**FORUM:** Human Rights Council

**QUESTION OF:** The abolishment of the death penalty

**SUBMITTED BY:** France

**CO-SUBMITTERS:** Amnesty International, Argentina, Australia, Benin, Chile, Czech Republic, Finland, Honduras, Italy, Norway, San Marino, Senegal, Sweden, UN Habitat, United Kingdom

THE HUMAN RIGHTS COUNCIL,

*Reafirming* that article 6 of the International Covenant on Civil and Political Rights (ICCPR) is not violated, this treaty states that: Every human being has the inherent right to life; In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court; When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide; Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases; Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women;

*Recognizing* that Article 6 of the implements boundaries as to under which circumstances the death penalty can be used and any violation of the terms result in the complete abolishment of a nations capital punishment system,

*Noting* that currently 36 nations have a fully functioning capital punishment program, 103 nations have completely abolished the system, 6 countries still have the program although they do not use it, while 50 nations retain the program despite not having used it in 10 years,

*Noting with deep concern* that in several cases capital punishment is being conducted for non-heinous crimes, or rights such as being transgender or homosexual, thus violating the ICCPR,

*Supporting* the steps taken by Madagascar, Fiji and Suriname, where a legislation to abolish the death penalty has been adopted and supports, Benin, Chad, and Mongolia where the legislation to abolish the death penalty is currently pending,

*Expresses its deep concern* about the continuing application of the death penalty and about the development in last couple of months, especially with the situation in the Middle East, Egypt and China,

*Bearing in mind* the three moratoriums that have been passed in the United Nations regarding the use of the death penalty,

*Noting further* the huge impact that religion and culture has on the viewpoint of capital punishment in respective nation hence extensively influencing whether or not the system is abolished,

*Fully aware* that the diversity on perspective and beliefs regarding this system will cause a variety of opinions and outcomes yet a solution is crucially urgent,

*Noting with satisfaction* the efforts that organizations such as Amnesty International have been investing towards the complete abolishment of the death penalty on a worldwide bases,

1. Calls upon all Member States who have not yet abolished the death penalty to:
   1. acknowledge the capital punishment as an act undermining human dignity,
   2. restrict - if not abolish - the use of the death penalty and reduce the number of offences for which it may be imposed only for - and if at all- the crime of intentional killing; murder, as it is states in the ICCPR,
   3. provide all the information, without any exceptions, concerning death penalty and the  executions to the UN to collect data for better international discussion and to ensure the protection of human rights for those facing the penalty, and
   4. allow the UN institutions to randomly monitor both executions and death penalty trials to ensure zero discrimination;
2. Asks for the monitoring of the capital punishment program of the 36 nations that still retain the death penalty through measures such as but not limited to:
   1. sending representatives from the Centre for Civil and Political Rights (CCPR) to closely monitor the trial process of the penalty on a monthly basis, and ensure that it is being conducted in the most transparent and humane way possible through:
      1. publishing monthly reports on every death sentence and clearly stating the process of addressing the crime,
      2. creating a basis for the official monitoring and evaluation of the program in which any violation to Article 6 of the ICCPR is reported,
      3. increase transparency and accountability through the creation of a database in which all trials are adequately recorded and CCPR representatives can review to ensure that the process is as humane as possible;
3. Further invites the exacerbation of measures taken against nations that do not abide to the terms of Article 6 of the ICCPR, and the terms of Clause 2 through means such as but not limited to creating a moratorium on the use of the death penalty until nation(s) agree to review their system, and their new system is approved by CCPR representatives;
4. Encourages surrounding nations, and allies to put pressure on the nation until they take further action;
5. Urges the UN Secretary General to renew his appeal on all states to follow the ICCPR;
6. Recommends countries that have eradicated the death penalty not to reestablish it.