.org/2022/03/side-event-the-death-penalty-for-drug-offences-latest-developments-and-impact-on-foreign-nationals>.

<sup>135</sup> See <https://deathpenaltyinfo.org/news/more-than-2-000-cities-worldwide-light-up-monuments-in-global-protest-against-death-penalty>.



Central African Republic and the Democratic Republic of the Congo<sup>136</sup> and organized jointly with FIACAT and the World Coalition against the Death Penalty a panel discussion on the link between the death penalty and torture.<sup>137</sup> In 2022, the Inter-American Commission on Human Rights held public hearings on access to justice and gender stereotypes, including in death penalty cases, as well as hearings related to the follow-up on recommendations in individual cases and precautionary measures on the death penalty and death row in the United States.<sup>138</sup>

58. In its submission, the European Union indicated that the abolition of the death penalty remains a priority under its Global Europe Human Rights and Democracy Thematic Programme. In 2021, it funded projects for training, awareness raising, national networks, monitoring, advocacy for legal reform and dialogue on issues such as the use of the death penalty in counter-terrorism and the fight against drugs in various countries. During the reporting period, the Council of Europe and the European Union encouraged all States members of the Council of Europe to implement the recommendation of the Committee of Ministers of the Council of Europe on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment<sup>139</sup> and called on all States to join the global Alliance for Torture-Free Trade and to step up efforts towards establishing common international standards on torture-free trade.<sup>140</sup>

59. The Organization for Security and Cooperation in Europe published a background paper describing the process of abolition of the death penalty in different States and focused on influential factors in abolition processes such as political leadership; the role of civil society organizations, religious groups and victims' families; the development of public opinion; and the impact of international interventions.<sup>141</sup>

## X. Conclusions and recommendations

60. **I welcome the continued progress in several States towards the universal abolition of the death penalty since the adoption of General Assembly resolution 75/183. 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/accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights and urge abolitionist States that have not yet ratified the Second Optional Protocol to do so without delay. Nonetheless, I deplore the reported increase in 2021 and 2022 in the number of executions in a limited number of States after a global decrease during the outbreak of the COVID-19 pandemic.**

61. **Pending abolition, States must provide guarantees, including by ensuring that international fair trial standards are met and adhere to strict limits, specifically limiting of the imposition of the death penalty to the “most serious crimes”, that is, crimes of extreme gravity involving intentional killing. Even for such crimes, the death penalty should not be mandatory. Crimes not involving**

<sup>136</sup> See [www.achpr.org/public/Document/file/English/ENG-Intersession%20Activity%20Report-WGDP.pdf](http://www.achpr.org/public/Document/file/English/ENG-Intersession%20Activity%20Report-WGDP.pdf).

<sup>137</sup> See [www.achpr.org/sessions/info?id=400](http://www.achpr.org/sessions/info?id=400); <https://worldcoalition.org/2022/06/09/the-71st-ordinary-session-of-achpr/>.

<sup>138</sup> See [www.oas.org/en/iachr/sessions/calendario.asp?S=184](http://www.oas.org/en/iachr/sessions/calendario.asp?S=184).

<sup>139</sup> See [www.ohchr.org/sites/default/files/2021-12/CM\\_Rec2021.pdf](http://www.ohchr.org/sites/default/files/2021-12/CM_Rec2021.pdf).

<sup>140</sup> See [www.eeas.europa.eu/delegations/turkey/european-and-world-day-against-death-penalty-10-october-2021-joint-statement\\_en](http://www.eeas.europa.eu/delegations/turkey/european-and-world-day-against-death-penalty-10-october-2021-joint-statement_en).

<sup>141</sup> See [www.osce.org/files/f/documents/b/e/500413.pdf](http://www.osce.org/files/f/documents/b/e/500413.pdf).

intentional killing, such as drug-related offences or terrorism-related crimes not involving intentional killing, should not result in the death penalty. The death penalty should never be imposed as a sanction for non-violent conduct such as apostasy, blasphemy, witchcraft, adultery and same-sex relations.

62. 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. I urge States to 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 or 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.

63. States must ensure that the death penalty is never imposed on persons who are or may have been under 18 years of age at the time of the commission of an offence.

64. 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.

65. 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.

66. 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.

---