



# General Assembly

Distr.: Limited  
29 September 2025

Original: English

---

## Human Rights Council

### Sixtieth session

8 September–8 October 2025

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

Albania, Armenia,\* Australia,\* Austria,\* Belgium, Benin, Brazil, Canada,\* Chile, Colombia, Costa Rica, Croatia,\* Cyprus, Czechia, Denmark,\* Estonia,\* Finland,\* France, Georgia, Germany, Greece,\* Hungary,\* Iceland, Ireland,\* Italy,\* Latvia,\* Liechtenstein,\* Lithuania,\* Luxembourg,\* Malta,\* Marshall Islands, Mexico, Monaco,\* Mongolia,\* Montenegro,\* Netherlands (Kingdom of the), New Zealand,\* North Macedonia, Norway,\* Paraguay,\* Peru,\* Poland,\* Portugal,\* Republic of Moldova,\* Romania, San Marino,\* Slovakia,\* Slovenia,\* Spain, Sweden,\* Switzerland, Ukraine,\* United Kingdom of Great Britain and Northern Ireland\* and Uruguay\*: draft resolution

### 60/... Question of the death penalty

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all other relevant international and regional human rights instruments, and reaffirming that all States must implement their obligations under international human rights law,

*Recalling also* the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and in this regard welcoming the increasing number of accessions to and ratifications of the Second Optional Protocol,

*Recalling further* all General Assembly resolutions on the question of a moratorium on the use of the death penalty, the last of which was resolution 79/179 of 17 December 2024,

*Reaffirming* the safeguards guaranteeing the protection of persons facing the death penalty set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984 and the provisions regarding the implementation of the guidelines contained in Council resolutions 1989/64 of 24 May 1989 and 1996/15 of 23 July 1996,

*Recalling* all resolutions of the Commission on Human Rights on the question of the death penalty, the last of which was resolution 2005/59 of 20 April 2005,

*Recalling also* Human Rights Council decision 18/117 of 28 September 2011 on reporting by the Secretary-General on the question of the death penalty, Council resolution 22/11 of 21 March 2013 on a panel on the human rights of children of parents sentenced to

---

\* State not a member of the Human Rights Council.



the death penalty or executed, Council decision 22/117 of 21 March 2013 on a high-level panel discussion on the question of the death penalty, and Council resolutions 26/2 of 26 June 2014, 30/5 of 1 October 2015, 36/17 of 29 September 2017, 42/24 of 27 September 2019, 48/9 of 8 October 2021 and 54/35 of 13 October 2023 on the question of the death penalty,

*Taking note* of the reports of the Secretary-General on the question of the death penalty, in the latest of which the Secretary-General focused on the consequences arising at various stages of the imposition and application of the death penalty on the enjoyment of the human rights of persons facing the death penalty and other affected persons, paying specific attention to equality of arms, the need to prevent miscarriage or other failure of justice, and the irreversibility of the death penalty, and in which the Secretary-General stressed the obligation of States to ensure that all persons are equal before courts and tribunals,<sup>1</sup>

*Acknowledging* the report of the Office of the United Nations High Commissioner for Human Rights on the high-level panel discussion on the question of the death penalty,<sup>2</sup> which addressed the contribution of the judiciary to the advancement of human rights and the question of the death penalty, and according to which the panel stressed the centrality of judicial discretion in sentencing processes, reviews and commutations in capital punishment cases, taking into consideration mitigating factors and considering alternative punishments, as an important way to reduce the scope and limit the application of application of the death penalty,

*Taking note* of the latest quinquennial report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty,<sup>3</sup> which documented the progressive trend towards abolition or the restricted use of the death penalty in most countries, while noting with concern that death sentences continued to be imposed in cases where the standard of “most serious crimes” was not met, including drug-related offences, and in cases of trials that did not comply with international standards,

*Stressing* that the term “most serious crimes” has consistently been read restrictively and interpreted as pertaining only to crimes of extreme gravity involving intentional killing, and stressing also that under no circumstances can the death penalty ever be applied as a sanction against specific forms of conduct, such as apostasy, blasphemy, adultery, consensual same-sex conduct or relations, establishing political opposition groups or offending a head of State, and that States parties that retain the death penalty for such offences commit a violation of their international obligations,

*Mindful* of the work of the special procedure mandate holders who have addressed human rights issues relating to the death penalty, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Working Group on Arbitrary Detention,

*Mindful also* of the work undertaken by the treaty bodies to address human rights issues relating to the death penalty, and noting the increasing attention paid to this issue in the most recent work of the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of Racial Discrimination,

*Recognizing* the role of regional and subregional instruments and initiatives towards the abolition of the death penalty, which in some cases have led to the prohibition of the use of the death penalty,

---

<sup>1</sup> A/HRC/60/47.

<sup>2</sup> A/HRC/60/48.

<sup>3</sup> E/2025/75.

*Recognizing also* the role of national human rights institutions and civil society in contributing to ongoing local and national debates and regional initiatives on the question of the death penalty,

*Welcoming* the fact that the international trend towards the abolition of the death penalty is continuing, that many States are applying a moratorium on the use of the death penalty, and all measures taken by States towards limiting the application of the death penalty, including by abolishing the mandatory death penalty,

*Expressing with deep concern* that, despite the global trend towards limiting the application of the death penalty, there has been a recent surge in reported executions, including for offences committed by persons below 18 years of age at the time of the commission of the crime, which is prohibited under international law and constitutes arbitrary deprivation of life,

*Noting* that States with different legal systems, traditions, cultures and religious backgrounds have abolished the death penalty or are applying a moratorium on its use,

*Recalling* article 6 (6) of the International Covenant on Civil and Political Rights, which states that nothing in that article shall be invoked to delay or to prevent the abolition of capital punishment by any State party to the Covenant, and bearing in mind that, according to the Human Rights Committee, States parties that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future,

*Noting* that, also according to the Human Rights Committee, States parties to the International Covenant on Civil and Political Rights that have abolished the death penalty are barred from reintroducing it, and noting also that the reinstatement of the death penalty by a State party to the Second Optional Protocol to the International Covenant on Civil and Political Rights is a violation of international law,

*Recalling* that derogation from the right to life is never permitted, even during a state of emergency,

*Acknowledging* the interest in studying the question of the death penalty, as well as in holding local, national, regional and international debates related thereto,

*Emphasizing* the importance for the effectiveness and transparency of debates on the death penalty of ensuring that the public has access to balanced information, including accurate information and statistics on criminality and the various effective ways to combat it without resorting to capital punishment,

*Strongly deploring* the fact that the use of the death penalty leads to violations of the human rights of the persons facing the death penalty and of other affected persons,

*Recalling* that, particularly in cases of capital punishment, States are required to duly and systematically ensure that all persons benefit from a fair trial and a guarantee of due process, including by promptly informing them in a language they understand and in detail of all criminal charges against them and promptly providing them with the effective assistance of legal counsel, from the earliest stages of their arrest and/or detention and at every stage of the proceedings, without discrimination of any kind, and by ensuring effective access to documents and other evidence that are essential for their defence, including by providing accessible documents and procedural accommodation for persons with disabilities, and recalling also that failure to respect fair trial guarantees in proceedings resulting in the imposition of the death penalty could constitute a violation of the right to life,

*Emphasizing* that States must ensure due process and fair trial guarantees, including the right to equality before courts and tribunals and equality of arms, in order to allow individuals to defend themselves in person or through legal assistance of their own choosing, to have access to and to question prosecution evidence in preparation of defence, to cross-examine their witnesses and to obtain the attendance and examination of supportive witnesses on the same terms as the prosecution, as well as adequate time and facilities to prepare defence,

*Recalling* that the right of everyone convicted of a crime to have their conviction and sentence reviewed by a higher tribunal according to the law includes a duty on States to review the conviction and sentence on the merits, and stressing that a violation of this right in proceedings resulting in the imposition of the death penalty renders the death sentence arbitrary in nature and in violation of the right to life, and reaffirming that, under international human rights law, no category of sentenced persons may be excluded in law or in practice from pardons or commutations of a death sentence,

*Reiterating* that, in all cases where the death penalty may be imposed, the personal circumstances of the offender and the particular circumstances of the offence, including its specific attenuating elements, must be considered by the sentencing court, and recalling in this regard that the use of mandatory death sentences denies the sentencing court of its judicial discretion, rendering it arbitrary and inconsistent with the right to a fair trial and the right to life,

*Noting with deep concern* that persons from socioeconomically disadvantaged backgrounds, persons belonging to national, ethnic, religious or linguistic minorities and foreign nationals are disproportionately likely to face the death penalty, raising concerns over discriminatory and arbitrary deprivation of life,

*Expressing concern* at the specific type of discrimination affecting the sentencing of women and girls, and recalling the importance of their full, equal and meaningful access and participation in defence and their ability to seek legal redress in cases of the death penalty,

*Stressing* that those convictions resulting in the death penalty based on information obtained through torture or cruel, inhuman or degrading treatment or punishment of interrogated persons violate article 15 of the Convention against Torture and articles 7, 14 (3) (g) and 6 of the International Covenant on Civil and Political Rights,

*Recalling* that persons sentenced to death, their families and their lawyers should be provided with timely and reliable information on the procedures and timing of appeals, clemency petitions and executions,

*Stressing* the need to examine further in which circumstances the imposition or application of the death penalty violates the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including because of the death row phenomenon, the methods of execution or the lack of transparency around executions or the location of burial sites,

*Emphasizing* that access to consular assistance for foreign nationals, provided for in the Vienna Convention on Consular Relations, is an important aspect of the protection of those facing the death penalty abroad,

1. *Urges* all States to protect the rights of persons facing the death penalty and other affected persons by complying with their international obligations;

2. *Calls upon* States that have not yet acceded to or ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, to consider doing so;

3. *Calls upon* States that have not yet abolished the death penalty to take active steps to reduce the number of offences for which the death penalty may be imposed and to limit them strictly to the “most serious crimes”;

4. *Calls upon* States that provide for or apply the mandatory death penalty to end this practice;

5. *Welcomes* the steps taken by some States to reduce the number of offences for which the death penalty may be imposed, as well as the steps taken to limit its application, and encourages States that are applying a moratorium on its use to demonstrate further progress in accordance with article 6 (6) of the International Covenant on Civil and Political Rights;

6. *Urges* all States to respect international standards that provide safeguards guaranteeing protection of the human 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;

7. *Also urges* all States to prevent the arbitrary deprivation of life by ensuring that all persons are equal before the courts and tribunals and that the guarantees of the right to a fair trial and equality of arms set forth in article 14 of the International Covenant on Civil and Political Rights, in order to defend oneself in person or through legal assistance of one's own choosing, to have access to and to question prosecution evidence in preparation of the defence, to cross-examine one's witnesses and to obtain the attendance and examination of supportive witnesses on the same terms as the prosecution, as well as adequate time and facilities to prepare defence, are available to all parties in capital punishment cases, and emphasizes that violations of the principle of equality of arms result in unfair trials and miscarriages of justice, and that failure to respect fair trial guarantees in proceedings resulting in the imposition of the death penalty could constitute a violation of the right to life;

8. *Calls upon* States to ensure that all accused persons, in particular poor and economically vulnerable persons, persons with disabilities, persons belonging to national, ethnic, religious or linguistic minorities and foreign nationals can exercise their rights relating to equal access to justice and fair trial, to ensure adequate, qualified and effective legal representation and interpretation at every stage of civil and criminal proceedings from the earliest stages of their arrest and/or detention until execution in cases of capital punishment through effective legal assistance, and to ensure that those facing the death penalty can exercise their right to seek pardon or commutation of their death sentence, bearing in mind that no category of sentenced persons may be excluded in law or in practice from pardons or commutations of a death sentence;

9. *Also calls upon* States to comply with their obligations under article 36 of the Vienna Convention on Consular Relations, and to inform without delay foreign nationals who have been arrested or detained of their right to contact the relevant consular post and to communicate with their consular representatives, bearing in mind that failure to promptly inform detained foreign nationals of their right to consular notification pursuant to the Vienna Convention on Consular Relations, resulting in the imposition of the death penalty, would likely violate the right to life;

10. *Calls upon* States that have not yet abolished the death penalty to make available systematically and publicly full, accurate and relevant information, disaggregated by gender, age, nationality, race, ethnicity, disability and other applicable criteria, with regard to their use of the death penalty, inter alia, the charges, number of persons sentenced to death, the number of persons on death row and the location of their detention, the number of executions carried out and the number of death sentences reversed, commuted on appeal or in which amnesty or pardon has been granted, as well as information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, bearing in mind that access to reliable information on the imposition and application of the death penalty enables national and international stakeholders to understand and assess the scope of these practices, including about compliance with the obligations of States with regard to the use of the death penalty;

11. *Requests* the Secretary-General to dedicate the 2027 supplement to his quinquennial report on capital punishment to the right to non-discrimination with regard to the imposition and application of the death penalty, focusing on multiple and intersecting forms of discrimination, and paying specific attention to socioeconomic inequalities, racial discrimination and discrimination based on ethnicity, religion, language and nationality, and to present it to the Human Rights Council for consideration at its sixty-sixth session and to make it available in all working languages before the session;

12. *Decides* that the upcoming biennial high-level panel discussion to be held during the sixty-fourth session of the Human Rights Council will address the latest developments, strategies, best practices and alternative approaches to reducing the scope and limiting the use of capital punishment;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the high-level panel discussion and to liaise with States, relevant United Nations bodies, agencies, treaty bodies, special procedures and regional human rights

mechanisms, as well as with parliamentarians, civil society, including non-governmental organizations, and national human rights institutions with a view to ensuring their participation in the panel discussion, and to make the biennial panel discussion fully accessible;

14. *Also requests* the Office of the High Commissioner to prepare a summary report on the panel discussion, also in an accessible format, and to submit it to the Human Rights Council at its sixty-sixth session;

15. *Invites* the treaty bodies and the special procedures of the Human Rights Council, within their respective mandates, to continue to give due consideration to the consequences arising at the various stages of the imposition and application of the death penalty for the enjoyment of the human rights of persons facing the death penalty and other affected persons;

16. *Decides* to continue its consideration of this issue in accordance with its programme of work.

---