

United Nations Human Rights Committee Background Guide

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I. Right of Internally Displaced Persons (IDPs) to Receive Clean Water and Proper Sanitation

Statement of the Issue:

As per the Guiding Principles of the United Nations (UN), internally displaced persons, also referred to as “IDPs,” encompass individuals or groups compelled to flee their homes due to armed conflict, generalized violence, human rights violations, or natural and human-made disasters, while not having crossed an internationally recognized border.¹ By the end of 2022, the Internal Displacement Monitoring Centre (IDMC) reported that 71.1 million individuals were displaced within their own countries due to conflict, violence, and disasters.²

The right to water ensures that all individuals have the entitlement to procure a sufficient, dependable, and reasonably priced source of water, meeting the criteria of being safe and suitable for both personal and domestic purposes. This fundamental right emphasizes the necessity of providing access to water that not only fulfills essential requirements but also adheres to established standards of safety and quality for personal and household applications.³ Furthermore, the right to sanitation ensures that all individuals have affordable and physical access to sanitation across all aspects of life. Such sanitation measures are secure, hygienic, socially, and culturally acceptable, and provide privacy, ensuring dignity for the person.⁴ However, being physically present does not equate to having access, which means a water or sanitation facility fails to meet the needs of the entire community including, but not limited to, the following conditions: when the facility excessively costly, unreliable, unhygienic, unsafe in location, not tailored for accessibility by less able groups or children, or lacks gender segregation, especially in the case of toilets and washing facilities.⁵ Furthermore, everyone has

¹ “About internally displaced persons” United Nations Human Rights. <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/about-internally-displaced-persons#:~:text=According%20to%20the%20Guiding%20Principles,avoid%20the%20effects%20of%20armed>

² “Internally Displaced People” UNHCR. <https://www.unhcr.org/about-unhcr/who-we-protect/internally-displaced-people>

³ Human Rights to Water and Sanitation. United Nations. <https://www.unwater.org/water-facts/human-rights-water-and-sanitation>

⁴ *Ibid.*

⁵ *Ibid.*

the right to water and sanitation without any form of discrimination.⁶ Unfortunately, as marginalized groups such as women, children, refugees, indigenous peoples, and individuals with disabilities are disregarded or actively discriminated against by those involved in planning and governing water and sanitation improvements and services, millions of people are currently losing their lives.⁷

In a recent example, Pedro Arrojo-Agudo, the UN Special Rapporteur on the human rights to safe drinking water and sanitation, expressed that each passing hour in which Israel obstructs the supply of safe drinking water to the Gaza Strip, in clear violation of both international humanitarian and human rights law, jeopardizes the lives of Gazans. In turn, those in Gaza are exposed to the risks of dehydration and waterborne diseases.⁸ Moreover, the UN Relief and Works Agency (UNRWA) has declared that the total exhaustion of fuel in Gaza is leading to disastrous outcomes, such as the breakdown of water supply, sewage and sanitation services, telecommunications, and healthcare.⁹ The expert cautioned that, as previous events have shown, the initial impact of the water and sanitation predicament will mostly affect children, especially those aged below five, and women.¹⁰ As per UNRWA, approximately 70% of Gaza's population is consuming water that is both saline and contaminated.¹¹ UNRWA reported the cessation of operations at crucial water and sanitation facilities, including public sewage pumping station, 60 water wells in the southern region, the primary desalination plants in Rafah and the Middle Area, two principal sewage pumps in the South, and the wastewater treatment plant in Rafah.¹²

<https://www.unwater.org/water-facts/human-rights-water-and-sanitation>

⁶ Human Rights to Water and Sanitation. United Nations.

<https://www.unwater.org/water-facts/human-rights-water-and-sanitation>

⁷ *Ibid.*

⁸ "Israel must stop using water as a weapon of war: UN expert" United Nations Human Rights.

<https://www.ohchr.org/en/press-releases/2023/11/israel-must-stop-using-water-weapon-war-un-expert>

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

Moreover, according to the *HandBook for the Protection of Internally Displaced Persons* states that “the human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses”.¹³

Water and sanitation constitute fundamental elements that are crucial to life, health, and dignity of individuals, representing fundamental human rights.¹⁴ In times of displacement, it becomes imperative for affected communities to swiftly establish access to water and basic hygiene facilities, ensuring their survival and maintaining proper health until they can either return home or identify a sustainable, long-term solution for residence.¹⁵ Thus, the UNHRC is working towards providing a comprehensive understanding of the vital role that the adequate provision of water, sanitation, and hygiene (WASH) has in safeguarding the well-being of internally displaced persons.¹⁶

History:

The right of Internally Displaced Persons (IDPs) to receive clean water and proper sanitation within the United Nations (UN) framework has evolved over the years as part of the broader recognition of human rights and humanitarian principles. On July 28 of 2010, the UN General Assembly approved a groundbreaking resolution acknowledging “the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights”.¹⁷ Additionally, starting from 2015, both the General Assembly and the Human Rights Council have acknowledged the right to safe drinking water and the right to sanitation as interrelated yet distinct human rights.¹⁸ Under international human rights law, states are required to push for universal access to water and sanitation without discrimination, with a

¹³ Water and Sanitation. Handbook for the Protection of Internally Displaced Person. <https://www.unhcr.org/libraries/pdf.js/web/viewer.html?file=https%3A%2F%2Fwww.unhcr.org%2Fsites%2Fdefault%2Ffiles%2Flegacy-pdf%2F4794b66a2.pdf>

¹⁴ Water and Sanitation. Handbook for the Protection of Internally Displaced Person. <https://www.unhcr.org/libraries/pdf.js/web/viewer.html?file=https%3A%2F%2Fwww.unhcr.org%2Fsites%2Fdefault%2Ffiles%2Flegacy-pdf%2F4794b66a2.pdf>

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Resolution adopted by the General Assembly on 28 July 2010. United Nations. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N09/479/35/PDF/N0947935.pdf?OpenElement>

¹⁸ About water and sanitation. United Nations Human Rights. <https://www.ohchr.org/en/water-and-sanitation/about-water-and-sanitation>

focus on addressing the needs of those most vulnerable. The Committee on Economic, Social and Cultural Rights, in its General Comment No.15, and the work of the Special Rapporteur on human right to safe drinking water provided essential guidance for the implementation of these rights by states.¹⁹ The work was based on availability, accessibility, affordability, quality and safety, and acceptability which not only ensures the good quality for water and sanitation facilities, but also improves the water supply for each person of the state.²⁰

Analysis:

The right of Internally Displaced Persons (IDPs) to receive clean water and proper sanitation is a critical aspect of ensuring the well-being and dignity of individuals who have been forcibly displaced within their own countries. This right is firmly grounded in international human rights principles and reflects a recognition of the specific vulnerabilities faced by IDPs. Moreover, the human rights framework for water and sanitation should be upheld consistently: prior to, during, and after emergency situations, throughout development projects, and in other circumstances that might result in forced displacement.²¹ Access to clean water is essential for survival, health, and the overall quality of life. Displaced populations often find themselves in precarious situations, facing increased risks of waterborne diseases and inadequate sanitation conditions. In regions where access to clean water is limited or compromised, waterborne diseases pose a significant health threat to communities. One prominent example is the prevalence of waterborne diarrheal diseases, such as cholera and dysentery.²² Around the world, approximately 446,000 children under the age of 5 succumb to diarrhea, primarily in low- and middle-income nations, constituting 9% of the total 5.8 million deaths in this age group.²³ Recognizing the right to clean water acknowledges the importance of addressing these

¹⁹ *Ibid.*

²⁰ About water and sanitation. United Nations Human Rights.
<https://www.ohchr.org/en/water-and-sanitation/about-water-and-sanitation>

²¹ “When?”. The Human Rights to Water and Sanitation of Forcibly Displaced Persons.
https://www.ohchr.org/sites/default/files/Documents/Issues/Water/10anniversary/Forcibly_displaced_persons_report_EN.pdf

²² Fast Facts. Centers for Disease Control and Prevention.
https://www.cdc.gov/healthywater/global/wash_statistics.html#:~:text=An%20estimated%20446%2C000%20children%20younger,of%20children%20younger%20than%205.&text=There%20are%203%20million%20cases,an%20estimated%2095%2C000%20cholera%20deaths.

²³ *Ibid.*

challenges and providing IDPs with the necessary resources for maintaining their health and well-being. Furthermore, having proper sanitation facilities is also important for IDPs, as they further contribute to hygiene, safety, and human dignity. In displacement situations, the absence of adequate sanitation facilities can lead to unsanitary conditions, exacerbating health risks and compromising the dignity of affected individuals. In areas where access to clean water is severely limited, the exacerbation of health risks becomes strikingly evident. The relentless cycle of illness also perpetuates a state of compromised health, robbing individuals of their well-being and diminishing their dignity as they grapple with preventable suffering. Beyond the immediate health implications, the daily struggle for access to clean water imposes an undignified burden on communities, underscoring the urgent need for comprehensive measures to ensure universal access to this fundamental resource and alleviate the health risks that persist in the absence of such access.

The recognition of the right to proper sanitation emphasizes the need to address these specific challenges faced by IDPs and ensures that they have access to facilities that meet acceptable standards. In addition, the right to clean water and proper sanitation for IDPs is consistent with broader human rights principles, such as the right to life, health, and an adequate standard of living. By explicitly acknowledging these rights for internally displaced populations, the global community recognizes the unique vulnerabilities of IDPs and underscores the responsibility of international governments and humanitarian agencies to address their specific needs.

Conclusion:

The right of Internally Displaced Persons to receive clean water and proper sanitation reflects a commitment to upholding fundamental human rights in the face of displacement. Recognizing and actively addressing these rights is crucial for protecting the health, dignity, and overall well-being of IDPs, and contributes to a more comprehensive and human-centered approach to managing displacement situations around the world.

Questions:

1. In addressing the urgent water and sanitation needs of IDPs, how can relief efforts be effectively coordinated with long-term development initiatives, especially in protracted displacement situations like the ongoing Syrian refugee crisis?
2. Considering the complex landscape of discrimination and disregard for marginalized groups in planning water and sanitation improvements, what strategies can be implemented to ensure active involvement and coordination among various countries to promote inclusive and non-discriminatory practices in refugee aid?
3. With the significant challenges highlighted in Gaza, how can international organizations and bodies like the UNHRC collaborate to ensure sustainable development and address immediate water and sanitation concerns in crisis zones?

II. Abolition of Death Penalty for Most Serious Crimes

Statement of the Issue:

The enforcement of capital punishment conflicts with fundamental human rights, including the right to life and the freedom from torture or inhumane, cruel, or degrading treatment.²⁴ Currently, there is an increasing global agreement on the need for the death penalty's universal elimination. Approximately 170 countries, as of now, have either legally abolished the penalty or put a moratorium on its practice.²⁵ Despite this trend towards abolition, a small number of nations continue to use the death penalty, often based on the belief that it serves as a strong deterrent to crime.²⁶ In addition, some of these countries still allow the death penalty for offenses that do not involve intentional killing of extreme severity, such as drug-related offenses or terrorism-related charges.²⁷ Further efforts to achieve global abolition is critical to advancing human dignity and the continuous progression of human rights.²⁸

In recent years, a noticeable shift away from the use of the death penalty has occurred around the world, with numerous countries either formally abolishing it or ceasing its execution.²⁹ This punishment method targets a range of capital crimes, from premeditated murder and terrorism to non-violent crimes in some jurisdictions. While international regulations allow for the death penalty under very restricted conditions, it is difficult for nations to administer capital punishment without violating human rights commitments.³⁰ Although there has been a move towards abolishing the death penalty, a minimum of 825 individuals were executed globally in 2022 alone. This figure is likely an underestimate, as some nations do not

²⁴ Death Penalty. OHCHR.

<https://www.ohchr.org/en/topic/death-penalty>

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ International. Death Penalty Information Center.

<https://deathpenaltyinfo.org/policy-issues/international>

³⁰ UN experts call for universal abolition of the death penalty. United Nations Human Rights.

<https://www.ohchr.org/en/press-releases/2023/10/un-experts-call-universal-abolition-death-penalty#:~:text=The%20international%20standard%20is%20clear,the%20Grenadines%20%E2%80%93%20follow%20the%20standard>

disclose data on executions, and others consider death penalty statistics as a confidential state matter, making the release of records a criminal offense.³¹

. Among the countries that still have the death penalty in their laws, only Jamaica and Saint Vincent and the Grenadines³² adhere to the global norm that capital punishment should be confined to 'the most serious crimes', which are defined as offenses of extreme severity that involve deliberate killing. However, this global standard does not fully reconcile with the overarching principles of human rights. The use of the death penalty, irrespective of the gravity of the crime, remains a contentious issue in the context of human rights. It conflicts with the right to life and the prohibition of cruel, inhumane, or degrading treatment. Thus, while the global norm aims to narrow the scope of capital punishment, it still poses significant ethical and human rights challenges that question its place in modern legal systems.

History:

Since the early 1960s, despite the prevalent use of the death penalty among most countries, the founders of the International Covenant on Civil and Political Rights (ICCPR) started initiating steps towards its eradication in international legislation.³³ While Article 6 of the ICCPR allows the implementation of capital punishment under certain conditions, it also states that "this article shall not be used to postpone or hinder the elimination of the death penalty by any State Party to the current Covenant".³⁴ In 1984, the UN Economic and Social Council adopted safeguards guaranteeing the protection of the rights of those facing the death penalty. Later in 1989, the UN General Assembly adopted the Second Optional Protocol to the ICCPR, giving the movement for abolition a decisive new momentum. States that became parties to this Protocol agreed not to execute anyone within their jurisdictions.³⁵

The UN General Assembly has consistently urged states to respect international standards that protect the rights of those facing the death penalty, to progressively restrict its use, and to

³¹ UN experts call for universal abolition of the death penalty. United Nations Human Rights. <https://www.ohchr.org/en/press-releases/2023/10/un-experts-call-universal-abolition-death-penalty#:~:text=The%20international%20standard%20is%20clear,the%20Grenadines%20%E2%80%93%20follow%20the%20standard>

³² *Ibid.*

³³ Death penalty: The international framework <https://www.ohchr.org/en/topic/death-penalty/international-framework>

³⁴ *Ibid.*

³⁵ *Ibid.*

reduce the number of offenses punishable by death. A series of resolutions were adopted in 2007, 2008, 2010, 2012, 2014, 2016, and 2018, reflecting the global movement towards the abolition or, at minimum, the reduction of the death penalty.³⁶ From 2007 to 2018, UN General Assembly resolutions consistently emphasized a global call for a moratorium on the death penalty. The 2007 resolution marked the beginning of this effort, focusing on reducing the range of crimes punishable by death and a suspension with the ultimate goal of abolition.³⁷ Subsequent resolutions in 2008, 2010, and 2012 advocated for the protection of rights of those on death row and encouraged states to limit the application of the death penalty, particularly for minors and pregnant women.^{38 39 40} The 2014, 2016, and 2018 resolutions reaffirmed these calls while also urging states that had previously abolished the death penalty not to reintroduce it.^{41 42 43} Each resolution reflected the UN's commitment to human rights and the growing global trend towards the abolition of the death penalty.

The UN Human Rights Office, under its mandate to promote and protect all human rights, advocates for the universal abolition of the death penalty. This stance is based on the fundamental nature of the right to life, the unacceptable risk of executing innocent people, and the lack of evidence that the death penalty deters serious crimes.

Despite the progress towards abolition, with around 160 countries having abolished the death penalty in law or in practice, there have been setbacks regarding the movement. Some states have resumed executions after decades, and others have reintroduced it for certain

³⁶ Death penalty: The international framework
<https://www.ohchr.org/en/topic/death-penalty/international-framework>

³⁷ Resolution adopted by the General Assembly on 18 December 2007
[A/RES/62/149](#)

³⁸ Resolution adopted by the General Assembly on 18 December 2008
[A/RES/63/168](#)

³⁹ Resolution adopted by the General Assembly on 21 December 2010
[A/RES/65/206](#)

⁴⁰ Resolution adopted by the General Assembly on 20 December 2012
[A/RES/67/176](#)

⁴¹ Resolution adopted by the General Assembly on 20 December 2014
[A/RES/69/186](#)

⁴² Resolution adopted by the General Assembly on 19 December 2016
[A/RES/71/187](#)

⁴³ Resolution adopted by the General Assembly on 17 December 2018
[A/RES/73/175](#)

offenses. However, the support for abolition still remains large around the world, spanning various regions, legal systems, traditions, customs, and religious backgrounds.⁴⁴

The UN continues to advocate against the death penalty, emphasizing the need to avoid executing those subjected to wrongful convictions, the lack of evidence for its effectiveness as a deterrent, and the disproportionately higher rate of execution among marginalized communities. The Assistant Secretary-General for Human Rights, Ivan Šimonović, highlighted the aforementioned reasons, adding that research shows victims and their families of capital crime generally do not seek revenge, but justice without revenge or retribution.⁴⁵

Analysis:

The application of the death penalty reveals issues of human rights alongside legal and ethical considerations, emphasized by the increasing global movement towards its abolition. The death penalty, inherently conflicting with the fundamental human rights to life and freedom from inhumane treatment, presents a contentious issue in the discourse of contemporary human rights. Despite a significant shift towards its eradication, as evidenced by the approximately 170 countries abolishing or imposing moratoriums on its use, the persistence of capital punishment in a minority of nations highlights a stark contrast in global human rights practices.

The history of the death penalty, particularly since the 1960s, started an evolving international legal framework aimed at its abolition. The International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol, along with various UN resolutions and the efforts of the UN Human Rights Office, presented a focus towards global abolition. These international bodies and resolutions reflect a growing consensus on the incompatibility of the death penalty with fundamental human rights to life.

Although the global norm confines capital punishment to the 'most serious crimes,' typically involving deliberate killing, the practice contradicts the global principles of human rights, particularly the right to life and the prohibition of torture and inhumane treatment. This contradiction highlights a critical ethical dilemma: even when applied within the confines of what are deemed 'most serious crimes,' capital punishment still represents a severe and

⁴⁴ World must continue to strive for abolition of death penalty, says senior UN official
<https://news.un.org/en/story/2014/10/480632>

⁴⁵ *Ibid.*

irreversible measure that is increasingly seen as contradicting the standards of modern human rights. The practice, therefore, raises questions about its place in any justice system that aims to uphold dignity, fairness, and the sanctity of human life.

The implications of the death penalty extend beyond its immediate impact on the convicted individuals, encompassing a broad spectrum of human rights, ethical, and social justice concerns. The irreversible nature of capital punishment is its most critical aspect, as it leaves no room for rectification in the event of wrongful convictions, a reality that has been tragically realized in various jurisdictions. This aspect alone raises profound moral questions about the legitimacy and humanity of state-sanctioned execution. The potential for irreparable mistakes, combined with previously documented cases of innocent individuals being executed, raises questions to state justice systems that continue to employ this method of punishment.

Additionally, the application of the death penalty for crimes not involving intentional killing, such as drug offenses or terrorism-related charges, raises serious ethical concerns. The continued use in some jurisdictions, particularly for non-violent crimes, demonstrates a misalignment with international human rights standards and reflects a diverse range of legal and cultural understanding on justice and punishment.

The death penalty's application often reveals deep-seated inequalities within societies. Marginalized and vulnerable groups, including racial and ethnic minorities, the economically disadvantaged, and those with limited access to effective legal representation are disproportionately affected by capital punishment. This unequal impact highlights critical issues regarding social and racial justice, further indicating systemic biases and discriminatory practices within a criminal justice system. The death penalty, therefore, is not only a legal issue but also a reflection of broader societal inequities across the world.

The journey towards global abolition of capital punishment is not linear. Despite advocacy and legal frameworks, there still exists the reinstatement of the death penalty in some states and its continued use in others. This persistence can be attributed to various factors, including political, cultural, and societal norms. A nuanced approach that respects different legal systems and cultural contexts while steadfastly advocating for the universal respect of human rights is needed to encompass these complex factors.

Conclusion:

The debate over the death penalty for most serious crimes is a critical conflict between existing global legal practices and fundamental human rights principles. The irreversible nature of capital punishment and the risk of wrongful convictions inherently challenge its alignment with the right to life and prohibition against inhumane treatment. The direction set by international agreements, especially the ICCPR and UN advocacy, signals a shift towards reevaluating and potentially ending the death penalty worldwide. This shift, however, faces resistance from entrenched legal and cultural norms in some regions. Despite these complexities, moving towards the abolition of the death penalty is essential for upholding the UNHRC principles of human dignity, sanctity of life, and promoting fairness and justice globally.

Questions:

1. What is the global trend regarding the death penalty, and what factors contribute to the increasing movement towards its abolition?
2. How does the application of the death penalty intersect with international human rights standards, particularly regarding the right to life and freedom from torture or inhumane treatment or punishment?
3. Should criminals who committed the most serious or disturbing crimes be treated differently regarding human rights, and to what extent can a crime be labeled as “the most serious crimes”?
4. In what ways does the administration of capital punishment conflict with human rights commitments?

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