



# Human Rights Council

## Abolishment of the Death Penalty



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| <b>Forum</b>            | Human Rights Council                 |
| <b>Issue:</b>           | The abolishment of the Death Penalty |
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| <b>Position:</b>        | Deputy President                     |

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## Introduction

Laws are essential to upholding a country's social infrastructure. Laws protect public safety and ensure that the rights of citizens are protected against maltreatment by others, by organizations, and by the government itself. These laws lay the groundwork for general safety. However to ensure the execution of these laws in a productive manner the system requires penalties. Penalties represent the consequences of acting against the law. Depending on the transgression a different kind of punishment is imposed. 61 countries include the death penalty as one of these punishments. The death penalty also known as capital punishment, first appearing in the code of King Hammurabi of Babylon for 25 different crimes, is a tool many governments have used and are still using to instill fear in criminals committing heavy crimes. Signalling that the price of their actions could be their own life. The use of the death penalty varies across countries, and it is important to note that the data on executions can be incomplete due to various factors, such as lack of transparency in reporting or classification of data as state secrets. Succeeding World War 2 and the social revolutions of the later 20th century public opinion has turned predominantly against the death penalty, leading, but not all governments to formally abolish it. Making it a subject of contention and an essential topic of discussion for the HRC to debate



## Definition of Key Terms

### Capital Punishment

Another term for the death penalty, referring to the execution of a person by the state as punishment for a serious crime.

### Death Row

The section of a prison where inmates sentenced to death are held while awaiting execution.

### Lethal Injection

A common method of execution involves the administration of a series of drugs to cause death.

### Moratorium

A temporary suspension of executions is often declared by governments or judicial systems.

### Clemency

An act of mercy by a government official or body that can reduce the severity of punishment, including commuting a death sentence to life imprisonment.

### Exoneration

The act of officially absolving someone from blame for a crime, often after new evidence proves their innocence, sometimes occurring posthumously.

### Abolitionist

A person or movement that advocates for the elimination of the death penalty.

### Retribution

A justification for the death penalty is based on the idea of punishing criminals in proportion to their crimes.

### Deterrence

The argument is that the death penalty prevents future crimes by instilling fear of severe punishment.

### Mitigating Circumstances

Factors that might reduce the severity of a sentence, including those that might argue against the imposition of the death penalty.

### Eighth Amendment

Part of the U.S. Constitution that prohibits cruel and unusual punishment, is often cited in arguments against the death penalty.



### **Post-Conviction Relief**

Legal procedures which allow a convicted person to challenge their conviction or sentence, including the death sentence after the trial and initial appeals have been exhausted.

### **Habeas Corpus**

“you should have the body/show me the body” Legal action through which detainees may seek relief from unlawful or indefinite imprisonment, often used in death penalty cases.

### **Commutation**

The reduction of a legal penalty to a less severe one, such as changing a death sentence to life imprisonment without parole.

### **Capital Crime**

A crime that is punishable by death, such as murder, espionage, or treason.

### **Electrocution**

A method of execution that involves delivering a fatal electric shock to the condemned person.

### **Gas Chamber**

A method of execution where the condemned person is exposed to lethal gas.

### **Firing Squad**

A method of execution where a group of shooters aim and fire at the condemned person simultaneously.

### **Abolitionist country**

A complete abolition of death penalty punishment

### **Abolitionsih in law**

for all crimes except those committed under exceptional circumstances (such as crimes committed in wartime)

### **Abolitionist in practice**

Have not used the death penalty in practice over a certain period.

### **Retentionist**

Wish to retain the death penalty

### **De jure**

What happens according to the law



## General Overview

Less than 40% of the world's population lives in a country where capital punishment has been officially abolished. According to Amnesty International, China is considered the world's most active user of the death penalty, however, the exact number of executions in China is not publicly available. The use of the death penalty is not uniform across regions. For example, in Europe, the death penalty has been completely abolished in all countries except for Belarus and Russia, with Russia having a moratorium on executions since 1996. The absolute ban on the death penalty is enshrined in the Charter of Fundamental Rights of the European Union. It has been a topic of significant debate globally. Its relevance to human rights lies in its irrevocable nature and the potential for miscarriages of justice. This controversy can be summarized into several key points. Firstly there is a risk of executing the innocent, which raises several ethical implications as this form of punishment is irreversible. There have been several cases where inmates are found not guilty decades after their conviction. These instances depend vastly on the strength of the legal system itself and mis-convictions also happen in contexts where prisoners are not given the death penalty. However if a prisoner is not able to overthrow the conviction before their death, governmental systems are responsible for the death of an innocent civilian. Such cases are not uncommon. Raising international concerns whether governments should be allowed to wield such power if misapplied so frequently. Some prisoners spend almost their entire predicted lifespan on "death row" until they are finally granted a retrial like 88-year-old Japanese prisoner Iwao Hakamada depending on the strength of legal infrastructure there is also the additional issue of Fairness and Bias of the trial. Which one must inspect the investigative methods of the country wielding capital punishment, in the US if a defendant was questioned for over 200 hours their testimony is inadmissible however in Japan they aren't granted legal counsel during those 200+ hours. There are the conditions and treatment standards of people waiting for their execution. Most simply, countries may allow their inmates to know when they will be executed. Many scientists agree that death row has horrendous effects on an inmate's mental status and that this may be exacerbated if the person is in constant fear for their life. Eliciting a reaction called the death row phenomenon which causes manic reactions to the pressure they are experiencing. Another example of lacking respect for a person's human rights is that in China after state-sanctioned killings in so-called execution vans the organs of the deceased convicts are harvested typically without their or their family's consent. These are the primary topics of controversy regarding the death penalty.



## Does the death penalty really function as effective deterrence?

The death penalty is used generally for 2 reasons: to deter criminals from committing horrible crimes as well as to seek retribution in some cases for the acts committed by the detainee. To give the victims and society peace of mind knowing that these “horrible” people are not reintroduced to society helping establish a sometimes real and sometimes illusory sense of safety. However many academics disagree with the idea that the death penalty can be a pretext to a decrease in crime. It is abundantly clear that the death penalty in the United States fails to fulfil its purported role as a deterrent to crime. Decades of research and expert opinion consistently undermine any claims of its efficacy in reducing violent offences. Numerous studies have demonstrated that states with capital punishment do not have lower murder rates than those without, with some even suggesting an association between the death penalty and increased homicide rates, a phenomenon known as the 'brutalization hypothesis.' The recent study published in the *Journal of Criminal Law and Criminology* by Michael Radelet and Traci Lacock reinforces this consensus among criminologists. An overwhelming 88.2% of surveyed experts do not believe the death penalty deters murder. This level of agreement is comparable to the scientific consensus on issues like climate change, underscoring the robustness of their findings. The study highlights significant flaws in past econometrics-based research that has attempted to argue for a deterrent effect, noting inconsistencies and limitations that fail to undermine this prevailing consensus. Beyond its ineffectiveness as a deterrent, the death penalty presents a myriad of ethical and practical concerns. The wrongful execution of innocent individuals, as exemplified by cases overturned through programs like the Innocence Project, underscores the irreversible miscarriages of justice inherent in capital punishment. In the US nearly 200 people on death row have been exonerated since 1973, revealing systemic flaws such as mistaken identity, false testimony, and inadequate legal defence. The financial costs associated with the death penalty far exceed those of life imprisonment, due in part to extensive legal proceedings and appeals. These costs are compounded by the moral implications of state-sanctioned homicide and the uneven application of capital punishment, which disproportionately affects individuals from marginalized communities. The case of Kenneth Eugene Smith's botched execution in Alabama and his final breath through nitrogen gas over an excruciating 22 minutes, serves as a stark reminder of the cruelty and inhumanity embedded within this practice.



## Is there a way to humanely execute?

The debate over the ethics of the lethal injection as a method of execution is multifaceted, encompassing considerations from medical ethics to human rights. Proponents argue that lethal injection, involving a sequence of sedatives to render the inmate unconscious, a paralytic to inhibit muscle movement, and finally potassium chloride to stop the heart, represents the most humane form of carrying out capital punishment. This method is seen as minimizing physical suffering, at least superficially, compared to other historical methods like hanging or electrocution. However, the central ethical question remains: is it morally permissible to execute someone against their will? Advocates for euthanasia argue that even in end-of-life decisions where consent is sought, the ethical framework is rigorous and carefully regulated to ensure the individual's autonomy and dignity are respected. In contrast, the imposition of the death penalty removes all agency from the condemned individual, compelling them to undergo a process that terminates their life without consent. The notion of consent raises profound philosophical and legal dilemmas. Does a person forfeit their right to autonomy and consent to life once they commit a crime deemed heinous or punishable by death? This question touches on fundamental human rights principles and the nature of justice itself. Critics argue that executing someone without their consent fundamentally violates their inherent dignity and the principle that all individuals have a right to life, regardless of their actions. From a legal perspective, the execution of individuals who may later be proven innocent raises additional ethical concerns. The risk of wrongful convictions underscores the irreversible nature of capital punishment and the potential for irreparable miscarriages of justice. The global perspective on capital punishment varies widely, with many countries abolishing it altogether in recognition of evolving human rights standards and the acknowledgment that state-sanctioned killing contradicts principles of justice and compassion. However if one were to construct a theoretical situation where the method of execution is already ethical and effective where the inmate does not experience pain or prolonged suffering. What would the time approaching this execution look like? A humane execution would involve oversight by qualified medical professionals who adhere to ethical standards, ensuring the process is conducted with expertise to minimize physical pain and align with ethical guidelines. The chosen method would be proven painless and swift, potentially using inert gas asphyxiation like nitrogen or helium, which induces unconsciousness and death without causing distress. It would occur in a dignified setting, respecting the individual's humanity with privacy, decorum, and protocols that uphold dignity. Psychological support and counseling would be provided beforehand to address emotional needs, recognizing the impact on all involved parties. Transparency and accountability



would be paramount, with the process subject to public oversight and legal scrutiny to ensure compliance with legal and ethical standards. Additionally, consideration would be given to the individual's cultural and religious beliefs, allowing for spiritual guidance or rituals if desired, further respecting their dignity and autonomy.

## Major parties involved

### The USA

Despite being authorized by 27 states and the federal government, the practice has witnessed a significant decline in recent years. In 2022, only 18 inmates were executed nationwide, marking a continuation of the trend where fewer death sentences are being imposed and the overall death row population has steadily decreased to approximately 2,400 prisoners currently facing execution. This reduction reflects shifting societal attitudes and legal complexities surrounding capital punishment. Furthermore incidents of botched executions, particularly those involving lethal injections, underscore the ethical challenges associated with the death penalty. Such failures have prompted some states to explore alternative methods like nitrogen gas. The decentralized nature of the US legal system further complicates matters. With decisions about the death penalty largely left to individual states, there exists considerable variation in execution rates and procedural standards across jurisdictions. Central to the ongoing discourse are persistent issues of bias within the legal system. Factors such as race, socioeconomic status, and geographical location often play significant roles in determining sentencing outcomes, highlighting systemic disparities in the application of justice. These disparities raise profound ethical questions about the fairness and equity of capital punishment, challenging the notion of equal protection under the law.

### China

The use of the death penalty in China is marked by state-sanctioned executions, politically motivated killings, and significant challenges in transparency and accountability. Official statistics on executions are classified as state secrets, making it difficult to obtain accurate data. Amnesty International ceased publishing minimum figures on Chinese executions in 2009 due to this lack of transparency, leaving estimates by external organizations as the primary source of information. These estimates suggest that China executes thousands of people annually, a figure believed to surpass the rest of the world combined. The secretive nature of these executions extends to reports of "secret" executions conducted without public notification or legal transparency. China's use of the death



penalty spans a wide range of offenses, including non-violent crimes, which has drawn condemnation from international human rights groups and governments. The lack of transparency not only hinders efforts to understand the extent of state-sanctioned killings but also raises concerns about the fairness of trials, potential political motivations behind executions, and reports of unethical treatment of the deceased, including allegations of involuntary organ harvesting from executed prisoners. The secrecy surrounding execution statistics in China and the allegations of politically motivated killings and unethical treatment of prisoners highlight significant challenges in assessing and addressing the country's use of the death penalty.

## Iran

Similarly to China, Iran's approach to the death penalty is characterized by state-sanctioned executions that span a wide range of offenses, including politically motivated killings and "secret" executions conducted without transparency or due process. In 2023, Iran executed at least 853 people, marking a significant increase from previous years, with more than half of these executions attributed to Iran's stringent enforcement of drug-related offenses. This surge in executions underscores concerns about the fairness of trials and the disproportionate impact on marginalized communities, such as ethnic minorities like the Baluch in southeastern Iran, who are disproportionately targeted for drug charges. Of particular concern are the human rights abuses surrounding executions in Iran, where women condemned to death often face horrific circumstances. In cases involving allegations of rape, women are frequently executed following unfair trials, highlighting severe gender discrimination and violations of fundamental rights. Under Sharia law, virgin girls are not allowed to be executed, but these protections are inconsistently applied and often disregarded in practice, exposing women to grave injustices in the criminal justice system. Iran's use of the death penalty as a response to civil unrest and protests has drawn international condemnation. During crackdowns on recent protests, several people, including professionals and cultural figures like a doctor, rapper, and karate champions, were swiftly sentenced to death in closed-door trials. These executions were widely criticized for lacking transparency and fairness, raising serious concerns about the Iranian government's use of capital punishment to suppress dissent and silence political opposition. In conclusion, Iran's extensive use of the death penalty for a variety of offenses, coupled with its discriminatory practices and lack of transparency, underscores profound human rights abuses within its criminal justice system. Human rights organizations continue to challenge Iran's approach to capital punishment, advocating for reforms that uphold basic rights and principles of justice for all individuals, irrespective of their background or alleged crime.



## Singapore

Singapore stands as a significant example when examining the death penalty due to several compelling reasons. Firstly, the city-state's crime rate and societal context provide a backdrop where the death penalty is seen as a functioning deterrent against serious offenses, particularly drug trafficking. However its disproportionate impact on communities where drug offenses are more common. The execution numbers fluctuate from year to year, with recent spikes such as the execution of at least 11 individuals in 2022, all for drug-related offenses. Secondly Transparency and reporting of execution statistics have also been contentious, with challenges in accessing detailed and transparent data raising questions about accountability and public oversight. Which in part explains Singapore's limited public discourse on the issue compared to other democratic nations. Internationally, Singapore's stance on the death penalty, places it at odds with broader global movements advocating for criminal justice reform. Conclusively Singapore's approach to the death penalty, characterized by its execution statistics and the societal impact on communities involved in drug offenses, serves as a relevant case study in global debates over capital punishment. The city-state's policies and practices provide valuable insights into the complex dynamics between crime, punishment, public discourse, and international perspectives on human rights and justice.

## Japan

Despite having a relatively low number of executions compared to some other countries, killing only 9 people per year and after being asked to abolish its death sentence in preparation for the Tokyo Olympics. Japan faces scrutiny over the fairness of its judicial processes and treatment of individuals on death row. The country's conviction rate of over 99% has raised concerns that the high percentage may be influenced more by the laborious interrogation process, which can lead defendants to confess involuntarily, rather than by the strength of evidence presented during trials. Secrecy surrounds Japan's execution system, where prisoners are often notified of their impending execution only hours before it occurs, denying them meaningful time to reconcile with their families or make final preparations. Furthermore, individuals sentenced to death in Japan endure lengthy stays on death row, sometimes spanning decades, under conditions that have been criticized for their psychological toll. Public support for capital punishment remains notably high in Japan, with proponents arguing it serves as a deterrent, contributing to the country's low crime rates. However, academic studies have shown mixed results regarding the deterrent effect of the death penalty on



crime rates. Japan's approach to capital punishment reflects a complex interplay of historical traditions, legal procedures and public opinion.

### **Saudi Arabia**

In March 2022 alone, Saudi Arabia executed 81 individuals, marking a stark escalation in the use of the death penalty. Trials in capital cases are often held in secret, with defendants frequently denied access to legal representation. Many individuals are convicted based on confessions obtained under torture or coercion, highlighting systemic flaws in Saudi Arabia's judicial processes. The kingdom has garnered international attention for its use of mass executions, including the controversial execution of 47 civilians convicted of terrorism in 2016. Such actions reflect broader concerns about fairness in trials and the arbitrary nature of executions, which encompass offenses ranging from non-lethal crimes like adultery and armed robbery to charges of apostasy, drug-related offenses, rape, witchcraft, and sorcery—all punishable by death under Saudi law. Of particular concern are reports of executions involving minors and individuals from marginalized communities. The lack of freedom of expression and assembly exacerbates these human rights violations, contributing to a climate where dissent is often met with harsh penalties, including capital punishment. Saudi Arabia's use of the death penalty has consistently drawn condemnation from international human rights organizations (such as Amnesty International) and governments, who criticize its application as a tool to suppress political dissent and silence opposition.

### **Amnesty international**

Amnesty International is a global human rights organization dedicated to “undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.” (Amnesty) Amnesty International is continuously a major party in human rights discourse due to this human rights advocacy work. Especially in this context due to their fervent belief that capital punishment is an egregious infringement on human rights. Through targeted advocacy and campaign-based projects across various regions, including sub-Saharan Africa, Asia-Pacific, the Americas, Europe and Central Asia, and the Middle East and North Africa, Amnesty International raises awareness about the injustice of capital punishment and mobilizes public support for its abolition. The organization supports the adoption of United Nations General Assembly resolutions calling for a moratorium on the death penalty and advocates for the establishment of strong international standards against its use. By applying pressure on behalf of



individuals facing imminent execution and highlighting cases involving unfair trials or the risk of wrongful execution, Amnesty International supports the global abolitionist movement. Additionally, its research and documentation efforts expose flaws and injustices in the application of the death penalty, helping to mobilize public opinion and advocate for change. Overall, Amnesty International works to promote the global trend towards the abolition of the death penalty by showcasing progress and encouraging more countries to abolish or cease its practice.



## Timeline of Key Events June 24<sup>th</sup>, 2022

| <b>Date</b>                    | <b>Description of event</b>  |
|--------------------------------|--|
| 18 <sup>th</sup> century BCE   | The Code of Hammurabi of Babylon codifies the death penalty for 25 different crimes.   |
| 14 <sup>th</sup> century BCE   | The Hittite Code includes the death penalty as a punishment.   |
| 7 <sup>th</sup> century BCE    | The Draconian Code of Athens establishes death as the only punishment for all crimes.  |
| 5 <sup>th</sup> century BCE    | The Roman Law of the Twelve Tables includes the death penalty.   |
| 10 <sup>th</sup> century       | The first recorded execution in England occurs.  |
| 18 <sup>th</sup> century       | Enlightenment period sparks debate on the ethics of the death penalty in Europe.   |
| 1863                           | Venezuela becomes the first country to abolish the death penalty for all crimes.   |
| 1870                           | The Netherlands abolishes the death penalty for ordinary crimes.   |
| 1889                           | Italy abolishes the death penalty for civil offenses.  |
| 1942                           | Switzerland abolishes the death penalty for civil offenses.  |
| 1949                           | Germany abolishes the death penalty for ordinary crimes (abolished completely in 1951).  |
| 1965                           | The United Kingdom abolishes the death penalty for ordinary crimes (abolished completely in 1998).   |
| 1981                           | France abolishes the death penalty for ordinary crimes (abolished completely in 1984).   |
| 1999                           | The United Nations Human Rights Commission passes Resolution 1999/61, supporting a worldwide moratorium on executions.   |
| December 18 <sup>th</sup> 2007 | The United Nations General Assembly adopts Resolution 62/149 calling for a global moratorium on executions, with 104 votes in favor, 54 against, and 29 abstentions. |
| October 10 <sup>th</sup> 2018  | United Nations Secretary-General António Guterres calls for a total abolition of the death penalty worldwide.  |



## UN involvement, Relevant Resolutions, Treaties and Events

The United Nations (UN) has been a strong advocate for the abolition of the death penalty and the promotion of human rights. *The International Covenant on Civil and Political Rights (ICCPR)* is a significant treaty in this regard, featuring an optional protocol that promotes the wider abolition of capital punishment. Additionally, the *European Convention on Human Rights has Protocols 6 and 13*, which prohibit the death penalty during peacetime and in all circumstances, respectively. Regional conventions like the *American Convention on Human Rights* include specific protocols that limit the death penalty, such as prohibiting its imposition on individuals under 18 at the time of the crime. The UN General Assembly has passed multiple resolutions urging states to restrict the death penalty and reduce the number of offenses eligible for it. There is a growing international consensus for the abolition of the death penalty, with approximately 170 states either abolishing it or instituting a moratorium. From a human rights perspective, the UN views the death penalty as inconsistent with the right to life and freedom from torture or cruel treatment. Despite these efforts, the use of the death penalty varies globally, with some countries still permitting it for crimes beyond those of extreme gravity.



## Previous Attempts to Solve the Issue

Efforts to address the contentious issue of capital punishment have taken various forms globally. Advocacy groups (such as Amnesty International, human rights watch and others) and civil society organizations have spearheaded abolitionist movements, pushing for legislative reforms to entirely eliminate the death penalty from legal systems. In tandem, some governments have implemented moratoriums (such as Russia) on executions as a temporary measure to reassess the fairness and efficacy of existing practices. Reforms focusing on legal procedures aim to enhance safeguards against wrongful convictions and biases, advocating for improved legal representation and evidentiary standards in capital cases. Public awareness campaigns and educational initiatives continue to highlight the ethical dilemmas and human rights implications associated with capital punishment, seeking to sway public opinion and foster dialogue on alternative sentencing and rehabilitation. Internationally, diplomatic efforts and pressure from human rights organizations have urged countries to reconsider their stance on the death penalty, emphasizing adherence to universal human rights standards and promoting dialogue aimed at reducing its global prevalence. These diverse approaches underscore ongoing global efforts to address the complexities surrounding capital punishment while advocating for justice systems that prioritize fairness, accountability, and the protection of human dignity.



## Possible Solutions

The death penalty is a difficult issue to address because one has to keep in mind that this human right violation is not so black and white as child labour where the typical answer is that it is widely unethical. For the death penalty there are not just human rights implications but also ethical, social and moral implications which are all very closely tied together and can have much variance from country to country. Furthermore one must also consider that solutions sought out have to be of a collaborative nature and help countries who have the death penalty as a paramount tool in their legal system transition. Especially considering that there are not many countries left who still use the death penalty, it is important to understand why, and to be able to address this why in a sustainable manner.

- **Monitoring and Reporting Mechanisms:** Establishing mechanisms for monitoring and reporting on the use of the death penalty to promote transparency and accountability, Development of
- **Rehabilitation Programs:** Investing in rehabilitation and reintegration programs for individuals sentenced to life imprisonment instead of the death penalty
- **Implementation of a *Moratorium* on Executions:** Calling for a temporary suspension of executions in countries retaining the death penalty to allow for further review and consideration of its impact.
- **Promotion of *Clemency* Measures:** Encouraging governments to exercise clemency powers to commute death sentences to alternative punishments like life imprisonment
- **Strengthening Legal Safeguards:** Calling for the enhancement of legal safeguards, including access to post-conviction relief and *habeas corpus* procedures, to ensure fair trials and prevent wrongful convictions.
- **Promotion of Alternative Sentencing:** Encouraging the use of alternative sentencing options that respect human rights and promote rehabilitation, rather than retribution.



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