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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

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

Question of the death penalty

Report of the Secretary-General*

Summary

The present report is submitted pursuant to Human Rights Council decision 18/117 and resolution 54/35. The report contains an analysis of 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. Although considerable progress was made towards the abolition of the death penalty during the reporting period, a diminishing number of retentionist countries continued to substantially increase the number of executions.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council decision 18/117 and resolution 54/35. In its decision 18/117, the Council requested the Secretary-General to continue to submit to the Council, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement to his quinquennial report on capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty. Section II of the report covers the period from 7 June 2023 to 6 June 2025 and is submitted as an update to previous reports on the question of the death penalty, including the quinquennial report of the Secretary-General.

2. In its resolution 54/35, the Human Rights Council requested the Secretary-General to dedicate the 2025 supplement to his quinquennial report on capital punishment to 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 failure of justice, and the irreversibility of the death penalty. Section III of the report contains a discussion of that question and is not restricted to the period from 7 June 2023 to 6 June 2025.

3. The report is based largely on a call for input circulated to States, international and regional organizations, national human rights institutions and non-governmental organizations.¹

II. Changes in law and in practice

A. Abolition of the death penalty or initiatives towards its abolition, including establishing a moratorium on executions

4. The Human Rights Committee has stated that article 6 (6) of the International Covenant on Civil and Political Rights reaffirms that 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. According to the Committee, the death penalty cannot be reconciled with full respect for the right to life, and abolition of the death penalty is both desirable and necessary for the enhancement of human dignity and the progressive development of human rights.²

5. Progress was made towards the abolition of the death penalty during the reporting period. In December 2024, with 130 votes in favour, the General Assembly adopted a resolution, for the tenth time, on a moratorium on the use of the death penalty.³ Antigua and Barbuda, Kenya, Morocco and Zambia voted in favour of the resolution on a moratorium on the use of the death penalty for the first time. In 2022, the Assembly had adopted the resolution with 125 votes in favour. The number of countries now supporting a moratorium on the use of the death penalty resolution is the highest ever, amounting to over two thirds of the membership of the Assembly.

6. Various domestic processes towards the abolition or limitation of the death penalty were initiated or were ongoing. Momentum towards abolition in sub-Saharan Africa continued, with Ghana abolishing the death penalty for all crimes except high treason on 2 August 2023⁴ and Zimbabwe abolishing the death penalty for ordinary crimes on

¹ Submissions are available at <https://www.ohchr.org/en/calls-for-input/2025/call-inputs-secretary-generals-report-question-death-penalty-60th-session-hrc>. Due to a lack of official data, the report also relies on open-source information, including from news sources and non-governmental organizations.

² Human Rights Committee, general comment No. 36 (2018), para. 50.

³ General Assembly resolution 79/179.

⁴ See <https://deathpenaltyproject.org/press-release-ghana-abolishes-the-death-penalty>; and <https://www.africa-legal.com/news-detail/ghana-joins-move-to-abolish-death>

31 December 2024.⁵ Following the abolition of the death penalty, the President of Zambia commuted the death sentences of the remaining 390 prisoners on death row to life imprisonment on 8 February 2023.⁶ Côte d'Ivoire acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 3 May 2024, and Zambia acceded to the same instrument on 19 December 2024.

7. On 6 November 2024, the African Commission on Human and Peoples' Rights adopted a resolution urging African States to vote in favour of the General Assembly resolution on a moratorium on the use of the death penalty. In its resolution, the Commission also called upon African States that retained the death penalty to establish or maintain an official moratorium and to consider the possibility of abolishing the death penalty.⁷

8. In the context of the Human Rights 75 initiative, led by the Office of the United Nations High Commissioner for Human Rights (OHCHR), Liberia pledged to abolish the death penalty and ratify the Second Optional Protocol to the Covenant.⁸ Chad and the Congo also made pledges in the context of the initiative to ratify the Second Optional Protocol.⁹

9. On 19 October 2023, Armenia ratified Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the Abolition of the Death Penalty in All Circumstances. Azerbaijan signed the same protocol on 8 March 2023. Pakistan abolished the death penalty for the crime of narcotics offences on 5 August 2023.

10. The Parliament of Kenya established a task force to review national legislation on the death penalty in February 2025.¹⁰

11. Following its abolition of the mandatory death penalty on 4 July 2023, Malaysia conducted a resentencing process for people under sentence of death who had already exhausted their ordinary judicial proceedings.¹¹ That process reduced the number of people at risk of execution by over 1,000.¹² Indonesia repatriated seven foreign nationals who had been on death row for drug offences¹³ to their abolitionist home States.¹⁴ In January 2025, India commuted the death sentences of nine people to life imprisonment.¹⁵

12. Important developments also occurred at the sub-State level. In the State of Pennsylvania, United States of America, the House Judiciary Committee voted in favour of a bill to repeal the death penalty.¹⁶ In the State of California, a federal judge ordered the review of 35 death penalty convictions after learning that prosecutors had intentionally excluded Black and Jewish people from juries in capital murder trials through discriminatory

penalty//#:~:text=In%20a%20significant%20step%2C%20Ghana's,high%20treason%2C%20writes%20Marian%20Ansah.&text=This%20decision%20positions%20Ghana%20as,it%20still%20stands%20for%20treason.

⁵ See <https://www.ibanet.org/Zimbabwe-IBAHRI-welcomes-abolition-of-death-penalty>.

⁶ See <https://www.barrons.com/news/zambia-commutes-nearly-400-death-sentences-after-law-change-01675886708>.

⁷ See <https://achpr.au.int/en/adopted-resolutions/614-biannual-vote-calling-moratorium-use-death-penalty>.

⁸ See https://www.ohchr.org/sites/default/files/udhr/publishingimages/75udhr/Liberia_EN.pdf.

⁹ See https://www.ohchr.org/sites/default/files/udhr/publishingimages/75udhr/Chad_FR.pdf; and https://www.ohchr.org/sites/default/files/udhr/publishingimages/75udhr/Republic%20of%20Congo_FR.pdf.

¹⁰ See <https://www.capitalfm.co.ke/news/2025/02/icj-kenya-welcomes-parliamentary-review-of-death-penalty-as-crucial>.

¹¹ See <https://www.amnesty.org/fr/documents/act50/9557/2025/en>.

¹² Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2024* (London, 2025), p. 8.

¹³ See <https://www.bbc.com/news/articles/cgq0gdqppq15o>.

¹⁴ See submission from Reprieve.

¹⁵ See submission from International Commission against the Death Penalty.

¹⁶ See <https://deathpenaltyinfo.org/news/pennsylvania-house-committee-passes-death-penalty-repeal-bill>.

jury selection tactics.¹⁷ The Governor of the same state signed a bill into law abolishing the death penalty for persons with intellectual disabilities.¹⁸ In the State of Delaware, the Governor signed a bill into law to remove the death penalty from state legislation.¹⁹ In the State of North Carolina, the Governor commuted the death sentences of 15 men on death row to life without parole, based on factors that included racial bias, severe psychosocial impairment and intellectual disability.²⁰

13. In Taiwan Province of China, the judicial authorities restricted the use of the death penalty, ruling that the way that it was being implemented violated due process guarantees. The court held that the death penalty could be imposed only in the most serious cases of intentional homicide, that mentally ill defendants could not be sentenced to death or executed, that legal representation must be provided to defendants both at trial and on appeal and that capital sentences must be handed down unanimously by trial courts and courts of appeal.²¹

14. On 25 February 2025, the Human Rights Council held its biennial high-level panel discussion on the question of the death penalty, focusing on the contribution of the judiciary to the advancement of human rights and the question of the death penalty. During the discussion, the United Nations High Commissioner for Human Rights urged States that had not agreed to a moratorium on the death penalty to move irrevocably towards the complete eradication of the death penalty in the foreseeable future.²²

B. Global trends in the use of the death penalty

15. In its resolution 1989/64, the Economic and Social Council urged States Members of the United Nations to publish, for each category of offence for which the death penalty was authorized, and if possible on an annual basis, information on the use of the death penalty, including the number of persons sentenced to death, the number of executions actually carried out, the number of persons under sentence of death, the number of death sentences reversed or commuted on appeal and the number of instances in which clemency had been granted, and to include information on the extent to which the safeguards referenced therein had been incorporated into national law.

16. The General Assembly reiterated that recommendation in its resolution 79/179, urging States to make available relevant information, disaggregated by sex, age, disability, nationality and race, as applicable, and other applicable criteria, with regard to their use of the death penalty, inter alia, the number of persons sentenced to death, the number of persons on death row and the location of their detention, 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, and according to which procedure, 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.

17. The Secretary-General has urged Member States to ensure transparency on the imposition and application of the death penalty and to systematically and publicly provide full, accurate and disaggregated data on death sentences to facilitate a fully informed public debate on the scope of the use of the death penalty and its impact on human rights.²³

18. It remains difficult to obtain accurate global figures on the application of the death penalty. Access to information on executions is particularly restricted in Belarus, China, the Democratic People's Republic of Korea, the Lao People's Democratic Republic and Viet

¹⁷ See <https://www.latimes.com/california/story/2024-04-23/federal-judge-orders-alameda-county-to-review-death-penalty-cases>.

¹⁸ See https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB1001.

¹⁹ See <https://legis.delaware.gov/BillDetail/129979>.

²⁰ Death Penalty Information Center, *The Death Penalty in 2024: Year End Report* (Washington, D.C., 2024), p. 21.

²¹ See <https://deathpenaltyproject.org/constitutional-court-taiwan-irrevocable-path>.

²² A/HRC/60/48, para. 10.

²³ A/HRC/57/26, para. 85.

Nam.²⁴ The non-governmental organizations Harm Reduction International and Amnesty International estimate that thousands of people are sentenced to death and executed in China each year.²⁵

19. During the reporting period, a global trend continued whereby a diminishing number of retentionist countries were substantially increasing the number of executions. Amnesty International recorded 1,153 executions in 16 countries in 2023, reflecting a 31 per cent increase from 2022, despite also reflecting the lowest number of executing countries that it had ever recorded (15).²⁶ That pattern continued in 2024, with Amnesty International recording 1,518 executions in 15 countries, reflecting a 32 per cent increase from 2023 and a relatively lower number of executing countries, representing only 8 per cent of States Members of the United Nations.²⁷

20. According to Amnesty International, the sharp increase in known executions in 2023 was primarily due to a 48 per cent rise in executions in the Islamic Republic of Iran compared with 2022. That State alone accounted for 74 per cent of all recorded executions worldwide in 2023, while Saudi Arabia accounted for 15 per cent.²⁸ For 2024, Amnesty International reported an additional surge in known executions, primarily driven by increases in three countries – the Islamic Republic of Iran, Iraq and Saudi Arabia. The Islamic Republic of Iran executed at least 972 people in 2024, representing an increase of 14 per cent from 2023 and the highest figure recorded since 2015. In Iraq, at least 63 people were executed in 2024, reflecting a fourfold increase from 2023 and the highest figure recorded since 2019. All known executions in Iraq were of people convicted of terrorism-related offences. The authorities in Saudi Arabia executed at least 345 people in 2024, doubling the figures from 2023.²⁹ Over one third of the people executed in Saudi Arabia were foreign nationals.³⁰ Known executions in the Islamic Republic of Iran, Iraq and Saudi Arabia accounted for 91 per cent of the global total, with the Islamic Republic of Iran accounting for 64 per cent of the total. Other retentionist countries also increased executions from 2023 to 2024. Egypt recorded an increase of two thirds, Singapore nearly doubled its executions and Yemen more than doubled them.³¹

21. That trend appears to be continuing in 2025, with reports of the Islamic Republic of Iran executing 87 people in January and 74 in February. Singapore has reportedly carried out three executions to date in 2025.³²

22. The High Commissioner expressed alarm that at least 54 people had reportedly been executed in the Islamic Republic of Iran in January 2024 alone.³³ He also expressed extreme concern that, in the space of two days in early August 2024, the Iranian authorities had reportedly executed 29 people across the country after having executed 38 people in July 2024. Most executions were for drug-related offences.³⁴ Several special procedure mandate holders of the Human Rights Council urged Saudi Arabia to revoke the death penalty for

²⁴ Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2024*, p. 6.

²⁵ Ibid. and Giada Girelli, Marcela Jofré and Ajeng Larasati, *The Death Penalty for Drug Offences: Global Overview 2024* (London, Harm Reduction International, 2025), p. 12.

²⁶ Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2023* (London, 2024), pp. 8 and 9.

²⁷ Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2024*, pp. 9–11.

²⁸ Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2023*, p. 9.

²⁹ Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2024*, p. 10.

³⁰ See submission from Americans for Democracy & Human Rights in Bahrain.

³¹ Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2024*, p. 10.

³² See joint submission from Capital Punishment Justice Project, Monash University and Eleos Justice.

³³ See <https://www.ohchr.org/en/press-releases/2024/01/iran-sharp-spike-use-death-penalty>.

³⁴ See <https://www.ohchr.org/en/press-briefing-notes/2024/08/iran-alarmingly-high-number-executions-short-period-time>.

social media activity, stressing that freedom of expression and opinion were indispensable conditions for a free and democratic society.³⁵

23. A second global trend was identified, reflecting a steady increase in known executions for drug offences. Noting that its data excluded figures from China, the Democratic People's Republic of Korea and Viet Nam, Harm Reduction International asserted that 467 global executions for drug-related offences had been carried out in 2023, representing a 44 per cent increase from 2022 and 42 per cent of all executions globally. In 2024, 615 people were confirmed to have been executed for drug-related offences, amounting to a 32 per cent increase from 2023 and around 40 per cent of the global total.³⁶ The High Commissioner also conveyed concern that the use of the death penalty for drug-related offences, in violation of international human rights law, had doubled worldwide.³⁷

24. Harm Reduction International reported that the Islamic Republic of Iran accounted for 98 per cent of all confirmed executions for drug-related offences in 2023³⁸ and 79 per cent in 2024.³⁹ It also reported that the highest increase in executions for drug-related offences was in Saudi Arabia, with 122 people executed in 2024, representing a 6,000 per cent surge from 2023, the highest figure ever recorded in the country. An increase in executions for drug-related offences also took place in Singapore, where eight people were hanged for drug trafficking between August and November 2024.⁴⁰

25. The Islamic Republic of Iran has reportedly continued the high pace of executions for drug-related offences in 2025, executing at least 106 people for drug-related offences from January to March.⁴¹

26. Several States maintained the status quo with respect to the death penalty or sought regressive changes. The Democratic Republic of the Congo lifted its moratorium on the death penalty, citing allegations of treason in its armed forces and the need to curb the resurgence of terrorism and banditry.⁴² In Nigeria, the Senate proposed instituting the death penalty for people convicted of drug trafficking.⁴³

27. In the United States of America, on 20 January 2025, the President signed an executive order lifting the federal moratorium on the death penalty.⁴⁴ In recent years, some states in the United States have moved towards new or alternate methods of executions, in view of the difficulties in obtaining and administering lethal injection drugs.⁴⁵ In 2024, a man was executed in the State of Alabama using the then novel and untested method of suffocation by nitrogen gas.⁴⁶ The High Commissioner deeply regretted the execution and expressed concern that it may have amounted to torture or ill-treatment.⁴⁷ The State of Alabama continued thereafter to rely on nitrogen suffocation, using it to execute a total of four people

³⁵ See <https://www.ohchr.org/en/press-releases/2023/09/saudi-arabia-revoke-death-penalty-social-media-activity-un-experts-urge>.

³⁶ Girelli, Jofré and Larasati, *The Death Penalty for Drug Offences: Global Overview 2024*, p. 10.

³⁷ See <https://www.ohchr.org/en/statements-and-speeches/2024/03/war-drugs-has-failed-says-high-commissioner>.

³⁸ Giada Girelli, Marcela Jofré and Ajeng Larasati, *The Death Penalty for Drug Offences: Global Overview 2023*, pp. 10 and 13.

³⁹ Girelli, Jofré and Larasati, *The Death Penalty for Drug Offences: Global Overview 2024*, p. 12.

⁴⁰ Ibid.

⁴¹ See joint submission from World Coalition Against the Death Penalty, Iran Human Rights, Advocates for Human Rights and Cornell Center on the Death Penalty Worldwide.

⁴² See <https://www.ohchr.org/en/statements-and-speeches/2024/10/high-commissioner-turk-democratic-republic-congo-make-space-peace>; and <https://www.reuters.com/world/africa/congo-lifts-moratorium-death-penalty-justice-ministry-circular-shows-2024-03-15>.

⁴³ See <https://www.reuters.com/world/africa/nigerias-senate-proposes-death-penalty-drug-trafficking-2024-05-09/>.

⁴⁴ See <https://www.whitehouse.gov/presidential-actions/2025/01/restoring-the-death-penalty-and-protecting-public-safety>.

⁴⁵ See submission from Death Penalty Information Center.

⁴⁶ See <https://eu.usatoday.com/story/opinion/2024/02/19/alabama-execution-nitrogen-gas-witness-cruel-torture/72616304007>. See also <https://www.aclu.org/news/capital-punishment/alabama-has-executed-a-man-with-nitrogen-gas-despite-jurys-life-verdict>.

⁴⁷ See <https://www.ohchr.org/en/statements/2024/01/alabama-execution>.

during the reporting period. The State of Louisiana also used nitrogen suffocation to execute one person during the reporting period.⁴⁸ The State of Idaho reinstated the firing squad as an execution method⁴⁹ and the State of South Carolina carried out an execution using that method, marking the first execution of its kind in the United States in 15 years.⁵⁰ The State of Florida passed a law providing for the discretionary application of the death penalty in cases of the rape of a child below 12 years of age.⁵¹ The High Commissioner expressed concern at the rise in executions in the United States, noting the impending execution of two men following the execution of six people in five different states over a 12-day period in September 2024.⁵²

28. During the consideration of its periodic report to the Human Rights Committee, Burkina Faso expressed its intent to restore the death penalty to deter crimes of terrorism⁵³ and on 25 March 2025, its technical committee for the verification of draft laws reviewed a draft law reintroducing the death penalty.⁵⁴ In Israel, the Knesset was considering a bill to reintroduce the death penalty for people convicted of participating in the attacks of 7 October 2023.⁵⁵

III. Consequences of the death penalty on the enjoyment of human rights

29. In accordance with Human Rights Council resolution 54/35, section III addresses 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 failure of justice, and the irreversibility of the death penalty. It is focused on the intersection between the death penalty and the right to freedom from discrimination, including gender discrimination. It further addresses the use of the death penalty against children, persons with psychosocial or intellectual disabilities and children and other relatives of people sentenced to the death penalty or executed. The issue of equality of arms and the death penalty is addressed separately, including the need to prevent miscarriage or other failure of justice, and the irreversibility of the death penalty.

A. Right to freedom from discrimination

30. Article 2 (1) of the International Covenant on Civil and Political Rights commits each State Party to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 26 of the Covenant provides that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.

31. The Human Rights Committee has affirmed that the death penalty must not be imposed in a discriminatory manner contrary to the requirements of articles 2 (1) and 26 of the Covenant. Data suggesting that members of minority groups, indigent persons or foreign

⁴⁸ See submission from Death Penalty Information Center.

⁴⁹ See <https://www.idahostatesman.com/news/politics-government/state-politics/article276868683.html>.

⁵⁰ See <https://deathpenaltyinfo.org/south-carolina-preparing-for-states-first-firing-squad-execution-marking-first-firing-squad-execution-in-u-s-in-15-years>.

⁵¹ See <https://www.cbsnews.com/miami/news/florida-death-penalty-in-child-rapes-to-take-effect>.

⁵² See <https://www.ohchr.org/en/press-releases/2024/10/concern-over-impending-executions-usa>.

⁵³ See https://www.ungeneva.org/fr/news-media/meeting-summary/2025/03/dialogue-burkina-faso-experts-human-rights-committee-comment?fbclid=IwY2xjawI3isZleHRuA2FlbQIxMQABHYRJwzSQGr_rjTLhB1QD5rAMJ4_BZk7EQIMv6eAC_s0gGHnuaT4FcmDbDg_aem_kswfdYXMc8fk3AxtpxvEEg.

⁵⁴ See submission from International Federation of Action by Christians for the Abolition of Torture.

⁵⁵ See <https://deathpenaltynews.blogspot.com/2025/05/israel-bill-to-prosecute-oct-7.html>.

nationals are disproportionately likely to face the death penalty may raise concerns over discriminatory and arbitrary deprivation of life.⁵⁶

32. In its response to the call for input, Argentina lists racism and high rates of discrimination as risks and failures inherent in the application of the death penalty. In its submission, Mexico notes that its nationals sentenced to death in the United States faced xenophobia and racism in the legal system.

33. In a 2021 report, the Death Penalty Information Center, examining 185 death row exonerations in the United States, concluded that wrongful capital convictions were not race neutral and that official misconduct was more frequently a factor in cases where Black or Latino defendants were exonerated. It also determined that 78.8 per cent of exonerations of Black defendants and 68.8 per cent of exonerations of Latino defendants involved official misconduct, while only 58.2 per cent of exonerations of white defendants involved official misconduct.⁵⁷ Similarly, false accusations or perjury contributed to wrongful death sentences for 93.8 per cent of Latino exonerees and 70.7 per cent of Black exonerees, compared with 67.6 per cent of exonerees overall. The Center also found that exoneration took, on average, 4.3 years longer for Black defendants compared to their white counterparts.⁵⁸

34. In its submission, Harm Reduction International claims that most death sentences for drug-related offences are imposed against people at the lowest level of the drug trade who may have engaged in drug-dealing because of dire socioeconomic needs. Many individuals sentenced to death for drug offences have limited economic resources, are from ethnic or racial minorities or are foreign nationals, with 75 per cent of people executed for drug offences in Saudi Arabia in 2024 being foreign nationals.

35. In their joint submission, the Capital Punishment Justice Project, Monash University and Eleos Justice support that assessment, reporting that Singapore typically punishes drug mules who have been recruited from marginalized groups with intersecting vulnerabilities. They argue that that has led to a disproportionate number of death sentences for people from minority communities, who often also have economically disadvantaged backgrounds. They note that 64.9 per cent of offenders who received death sentences in Singapore between 2010 and 2021 for drug-related offences were of Malay ethnicity.

B. Gender dimensions of the death penalty

36. Women have the right to be free from discrimination on the grounds listed in articles 2 (1) and 26 of the International Covenant on Civil and Political Rights. Article 6 (5) of the Covenant prohibits States Parties from carrying out the death penalty on pregnant women.

37. In their joint submission, the World Coalition against the Death Penalty, the Capital Punishment Justice Project, Advocates for Human Rights, the Anti-Death Penalty Asia Network, Reprieve and the Cornell Center on the Death Penalty Worldwide note that legal systems worldwide feature systemic discrimination affecting the sentencing of women, their access to defence and their ability to seek legal redress. They argue that those obstacles place women at greater risk of the death penalty because it means that they are frequently unable to participate equally in their defence and secure a fair trial. In that regard, the Committee on the Elimination of Discrimination against Women has noted that women facing capital punishment in Singapore do not systematically benefit from legal assistance for people charged with capital offences owing to a lack of qualified personnel experienced in the gender-sensitive administration of justice.⁵⁹

38. According to the Working Group on discrimination against women and girls, patriarchal ideas of women's "morality" and associated expectations concerning their public and private behaviour also lead to discrimination against women in the justice system. Women may be subjected to moral judgments founded more on social expectations than on

⁵⁶ Human Rights Committee, general comment No. 36 (2018), para. 44.

⁵⁷ Death Penalty Information Center, *The Innocence Epidemic*, Special Report (Washington, D.C., 2021), p. 4.

⁵⁸ *Ibid.*, p. 20.

⁵⁹ CEDAW/C/SGP/CO/6, para. 17.

the crimes that they may have committed. The expectation that women should be “better behaved” than men may lead to heavier penalties for women than men for the same crimes. Judicial gender bias frequently subjects women to disproportionate sentencing and in some cases may even attract the death penalty.⁶⁰

39. In their joint submission, the World Coalition against the Death Penalty, Iran Human Rights, the Cornell Center on the Death Penalty Worldwide and Advocates for Human Rights report that courts trying women defendants in the Islamic Republic of Iran judge the lives of the women on trial and not just the offence with which they are charged, especially where the defendant has been accused of killing her spouse. They also note that women in the Islamic Republic of Iran are at risk of being sentenced to death for adultery when they are raped and that courts impose nigh-impossible evidentiary rules, requiring pregnant women suspected of adultery to prove, with four eyewitness accounts, that their pregnancy resulted from rape.

40. Sources also suggest a strong link between gender-based violence and the crimes underlying death sentences against women.⁶¹ A study conducted by the Cornell Center on the Death Penalty Worldwide found that gender-based violence as a pathway to death row was especially prevalent for women of colour. The findings indicated that all but one Black woman on death row in the United States in 2023 had endured multiple and repeated forms of gender-based violence before their incarceration, with most also having experienced abuse as a child. In addition, the study found that every Latina, Native American and Asian woman on death row in the United States in 2023 had experienced multiple incidents of gender-based violence and that that population had almost uniformly experienced child abuse.⁶²

41. In their joint submission, the Capital Punishment Justice Project, Monash University and Eleos Justice note that approximately 70 per cent of women executed for murder in the Islamic Republic of Iran from 2010 to 2024 were charged with murdering their male partner. Some were survivors of domestic abuse, child marriage or both.

42. Despite the link between gender-based violence and death sentences for women, many legal systems fail to consider gender-related circumstances and mitigating factors in death penalty cases against women. The Committee on the Elimination of Discrimination against Women has noted with concern that Singapore often fails to consider circumstances and mitigating factors, such as evidence of trauma, economic pressure, child marriage, domestic and gender-based violence and intellectual disabilities, psychosocial disabilities or both, in criminal proceedings against women.⁶³

43. The Committee has also noted that Saudi Arabia often fails to consider gender-related aspects and mitigating factors in capital punishment cases against women, such as evidence of trauma, economic pressure, child marriage and domestic and gender-based violence.⁶⁴ It has also expressed alarm at the lack of information in Kuwait on the extent to which gender-related aspects of women’s cases are considered in death penalty cases.⁶⁵

44. It has been asserted that defence attorneys in the United States frequently fail to present evidence of gender-based violence in women’s capital trials and that prosecutors often rely on gendered tropes to discredit women’s accounts of childhood sexual abuse, rape and intimate partner violence. As a result, those who sentence women to die rarely comprehend the extensive trauma that the women have endured throughout their lives and how that trauma relates to their legal and moral culpability.⁶⁶

⁶⁰ A/HRC/41/33, para. 31.

⁶¹ See <https://worldcoalition.org/2022/11/25/reflecting-on-the-links-between-the-death-penalty-and-gender-based-violence>.

⁶² See submission from Cornell Center on the Death Penalty Worldwide.

⁶³ CEDAW/C/SGP/CO/6, para. 17.

⁶⁴ CEDAW/C/SAU/CO/5, para. 15.

⁶⁵ CEDAW/C/KWT/CO/6, para. 23.

⁶⁶ Sandra Babcock and Nathalie Greenfield, “Gender, violence and the death penalty”, *California Western International Law Journal*, vol. 53, No. 2 (2023), p. 4.

C. Children

45. 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 prohibit imposing the death penalty for crimes committed by persons under 18. The Committee on the Rights of the Child has affirmed that article 37 (a) reflects the customary international law prohibition of the imposition of the death penalty for a crime committed by a person who is under 18 years of age⁶⁷ and that the explicit and decisive criterion is the age at the time of the commission of the offence.⁶⁸ If there is no reliable and conclusive proof that the person was below the age of 18 at the time that the offence was committed, the individual has the right to the benefit of the doubt and the death penalty cannot be imposed.⁶⁹

46. Sources indicate that some retentionist countries continue to sentence children to death (in addition to other individuals for crimes they committed when they were children), execute them or both. In their joint submission, the World Coalition against the Death Penalty, the Cornell Center on the Death Penalty Worldwide, Iran Human Rights and Advocates for Human Rights assert that the Islamic Republic of Iran continues to execute child offenders, having executed at least three child offenders in 2022, at least two in 2023 and at least one in 2024.

47. In its submission, Americans for Democracy & Human Rights in Bahrain reports that, in 2023 and 2024, Saudi Arabia upheld the death sentences for three people who were convicted of crimes that they had committed when they were children, despite a royal decree issued in 2020 that abolished the death penalty for children. In its submission, the European Saudi Organization for Human Rights asserts that Saudi Arabia has executed at least 12 children since 2015 and that, as of May 2025, nine people who were convicted of crimes that they had committed when they were under 18 years old were on death row in Saudi Arabia.

48. In its submission, Justice Project Pakistan reports that children in Pakistan continue to be sentenced to death despite the Juvenile Justice Systems Act, which protects people under 18 from capital punishment. Justice Project Pakistan asserts that such sentencing is due to the inadequate sensitization of the law enforcement and judicial authorities, a lack of effective age determination protocols and the fact that over 70 per cent of births in Pakistan remain unregistered.

D. Persons with psychosocial or intellectual disabilities

49. The Committee on the Rights of Persons with Disabilities has expressed concern that persons with disabilities in the Islamic Republic of Iran, particularly persons with psychosocial or intellectual disabilities, may face a greater risk of incurring the death penalty because of a lack of procedural accommodations in criminal proceedings.⁷⁰ It has also called for Saudi Arabia to abolish the death penalty for persons with psychosocial or intellectual disabilities and suspend all current death sentences in order to comply with its obligation under article 10 of the Convention on the Rights of Persons with Disabilities.⁷¹ The Human Rights Committee has noted that violation of the fair trial guarantees provided for in article 14 of the International Covenant on Civil and Political Rights in proceedings resulting in the imposition of the death penalty would render the sentence arbitrary in nature, and in violation of article 6 of the Covenant.⁷² The Human Rights Committee has indicated that States must refrain from imposing the death penalty on individuals who face barriers in defending themselves on an equal basis with others, such as persons with serious psychosocial or intellectual disabilities.⁷³ In its resolution 79/179, the General Assembly

⁶⁷ Committee on the Rights of the Child, general comment No. 24 (2019), para. 79. See also Commission on Human Rights resolution 2003/67.

⁶⁸ Committee on the Rights of the Child, general comment No. 24 (2019), para. 79.

⁶⁹ Ibid. and Human Rights Committee, general comment No. 36 (2018), para. 48.

⁷⁰ CRPD/C/IRN/CO/1, para. 22.

⁷¹ CRPD/C/SAU/CO/1, para. 18.

⁷² Human Rights Committee, general comment No. 36 (2018), para. 41.

⁷³ Ibid., para. 49. See also Economic and Social Council resolutions 1984/50 and 1989/64.

called upon all States to progressively restrict the use of the death penalty and not to impose capital punishment on persons with psychosocial or intellectual disabilities.

50. The Death Penalty Information Center alleges that 79 per cent of the people executed in the United States in 2023 had at least one of the following impairments: a serious psychosocial impairment, a brain injury, developmental brain damage or an intellectual impairment or chronic serious childhood trauma, neglect and abuse.⁷⁴ It also asserts that 96 per cent of the people executed in the United States in 2024 had intellectual impairments or psychosocial disabilities, including in association with brain damage, childhood trauma or abuse.⁷⁵

51. Persons with psychosocial and intellectual disabilities were also reportedly executed in the Islamic Republic of Iran.⁷⁶

E. Children and other relatives of people sentenced to the death penalty or executed

52. According to the Human Rights Committee, States should refrain from executing persons whose execution would lead to exceptionally harsh results for them and their families, such as parents of very young or dependent children.⁷⁷ In its resolution 48/9, the Human Rights Council called upon States to ensure that children whose parents or parental caregivers were on death row, the inmates themselves, their families and their legal representatives were provided, in advance, with adequate information about a pending execution, including its date, time and location, and to allow a last visit or communication with the convicted individual and the return of the body to the family for burial, or to provide information about where the body was located, unless that was not in the best interests of the child. In 2020, the High Commissioner noted that children and family members of individuals sentenced to death or executed suffered extreme psychological distress, economic hardship and social stigmatization.⁷⁸

53. In its submission, Mexico indicates that most relatives of Mexican nationals sentenced to death in the United States live in Mexico and do not have the documentation or resources necessary to visit their incarcerated relatives.

54. In its submission, the Council of Europe reports that the death penalty affects the families of people sentenced to death, in particular their children, who experience significant trauma.

55. In its submission, the International Coalition for the Children of Incarcerated Parents reports that the children of people sentenced to death suffer trauma, anxiety and depression due to the prolonged uncertainty surrounding their parent's situation. They also suffer from stigma, isolation and social judgment that often lead to bullying, severely affecting their social development and self-esteem. According to the Coalition, such children also experience economic hardship because the loss of a primary breadwinner pushes families into financial instability or disrupts family dynamics. In addition, a considerable number of people on death row come from economically vulnerable backgrounds, which worsens the situation for their children.

56. The International Coalition also notes the pressing need for psychosocial support, financial aid and the reduction of stigma to address the unique challenges faced by the children of people sentenced to death, with formal support systems for such children scarce.

57. In their joint submission, the World Coalition against the Death Penalty, the Cornell Center on the Death Penalty Worldwide, Iran Human Rights and Advocates for Human

⁷⁴ Death Penalty Information Center, *The Death Penalty in 2023: Year End Report* (Washington, D.C., 2023), p. 17.

⁷⁵ Death Penalty Information Center, *The Death Penalty in 2024*, p. 46.

⁷⁶ See <https://www.amnesty.org/en/latest/news/2024/01/iran-executions-of-protester-with-mental-disability-and-kurdish-man-mark-plunge-into-new-realms-of-cruelty>.

⁷⁷ Human Rights Committee, general comment No. 36 (2018), para. 49.

⁷⁸ See <https://www.ohchr.org/en/statements-and-speeches/2020/09/75th-session-un-general-assembly-virtual-high-level-side-eventdeath>.

Rights assert that the families of women sentenced to death in the Islamic Republic of Iran often lack the means to visit them. That is because women sentenced to death are likely to be incarcerated in prisons far away from their children, given that the Islamic Republic of Iran has fewer prisons with women's wards.

58. The Committee on the Elimination of Discrimination against Women has noted with concern that official data on women on death row is absent in Saudi Arabia. It has also expressed alarm that their families are often unaware of the circumstances of their conviction and detention.⁷⁹

F. Equality of arms

59. The Human Rights Committee has affirmed that the right to equality before courts and tribunals also ensures equality of arms. That means that the same procedural rights are to be provided to all the parties unless distinctions are based on law and can be justified on objective and reasonable grounds, not entailing actual disadvantage or other unfairness to the defendant.⁸⁰

60. In their joint submission, the International Bar Association Human Rights Institute and the Cornell Center on the Death Penalty Worldwide note that the death penalty is an irrevocable punishment, yet no justice system is or can be infallible. Violations of the principle of equality of arms result in unfair trials and miscarriages of justice, the consequences of which are permanent with the application of the death penalty.

61. In its submission, Americans for Democracy & Human Rights in Bahrain states that equality of arms is frequently undermined in judicial proceedings resulting in the death penalty in Bahrain. Defence teams often lack meaningful access to prosecution evidence, face restrictions on cross-examining witnesses and are sometimes denied full access to case files. In their joint submission, Planète Réfugiés-Droits de l'Homme and Barreau de Paris note that, in Japan, civil society organizations advocating for the abolition of the death penalty are concerned that prisoners do not always have access to a lawyer and that some are executed before their requests for a retrial have been considered. They also note that, in Qatar, lawyers assisting persons who may be sentenced to death face difficulties in obtaining information relevant to their clients' cases, including experts' reports and their clients' files.

62. In its submission, The Rights Practice notes that, under the Legal Aid Law of China, a State-appointed legal aid lawyer is provided to suspects facing the death penalty without legal representation. Although that provision expands access to legal aid in practice, it also provides a legal basis for the judicial authorities to designate State-appointed lawyers to replace lawyers chosen by the defendant. The Rights Practice claims that State-appointed lawyers are more vulnerable to pressure from the judicial authorities and therefore enable the authorities to control the trial process, particularly in high profile cases.

63. The Rights Practice also reports that defence lawyers in China face obstacles in obtaining their clients' complete case files. The files to which they have access may only be viewed on site at the Supreme People's Court and copying is not allowed, making it difficult for defence counsel to organize the evidence, especially audiovisual material. In addition, defence counsel in China face many restrictions in presenting expert evidence, unlike the prosecution.

IV. Conclusions and recommendations

64. **I welcome the steady progress made towards the universal abolition of the death penalty. Encouraging steps include the adoption of national laws abolishing the death penalty for all crimes and ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. I am also encouraged by the record number of countries that voted in favour of the tenth General Assembly resolution on a moratorium on the use of the**

⁷⁹ CEDAW/C/SAU/CO/5, para. 15.

⁸⁰ Human Rights Committee, general comment No. 32 (2007), para. 13.

death penalty. I urge Member States to redouble their efforts towards abolition, including through the passage of legislation abolishing the death penalty and the use of judicial discretion to apply alternative sentences.

65. Regarding countries that have not yet abolished the death penalty, I remain concerned by the continuation of a global trend whereby a diminishing number of retentionist countries are substantially increasing the number of executions. I once again recommend that retentionist States adopt a moratorium on executions with a view to abolition. Where a long de jure or de facto moratorium on the use of the death penalty has been observed, resuming its use could be contrary to the object and purpose of article 6 of the International Covenant on Civil and Political Rights.

66. Under international human rights law, the death penalty may be imposed only for the “most serious crimes”. The Human Rights Committee has interpreted that terminology to refer to crimes of extreme gravity involving intentional killing. States should therefore refrain from using the death penalty for crimes not involving intentional killing, such as drug-related offences.

67. Pending abolition, I encourage States to ensure transparency on the imposition and application of the death penalty and to provide, systematically and publicly, full, accurate and disaggregated data on death sentences to facilitate a fully informed public debate on the scope of the use of the death penalty and its impact on human rights.

68. States must ensure that all persons are equal before the courts and tribunals and that the fair trial rights set forth in article 14 of the International Covenant on Civil and Political Rights, including the right to defend oneself in person or through legal assistance of one’s own choosing, are available to all parties.

69. Pending abolition, I encourage States to ensure that legal guarantees and safeguards, including the right to seek pardon and commutation through procedures that offer certain essential guarantees, are put in place and implemented effectively.

70. I call upon States to pay greater attention to the gender dimensions of the death penalty, including by addressing intersectional gender biases facing women sentenced to death and taking full account of gender-related mitigating factors during sentencing, such as a history of surviving gender-based violence. States should offer gender-sensitive healthcare to women on death row and provide for the needs of women on death row who are incarcerated with children. States should also challenge patriarchal narratives to shift the culture and practice of lawyering towards considering gender-related aspects of the death penalty, including by recognizing and addressing the intersecting forms of gender bias affecting women sentenced to death. States should also fully consider gender-specific mitigating circumstances during sentencing, such as experiences of gender-based violence.

71. The International Covenant on Civil and Political Rights prohibits the imposition of the death penalty for crimes committed by persons under the age of 18. States Parties should ensure that that prohibition is clearly reflected in national legislation. As affirmed by the Human Rights Committee, in the absence of reliable and conclusive proof that a person was not below the age of 18 at the time that the crime was committed, States must grant the individual concerned the benefit of the doubt and ensure that the death penalty is not imposed. States should immediately halt the executions of juvenile offenders and resentence them to appropriate custodial terms, rather than automatic life sentences.

72. Pending abolition, States must not violate article 7 of the Covenant by carrying out executions that are cruel, unnecessarily painful or humiliating. Failure to respect the prohibition against torture and ill-treatment renders an execution arbitrary in nature and thus also in violation of the right to life.

73. States should also prohibit the imposition of the death penalty on persons with psychosocial or intellectual disabilities. States should ensure that such persons have equal access to justice without discrimination by adopting procedural accommodations, including clear procedures and criteria for conducting independent expert assessments of disability and criminal responsibility.

74. States that still use the death penalty should urgently ensure a protective environment for the children of parents sentenced to death or executed, preventing discrimination and stigmatization and providing them with assistance based on the principle of the best interests of the child.

75. As stated by the Human Rights Committee, the death penalty cannot be reconciled with full respect for the right to life. There is no conclusive evidence to support the theory that the death penalty deters crime more effectively than any other punishment.
