

VOTE IN FAVOUR OF THE UNIVERSAL MORATORIUM ON THE USE OF THE DEATH PENALTY - 2020



**ALGERIA
LEBANON
MOROCCO
MAURITANIA
TUNISIA**



Consultative status
with ECOSOC
Observer status
with ACHPR

FOR A VOTE IN FAVOUR OF THE RESOLUTION CALLING FOR A UNIVERSAL MORATORIUM

WHAT IS THE U.N. RESOLUTION FOR A MORATORIUM ON THE USE OF THE DEATH PENALTY?



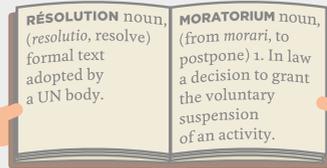
UN GENERAL ASSEMBLY (UNGA)

The UNGA is the **UN's main** deliberative, representative and decision-making **body**. It is composed of representatives from the UN's 193 member states. The examined issues are first debated within **6 committees**.



3RD COMMITTEE OF THE UNGA

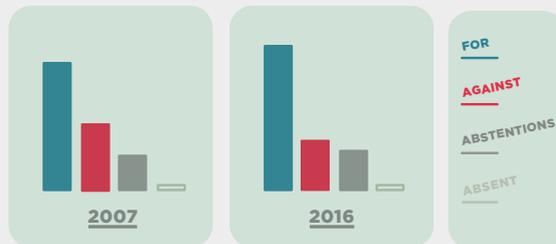
The **3rd Committee** focuses on social, humanitarian and human rights issues. The **resolution for a moratorium** on the use of the death penalty has been part of its work since 2007.



Through this text, put to vote every 2 years and **adopted by a large majority** of states on every occasion, the UN reaffirms its belief that the moratorium contributes to the respect for human dignity.



RESOLUTION FOR A MORATORIUM



EVOLUTION OF THE TEXT OF THE RESOLUTION IN 2018

The 2018 resolution introduced new elements to strengthen the text and to encourage all States to take steps to respect international law and restrict use of the death penalty. Paragraphs 7(e) and (g) thus call on States to consider “removing the mandatory application of the death penalty” and to “ensure that the death penalty is not applied [...] as a result of discriminatory or arbitrary application of the law.” In order to increase transparency surrounding capital punishment, the UNGA also called on States to provide information about its application, specifying the gender, age and origins of those sentenced.



TIMING OF ADVOCACY

Work on the text of the resolution by states and advocacy on the formulation of the text with diplomats in New York and state capitals.

JANUARY TO NOVEMBER

Development of strategies in support of the resolution by abolitionist stakeholders.

APRIL TO SEPTEMBER

Meetings in New York with delegations from UN states to promote the resolution. This period ends in October or November with the vote of the 3rd Committee in NYC.

OCTOBER/NOVEMBER



SEPTEMBER/OCTOBER

The stakeholders (NGOs, NHRIs, parliamentarians, etc.) mobilise and advocate in the capital cities to promote the resolution with the foreign affairs and justice ministries of the member states.

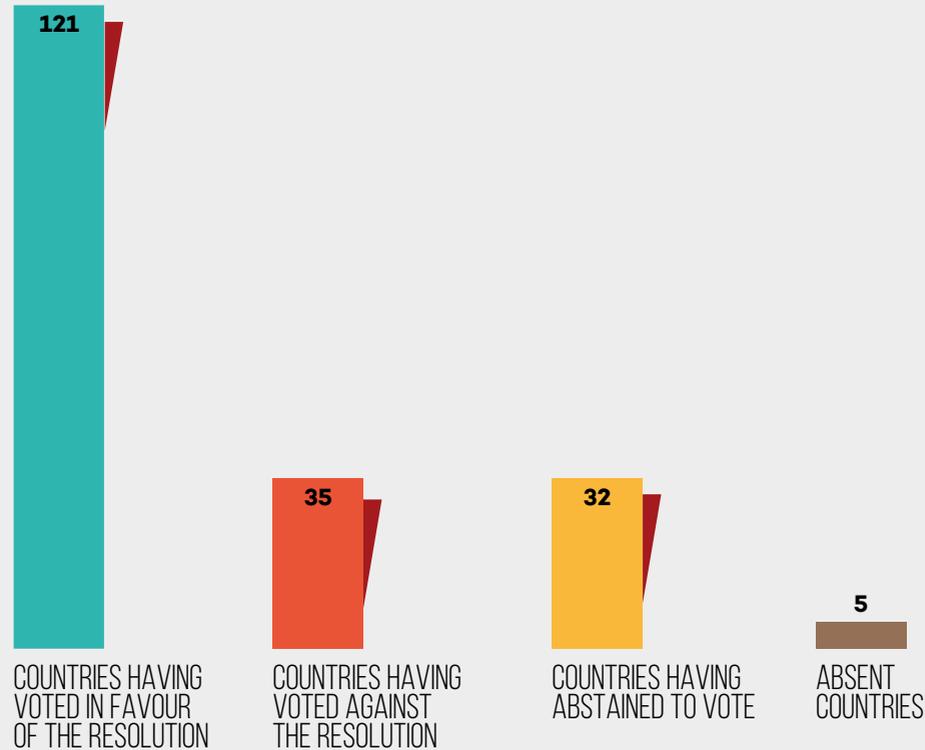
NOVEMBER/DECEMBER

Targeted advocacy with the few still hesitating state. This period ends with the UNGA vote in NYC in December.

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RESULTS OF THE LAST VOTE OF THE RESOLUTION IN 2018

ACROSS THE WORLD:



IN NORTH AFRICA AND LEBANON:



LIST OF COUNTRIES BY TYPE OF VOTE

121 COUNTRIES HAVING VOTED IN FAVOUR OF THE RESOLUTION

Albania, **Algeria**, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan*, Palau, Panama, Paraguay, Peru, Poland, Portugal, Romania, Russia, Rwanda, Salvador, Samoa, San Marino, Sao-Tome-and-Principe, Serbia, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Tajikistan, Timor-Leste, Togo, **Tunisia**, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom, Uruguay, Uzbekistan, Vanuatu, Venezuela.

* Pakistan has reported a technical problem and requested to change its vote to "No".
As of April 2020, there is no information on the outcome of this request

35 COUNTRIES HAVING VOTED AGAINST THE RESOLUTION

Afghanistan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Botswana, Brunei, China, Egypt, Ethiopia, Grenada, India, Iran, Iraq, Jamaica, Japan, Kuwait, Maldives, Nauru, North Korea, Oman, Papua-New-Guinea, Qatar, Saint-Kitts-and-Nevis, Saint Lucia, Saint-Vincent-and-the-Grenadines, Saudi Arabia, Singapore, Sudan, Syria, the United States of America, Trinidad-and-Tobago, Yemen, Zimbabwe.

32 COUNTRIES HAVING ABSTAINED TO VOTE

Antigua and Barbuda, Belarus, Cameroon, Comoros, Congo, Cuba, Democratic Republic of the Congo, Djibouti, Ghana, Guinea, Guyana, Indonesia, Jordan, Kenya, Laos, **Lebanon**, Lesotho, Liberia, **Mauritania**, **Morocco**, Myanmar, Nigeria, Philippines, South Korea, South Sudan, Tanzania, Thailand, Tonga, Uganda, United Arab Emirates, Vietnam, Zambia.

5 ABSENT COUNTRIES

Burundi, Eswatini, Senegal, Seychelles and Sierra Leone.

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EVOLUTION OF VOTES

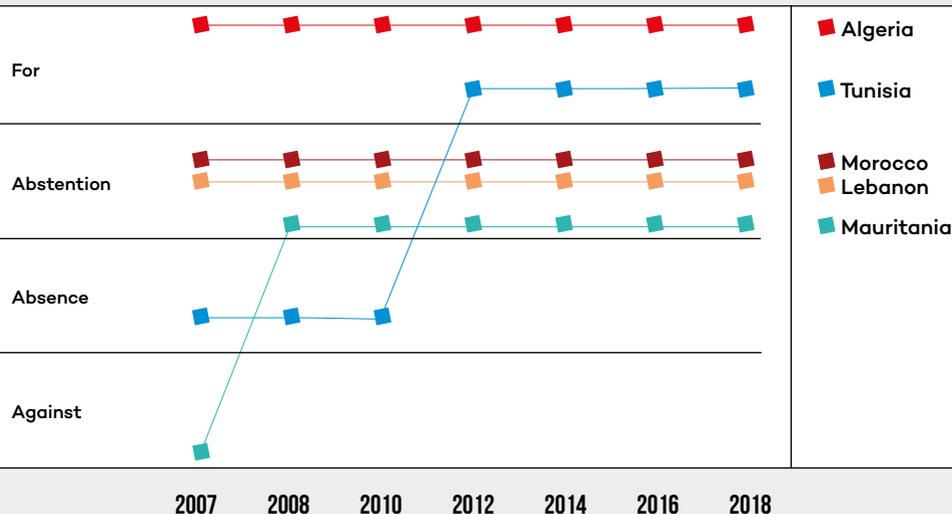
ACROSS THE WORLD:

For the fourth consecutive time, the positive news came from Africa, giving hope to abolitionists on that continent. The Central African Republic and Burkina Faso co-sponsored the resolution for the first time; 4 countries switched from an absence or an abstention to a positive vote (the Gambia, Equatorial Guinea, Mauritius and Rwanda). The French-speaking Sub-Saharan Africa, in which a majority of States have a de facto moratorium on executions in place, voted overwhelmingly in favour of the resolution: no negative votes were recorded. Half of the Maghreb countries supported the resolution (Tunisia, Algeria and Libya). However, the Congo and Guinea, though abolitionists, abstained in the vote; DRC, which supported the text for the first time in November 2018 in the Third Committee vote, also abstained.

Other parts of the world saw some positive progress in the 2018 vote. Antigua and Barbuda and Guyana abstained, and Dominica co-sponsored and supported the resolution, in a predominantly retentionist region. Similarly, Malaysia voted in favour of the resolution for the first time, in a region where most States continue to carry out executions.

IN NORTH AFRICA AND LEBANON:

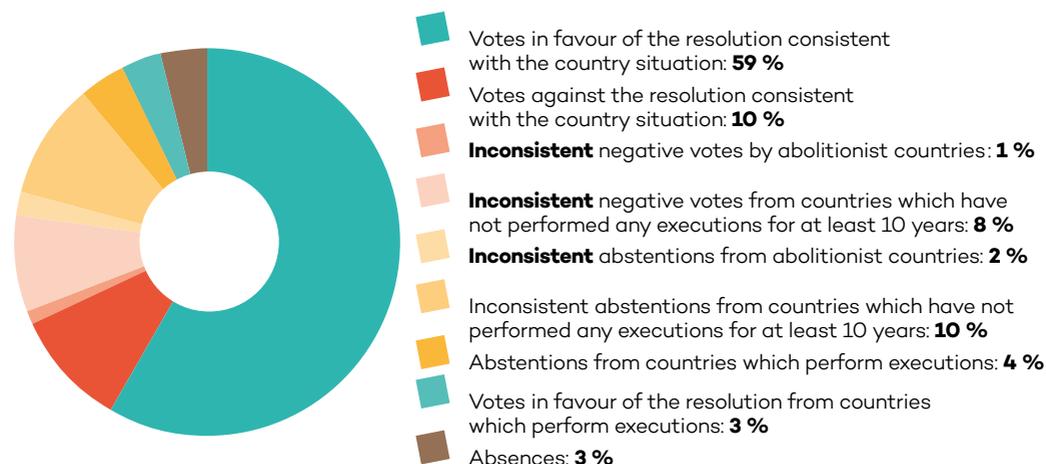
The votes of these countries did not change in 2018. Algeria has consistently voted in favour of the resolution since 2007. Only one country in the region has ever voted against the resolution: Mauritania in 2007. Since then, the countries have abstained or voted in favour. Tunisia, which abstained in 2007, 2008 and 2010, has consistently voted in favour of the resolution since 2012.



CONSISTENCY OF VOTES

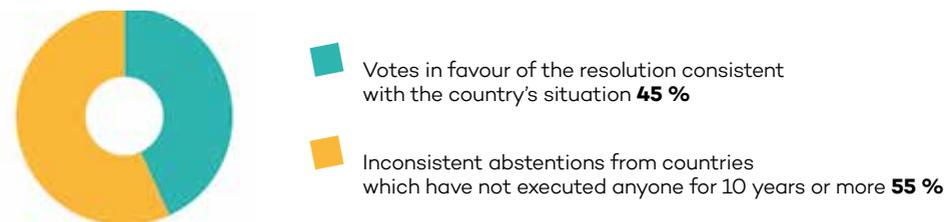
ACROSS THE WORLD:

Of the 90 States which have not legally abolished the death penalty for all crimes, 56 have not performed any executions for at least 10 years (as of 31 December 2018). Of those 56 States, only 19 consistently voted in line with their situation and therefore approved the resolution for a universal moratorium on the use of the death penalty in 2018.



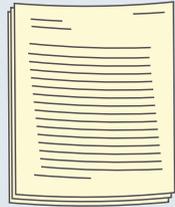
IN NORTH AFRICA AND LEBANON:

Not all countries vote in accordance with their current situation. Although Algeria has consistently voted for the resolution since 2007 and co-sponsors it with other countries, it has not yet taken any steps to abolish the death penalty nationally. Lebanon and Morocco continue to abstain even though they have not carried out any execution for more than 10 years. Despite regularly voting in favour of the resolution since 2012, Tunisia adopted a law to combat terrorism in 2015 which widens the scope of the application of the death penalty (Organic Law No. 2015-26 of 7 August 2015 on combating terrorism and repressing money laundering).



FOR A VOTE IN FAVOUR OF THE RESOLUTION CALLING FOR A UNIVERSAL MORATORIUM

PROCEDURE



ON THE BASIS OF THE PREVIOUS RESOLUTION

MAIN SPONSORS



THE LEADING ABOLITIONIST STATES PROPOSE A NEW VERSION

CO-SPONSORS



OTHER COUNTRIES CONTRIBUTE TO ITS DRAFTING



NEGOTIATIONS ARE THEN INFORMALLY OPENED UP TO ALL MEMBER STATES, ENABLING THEM TO INFLUENCE THE TEXT



WHEN THE SPONSORS AGREE ON THE TEXT, IT IS OFFICIALLY PRESENTED IN COMMITTEE



THROUGHOUT THESE NEGOTIATIONS, THE SPONSORS AND NGOS CARRY OUT ADVOCACY ACTIONS



SO AS TO OBTAIN AS MANY VOTES IN FAVOUR OF THE RESOLUTION AS POSSIBLE

SPONSORSHIP OF THE RESOLUTION

ACROSS THE WORLD:

Across the world, the number of countries deciding to sponsor the resolution for a universal moratorium on the use of capital punishment has long been increasing. From 87 States in 2007, 96 sponsored it in 2016. This trend declined in 2018 with 83 States sponsoring the resolution. This decrease highlights the necessity of maintaining active mobilization in support of a universal moratorium and bestows increasingly significant weight on the resolution. Much remains to be done as 38 countries voted in favour of the resolution but have not yet committed to sponsoring it.

IN NORTH AFRICA AND LEBANON:

Tunisia has consistently voted in favour of the resolution since 2012 but has not yet decided to co-sponsor it.



OPPOSITION TO THE RESOLUTION BY CERTAIN COUNTRIES

ACROSS THE WORLD:

The number of countries opposed to the resolution dropped from 54 in 2007 to 40 in 2016 and to 35 in 2018. A small group of countries, led by Singapore, was very active against the resolution in 2018. Similarly as in 2016, an amendment to the text was passed, reaffirming the sovereignty of States over their legal systems and the presence of capital punishment in their national legislation. Presented by Singapore, this amendment was adopted at the Third Committee more widely than in 2016: 96 countries in favour and 73 against. However, it is interesting to note that the amendment did not have any repercussions on the outcome of the vote.

IN NORTH AFRICA AND LEBANON:

No countries signed the *note verbale* of dissociation in 2018. Algeria, Morocco, Tunisia and Lebanon never signed the *note verbale* of dissociation. Mauritania, which voted against the resolution in 2007, also signed the *note verbale* of dissociation.

TEXT OF THE RESOLUTION ADOPTED IN 2018

Distr.: General 23 January 2019

United Nations General Assembly
Seventy-third session
Agenda item 74 (b)
Resolution adopted by the General
Assembly on 17 December 2018
[on the report of the Third Committee
(A/73/589/Add.2)]

73/175.

Moratorium on the use of the death penalty

The General Assembly,

Guided by the purposes and principles contained in the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,¹ the International Covenant on Civil and Political Rights² and the Convention on the Rights of the Child,³

Recalling the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,⁴ and in this regard welcoming the increasing number of accessions to and ratifications of the Second Optional Protocol,

Recalling also its resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008, 65/206 of 21 December 2010, 67/176 of 20 December 2012, 69/186 of 18 December 2014 and 71/187 of 19 December 2016 on the question of a moratorium on the use of the death penalty, in which the General Assembly called upon States that still maintain the death penalty to establish a moratorium on executions with a view to abolishing it,

Recalling further all relevant decisions and resolutions of the Human Rights Council, the most recent of which was resolution 36/17 of 29 September 2017,⁵

Mindful that any miscarriage or failure of justice in the implementation of the death penalty is irreversible and irreparable,

Convinced that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, and considering that there is no conclusive evidence of the deterrent value of the death penalty,

Noting ongoing local and national debates and regional initiatives on the death penalty, as well as the readiness of an increasing number of Member States to make available to the public information on the use of the death penalty, and also, in this regard, the decision by the Human Rights Council in its resolution 26/2 of 26 June 2014⁶ to convene biennial high-level panel discussions in order to further exchange views on the question of the death penalty,

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

Welcoming the considerable movement towards the abolition of the death penalty globally and the fact that many States are applying a moratorium, including long-standing moratoriums, either in law or in practice, on the use of the death penalty,

Emphasizing the need to ensure that persons facing the death penalty have access to justice without discrimination, including access to legal counsel, and that they are treated with humanity and with respect for their inherent dignity and in compliance with their rights under international human rights law,

Noting with deep concern that, as shown in recent reports of the Secretary-General, frequently, poor and economically vulnerable persons, foreign nationals, persons exercising their human rights and persons belonging to religious or ethnic minorities are disproportionately represented among those sentenced to the death penalty,⁷

Noting the technical cooperation among Member States, as well as the role of relevant United Nations entities and human rights mechanisms, in supporting State efforts to establish moratoriums on the death penalty,

Bearing in mind the work of special procedure mandate holders who have addressed human rights issues related to the death

penalty within the framework of their respective mandates,

1 • Reaffirms the sovereign right of all countries to develop their own legal systems, including determining appropriate legal penalties, in accordance with their international law obligations;

2 • Expresses its deep concern about the continued application of the death penalty;

3 • Welcomes the report of the Secretary-General on the implementation of resolution 71/187 and the recommendations contained therein;⁸

4 • Also welcomes the steps taken by some States to reduce the number of offences for which the death penalty may be imposed, as well as steps taken to limit its application;

5 • Further welcomes initiatives and political leadership encouraging national discussions and debates on the possibility of moving away from capital punishment through domestic decision-making;

6 • Welcomes the decisions made by an increasing number of States from all regions, at all levels of government, to apply a moratorium on executions, followed in many cases by the abolition of the death penalty;

7 • Calls upon all States:

(a) To respect international standards that provide safeguards guaranteeing 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 of 25 May 1984, as well as to provide the Secretary-General with information in this regard;

(b) To comply with their obligations under article 36 of the 1963 Vienna Convention on Consular Relations,⁹ particularly the right to receive information on consular assistance;

(c) 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 and information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, including on the obligations of States pertaining to the use of the death penalty;

(d) To progressively restrict the use of the death penalty and not to impose capital punishment for offences committed by persons below 18 years of age, on pregnant women or on persons with mental or intellectual disabilities;

(e) To reduce the number of offences for which the death penalty may be imposed, including by considering removing the mandatory application of the death penalty;

(f) To ensure that those facing the death penalty can exercise their right to apply for pardon or commutation of their death sentence by ensuring that clemency procedures are fair and transparent and that prompt information is provided at all stages of the process;

(g) To ensure that the death penalty is not applied on the basis of discriminatory laws or as a result of discriminatory or arbitrary application of the law;

(h) To establish a moratorium on executions with a view to abolishing the death penalty;

8 • Calls upon States which have abolished the death penalty not to reintroduce it, and encourages them to share their experience in this regard;

9 • Encourages States which have a moratorium to maintain it and to share their experience in this regard;

10 • Calls upon States that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;⁴

11 • Requests the Secretary-General to report to the General Assembly at its seventy-fifth session on the implementation of the present resolution;

12 • Decides to continue consideration of the matter at its seventy-fifth session under the item entitled "Promotion and protection of human rights".

¹ Resolution 217 A (III).

² See resolution 2200 A (XXI), annex.

³ United Nations, *Treaty Series*, vol. 1577, No. 27531.

⁴ *Ibid.*, vol. 1642, No. 14668.

⁵ See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53A (A/72/53/Add.1)*, chap. III.

⁶ *Ibid.*, *Sixty-ninth Session, Supplement No. 53 (A/69/53)*, chap. V, sect. A.

⁷ See, inter alia, A/70/304 and A/73/260.

⁸ A/73/260.

⁹ United Nations, *Treaty Series*, vol. 596, No. 8638.

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