

Call for inputs – Secretary-General’s report on the question of the death penalty (63rd session of the HRC)

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The Question of the Death Penalty

Introduction

The Amman Center for Human Rights Studies (ACHRS) is a think tank based in Amman, Jordan. As an organisation, we are interested in the promotion of democratic principles and the advancements of all human rights and democracy in the Arab Region. The right to life is the first priority of ACHRS and forms the basis of this submission on recent developments concerning the death penalty and related safeguards.

Purpose

The death penalty remains a contentious and ever prevalent human rights issue. Although 170 countries have abolished it either in law or practice as of 2025¹, it still remains in use, particularly in Asia, the Middle East and North Africa, where governments often justify its use as a deterrent to crime or as a response to perceived national security concerns, such as terrorism. The reality is that in practice, it is often used as a tool to target marginalised communities, instil fear and suppress political dissent.

This report aims to provide an update on developments since 1 July 2024, with a particular focus on addressing the gender dimension of the death penalty and the protection of the rights of minors and persons with mental or intellectual disabilities. Through this submission, we seek to shed light on these ongoing challenges and the need for sustained global efforts towards the abolition of the death penalty.

The Protection of Rights for Those Facing the Death Penalty

International human rights law, notably through the International Covenant on Civil and Political Rights (ICCPR) and regional instruments like the European Convention on Human Rights (ECHR), safeguards individuals by ensuring the right to life, a fair trial and the prohibition of torture or cruel, inhuman or degrading treatment.² Special protections extend to

¹ <https://news.un.org/en/story/2026/01/1166789>

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<https://reprieve.org/uk/2016/10/05/what-does-international-law-say-about-the-death-penalty-and-mental-illness/>

vulnerable groups, with both the ICCPR and the Convention on the Rights of the Child (CRC) prohibiting the execution of minors and pregnant women.³ However, some countries continue to openly defy these regulations, putting these vulnerable individuals at risk.

International Reactions: December 2024 UN Resolution

The December 2024 UN General Assembly resolution calling for a moratorium on the death penalty received support from 130 countries, up from 125 in 2022,⁴ signalling incremental progress towards achieving global abolition. However, 32 countries opposed the resolution, including Iran, Saudi Arabia, China and the United States. Iran has astronomically increased its use of the death penalty, with at least 1,500 executions reported in 2025, the highest figure in more than three decades.⁵ In the same vein, Saudi Arabia carried out 356 executions in 2025, of which 79% failed to meet the international legal threshold of a “most serious crime” (one which is intentional or has lethal consequences).⁶

Nevertheless, it is clear that this increase in support highlights the growing international consensus that the death penalty is incompatible with fundamental human rights, which in turn is placing continued global pressure on retentionist countries to abolish it as a form of punishment.

Juveniles at the time of the offense facing death penalty

International law, including Article 6 of the ICCPR and Article 37 (a) of the Convention on the Rights of the Child, prohibits capital punishment for crimes committed by minors (defined as anyone under 18)⁷ on the basis that these individuals have a diminished level of culpability and a greater potential for rehabilitation.

Nevertheless, Saudi Arabia remains one of the most prominent violators of these laws, despite having ratified both. In August 2025, Saudi officials executed Jalal al-Labbad for attending pro-Shia protests when he was only 15 years old.⁸ Two months later, Abdullah al-Derazi was executed for undertaking the same offence when he was 17 years old.

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<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

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<https://deathpenaltyinfo.org/research/analysis/reports/year-end-reports/the-death-penalty-in-2024/international>

⁵ <https://news.un.org/en/story/2026/01/1166789>

⁶ <https://www.hrw.org/news/2026/01/13/saudi-arabia-record-number-of-executions-in-2025>

⁷ <https://www.hrw.org/news/2026/01/13/saudi-arabia-record-number-of-executions-in-2025>

⁸ <https://www.hrw.org/news/2025/10/20/saudi-arabia-spate-of-executions-of-child-offenders>

However, prior to these cases, in 2020, Saudi authorities had announced a Royal Decree supposedly abolishing the death penalty for children accused of offences.⁹ These two examples exemplify that Saudi authorities are even backtracking on their *own* laws, continuing to justify child executions by alleging threats to the ‘unity and stability of the Kingdom’.¹⁰ Currently, there are seven individuals that have been sentenced to death in Saudi Arabia for alleged crimes committed while they were children: Yousef al-Manasif, Ali al-Mabiouq, Jawad Qureris, Ali al-Subati, Hassan al-Faraj, Abdullah al-Huwati and Mahdi al-Mohsen.¹¹

Across the Middle East, families are frequently notified of executions only hours before they occur, learn of them through media reports or, often, not at all. Authorities often refuse final visits and withhold information about the whereabouts of bodies, compounding the trauma inflicted on relatives and reflecting a lack of transparency and respect for human dignity for the deceased. The execution of individuals for crimes committed as children constitutes a blatant deprivation of life under international law. ACHRS therefore calls for the immediate cessation of such practices and urges all states in the Middle East and Arab region to abolish the death penalty, and ensure transparency and accountability in execution procedures.

Persons with mental or intellectual disabilities

International law clearly opposes the use of the death penalty on individuals with mental or intellectual disabilities. In 1989, the UN Economic and Social Council clarified the “elimination of the death penalty for persons suffering from mental retardation or extremely limited mental competence”.¹² Similarly, the UN Commission on Human Rights urges all states not to execute any person “suffering from any form of mental disorder”¹³.

Despite these safeguards, individuals with mental or intellectual disabilities worldwide continue to find themselves facing executions. In the US, 83% of executions carried out in 2025 involved individuals with low IQ, brain damage or evidence of intellectual disability.¹⁴ In

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<https://www.hrw.org/news/2025/11/11/joint-ngo-statement-saudi-arabia-must-halt-all-executions-and-uphold-commitments-on>

¹⁰ <https://www.uscirf.gov/religious-prisoners-conscience/forb-victims-database/youssef-al-manasif>

¹¹ <https://www.adhrb.org/2025/11/executed-as-a-child-the-case-of-abdulallah-al-derazi/>

¹² <https://www.refworld.org/reference/countryrep/amnesty/1995/en/23663>

¹³ UN Commission on Human Rights, The Question of the Death Penalty, 25 April 2003, E/CN.4/RES/2003/67, 4(g)

¹⁴ <http://www.deathpenaltyworldwide.org/intellectual-disability.cfm>

the Middle East, cases further illustrate this. Although Article 149 of Chapter Two of the Islamic Penal Code (2013) states: “If the perpetrator has a mental disorder at the time of committing the crime, they are considered insane and are not criminally responsible”,¹⁵ Alireza Khaleghabadi was executed on 23 October 2024 in Iran, despite suffering from mental illness and previous hospitalisation in a psychiatric facility.¹⁶ Therefore, in carrying out such executions, Iran is breaching *both* its own laws *and* its international obligations.

Individuals with mental or intellectual disabilities may lack the capacity to fully understand the charges against them or make informed decisions about their defence, leaving them vulnerable to unfair trials and miscarriages of justice. These risks are often compounded by inadequate legal representation, coerced confessions and poor mental health assessments. Executing such individuals violates fundamental human rights, including the right to life, the right to a fair trial and the prohibition of cruel, inhuman or degrading treatment, highlighting the urgent need for more rigorous psychiatric assessments and strict enforcement of legal safeguards to prevent anyone with such disabilities from being sentenced to death.

The Gender Dimension

Since July 2024, women facing the death penalty have continued to experience gender-based discrimination as a result of entrenched biases within judicial systems. Although women represent a small proportion of those on death row, their cases often involve a failure to consider mitigating factors such as prolonged domestic abuse, coercion or psychological trauma.

Recent developments in Iraq reflect this persistence of gender bias. Iraq has been identified as one of the ‘top ten executioners of women in the world’ and one of only 14 countries known to have executed women in the past decade.¹⁷ In Iraq, broad counter-terrorism laws have resulted in women being sentenced to death for alleged associations with extremist groups, sometimes based on family relationships rather than direct involvement. The July 2024 death sentence of Asma Mohammed, linked to her late husband’s extremist affiliation, illustrates concerns regarding individual culpability and breaches of due process.¹⁸

Moreover, Iraq does not consistently publish gender-disaggregated data on executions, limiting transparency and accountability. Without precise recognition of gender-based

¹⁵ <https://iranhr.net/en/articles/7069/>

¹⁶ <https://iranhr.net/en/articles/7374/>

¹⁷ <https://www.theadvocatesforhumanrights.org/Res/Iraq%20CEDAW%20LOI%20DP%20Final.pdf>

¹⁸ Ibid.

violence as a mitigating factor, access to adequate legal representation and flimsy psychological assessments¹⁹, women remain particularly vulnerable.

These developments illustrate the persistent failure of judicial systems to adequately account for the specific vulnerabilities faced by women. Meaningful reform is required, including the frequent publishing and provision of comprehensive, gender-disaggregated data, proper recognition of pervasive gender-based violence when considering offences and improved access to independent psychological and qualified legal support, to ensure gender-biases are reduced and fair, non-discriminatory treatment of women at risk of the death penalty is maintained.

Conclusion and Recommendations

ACHRS maintains that to strengthen protections for those facing the death penalty, it is imperative that states fully adhere to international safeguards, including the absolute prohibition on executing individuals who were under 18 at the time of the offence and those with mental or intellectual disabilities, while also addressing the profound impact of executions on families, who often suffer lasting harm and inescapable trauma.

The UN must therefore continue to rigorously monitor the use of capital punishment and hold retentionist states accountable for non-compliance with international standards. Thus, through taking decisive steps like upholding legal frameworks and the genuine protection of vulnerable groups, the international community can make greater progress towards abolition of the death penalty and the protection of the inherent dignity of all individuals.

¹⁹ Advocates for Human Rights, World Coalition against Death Penalty, Cornell Center on the Death Penalty Worldwide, and Abolition Death Penalty of Iraq Organization. 2026. Review of *Iraq's Compliance with the Convention on the Elimination of All Forms of Discrimination against Women: Death Penalty*. AHR, Pages 5 and 6