



OHCHR

Validity of the Death Penalty

Table of Contents

Introductions from your OHCHR Dais	2
Committee Information	5
Committee Background	6
History of the Death Penalty	6
Ongoing Cases	6
Case Study: United States	6
Case Study: Europe	6
Consequences of abolishing the death penalty	6
Questions to Consider	6
Committee Positions	7
Countries with a death penalty imposed and enforced	7
Countries with the death penalty abolished in practice / only for serious crimes	7
Countries with no death penalty	8

Introductions from your OHCHR Dais

Hello delegates!

Hey, my name is Aaron Hui, and I'll be serving as your chair for your OHCHR committee here at MiniMUNC! I'm honored to be serving as chair of this committee and watching you delegates try to find a way to address the glaring issue of the death penalty! If you're a Stuy delegate, you'll get to know me very well soon enough (you can decide whether or not that's a good thing). I'm currently a senior and have been involved in Model UN since the beginning of my freshman year. MUN has been my way of connecting to a variety of people who have a similar passion for public speaking and networking, and I've learned a lot from being part of this tight-knit team. This will be my last time chairing a MiniMUNC, and I'm extremely honored and humbled to do so!

Many of you are probably trying MUN for the first time. To the newcomers, welcome to MUN, and to those of you who have done MUN before, that's great, and I'm excited to meet you all. If you're completely new to MUN, I advise you to not be nervous! Many of the delegates in this committee and conference are in the same position as you, and this is a perfect opportunity to step out of your comfort zone! Although it may be nerve-wracking to stand in front of a room and deliver a speech, MUN has a very supportive community, and you'll improve with experience. Take this opportunity to enjoy yourself, and don't worry about making mistakes. MiniMUNC is meant to be a learning experience, so treat it as such! I would also suggest utilizing the background guide and listed sources, as it will provide a stepping stone for research and preparation.

As for research, if you're ever stuck, try to generalize! Imagine what the country for which you're representing would do in the situation; research some similar events and how they were handled. MUN isn't an exact representation; rather, it's full of unexpected twists and turns, and that's part of the fun! It's up to you, as delegates, to steer the committee in the right direction. This will be the first conference for most, if not all, of you, so don't be afraid to step out of your comfort zone, and have some fun!

Sincerely,

Aaron Hui

ahui30@stuy.edu

Dear delegates,

My name is Arshia Mazumder, and I'm one of the directors of this committee! I'm a junior here at Stuyvesant High School, and I joined Model UN about a year ago. I love the arts, and I've been involved with dance performances and SING!, a musical competition between the grades at Stuyvesant. I've done some volunteer work and I've also written for the Spectator, our school's newspaper. I like to do a lot at this school, and I encourage you to take advantage of this year to explore your options to find lots of things you love to do.

Through Model UN, I've learned how to be a good delegate, how to cooperate with others, and how to speak publicly, but I've also learned that the world is more connected than we think. We don't exist in a bubble, and Model UN has helped me appreciate the importance of issues happening all over the world, even in places thousands of miles from me. Even if the issue doesn't directly affect me, it indirectly affects me. This is why I chose to direct this committee. The validity of the death penalty is a controversial subject that weighs how worthy someone is of life. At what point does someone become so cruel as to be forever irredeemable? At what point do we decide a person deserves no more chances? This is a deep topic, so I encourage you to do your research for whatever country you represent to have an insightful and meaningful conversation with your fellow delegates.

An important note: This may be your very first conference. MiniMUNC was certainly mine. This conference is a place to experiment, to try this delegate stuff out, and to see if Model UN is for you. Most importantly, this conference is a place for you to learn. It's okay if you muddle a speech or if you get shy with reaching out to the other delegates. This is a novice conference, so everyone else in the room is as new at this as you are. Read the background guide, research, prepare, and then, relax. You've got this!

Sincerely,

Arshia Mazumder

amazumder40@stuy.edu

Hello Delegates,

Nice to meet you! My name is Simone Raleigh, and I am very excited to be one of your directors for the OHCHR committee at MiniMUNC. I am a junior and have been part of Stuyvesant's Model UN for about a year, attending both online and in-person conferences. Although I was originally hesitant to join after an unconventional remote school year, Model UN has allowed me to develop confidence in my public speaking, understand the importance of networking, practice researching skills, and become a more effective leader through diplomacy. I am delighted to be a part of this team, and I really hope that you all enjoy the committee—I look forward to meeting all of you at MiniMUNC 2022!

Regardless of your capacity of prior knowledge, I encourage you all to go into this conference ready to learn. Spend time doing research, and more importantly be open to learning from each other—whether that be in formal debate or unmoderated conversations. Do not be afraid to get a little creative! Although this is a committee rooted in a quite serious, complex topic, try to think outside of the box with your speeches—it keeps the committee fun and engaging. Additionally, do not underestimate the power of notes. Communication is key in committee, so sending some secret messages to your fellow delegates is always a great way to get ahead.

I understand that sometimes getting up in front of a large audience of essentially strangers seems jarring, but your MUN skills will only improve with practice. It's perfectly fine and normal to slip up in a speech, or perhaps get slightly lost during committee, but if you prepare—I suggest reading recent news articles regarding the topic, writing down a few key arguments to remember—and try your best in committee, small mistakes won't really matter. If you do slip up, no worries! It's a great learning experience and will help you become a better delegate in the future. If you have any questions about the committee, background guide, or just planning in general, please feel free to reach out to me or any other dias for questions—we are more than happy to help!

See you all soon,

Simone Raleigh

sraleigh40@stuy.edu

Committee Information

The Office of the United Nations High Commissioner for Human Rights (OHCHR) is a department of the Secretariat of the United Nations that works to promote and protect human rights that are guaranteed under international law and stipulated in the Universal Declaration of Human Rights of 1948.

This committee will be a General Assembly committee, which means that delegates will be representing specific countries in the UN. Delegates will be collaborating with one another to address the topic of the committee and agree on a resolution.

The general flow of committee will be as follows: following roll call at the beginning of the first committee session, the speaker's list is opened, in which delegates have the opportunity to give an opening speech to introduce themselves and their view on the topic. After that, the committee will consist of mainly moderated caucuses, in which delegates give speeches pertaining to specific topics, or unmoderated caucuses, in which delegates are able to network and discuss with other delegates, allowing them to form blocs, which are groups that work together to write a resolution to address the topic at hand. Once resolutions are finished, they will be presented and voted on.

Throughout committee, notes can be passed between delegates, so don't be afraid to let other delegates know your views on their ideas and if you'd like to collaborate with them in a future unmod!

Below we have outlined some of the committee procedures.

Roll Call: At the beginning of each committee session, the chairs will take attendance. Delegates must respond with either, "Present" or, "Present and voting." If the delegation wishes to respond, "Present," they are able to abstain from voting for that committee session. If the delegation responds with, "Present and voting," the delegation must vote at every turn. If a delegation arrives late, the delegate must send a note up to the dais to inform them of their presence.

Motions: Motions are used for opening and closing debate, proposing a speaker's list, moderated, or unmoderated caucus, and deciding to move to voting procedure. To propose a motion, lift your placard.

Speaker's List: This is a list of delegates which is often used to start committees. The speaker's list is usually used to outline a country's agenda on the topic and jumpstart the networking process. If at any point during

committee there are no new motions, the chair will revert back to the speaker's list.

Moderated Caucus: a form of debate used to allow delegations to explain and debate their country's positions on a specific topic in front of the entire committee. For a moderated caucus to be considered, the motion must include the overall speaking time, time per speaker, and the topic which will be discussed. Subsequently, the chairs will call on countries wishing to speak until the allotted time for the moderated caucus is over.

Unmoderated Caucus: an informal style of debate used for delegates to have time to form blocs and work on draft resolutions. Formal debate rules are suspended, and delegates are allowed to leave their seats. In order to move into an unmoderated caucus, the motion must only outline the overall caucus time.

Although MiniMUNC 2022 does not require position papers, they are

highly recommended. Position papers are a great way to summarize all of your research into one document that can be referred to throughout the committee and can help you understand and solidify your stance on the topic. They can also be a great way to prepare for the conference since you will thoroughly research your topic in the process of writing the paper. If you would like to receive feedback on your position paper, please submit your paper via the emails linked in our introduction letters. The final deadline for position paper submission is by the first committee session, however, if one wants to receive feedback they must email it to the chair (ahui30@stuy.edu) by **October 15th**. Papers should be a maximum of about one page long (single-spaced with 12-point font).

If you have any other questions, feel free to email the dais!

Committee Background

History of the Death Penalty

The formal execution of criminals has been used in nearly all societies since the beginning of civilizations, as there were frequently no alternatives to ensure incapacitation of criminals prior to developed prison systems.¹

Currently, all European states but one have abolished capital punishment, most states in the Americas have abolished its use, with a few actively retaining it. Less than half of African countries retain it, and the majority of countries in Asia retain it.

Abolition has been caused primarily due to political change, such as governmental changes from authoritarianism to democracy, or when it became an entry condition for the EU. The debate of abolishing the death penalty is sometimes revived in retentionist countries when a miscarriage of justice occurs, while in abolitionist countries, the debate to reinstate the death penalty is sometimes revived in the case of especially violent murders or terrorist attacks, as was the

case in Pakistan, which lifted a six-year moratorium on executions in December 2014 following the Peshawar school massacre in which 132 students and 9 staff members were killed by Tehrik-i-Taliban Pakistan terrorists.²

Nowadays, many countries have abolished capital punishment either in law or practice. Capital punishment has been completely abolished by 108 countries, abolished for most offences except under special circumstances by 7 countries, and abolished in practice by 26 countries. In 1977, the United Nations General Assembly affirmed in a formal resolution that it is desirable to “progressively restrict the number of offenses for which the death penalty might be imposed, with a view to the desirability of abolishing this punishment”.³

Case Study: United States

The death penalty has been around in the United States since the colonies were established. The number of executions reached a large peak in the

¹ “William Henry Furman, Petitioner, V. State of Georgia. Lucious Jackson, Jr., Petitioner, V. State of Georgia. Elmer Branch, Petitioner, V. State of Texas.” Legal Information Institute, Legal Information Institute, https://www.law.cornell.edu/supremecourt/text/408/238#writing-USSC_CR_0408_0238_ZC1.

² Sridharan, Vasudevan. “Peshawar Massacre: Afghan Taliban Condemn ‘Un-Islamic’ Pakistan School Carnage.” International Business Times UK, International Business Times, 17 Dec. 2014, <https://www.ibtimes.co.uk/peshawar-massacre-afghan-taliban-condemn-un-islamic-pakistan-school-carnage-1479853>.

³ Death Penalty, <http://www.newsbatch.com/deathpenalty.htm>.

20th century, especially in the 1930s. However, executions fell significantly after 1972, due to a moratorium on the death penalty established by the Supreme Court.

Abolition of the death penalty was not a linear progression among states throughout the nineteenth and twentieth centuries. Many states abolished the penalty only to reinstate it some years later. The abolition movement gained and lost steam as it fell in and out of public consciousness.⁴

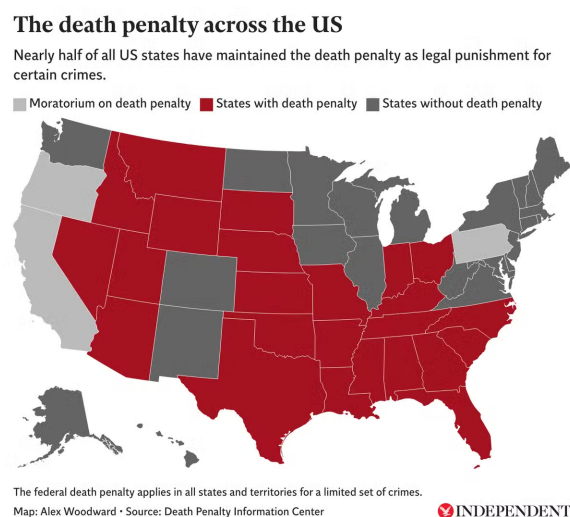
As of today, 23 states and the capital have abolished the penalty, leaving 27 states with the penalty still remaining.⁵ Those 27 states rarely enforce it and executions have been on a steady, but not straightforward, decline. Different administrations federally have used the death penalty to different extents; when Trump took office, his

administration executed 13 prisoners. Before that, only three people were executed federally in the past 50 years.⁶

Death penalty sentences have also not been dealt out equally. In 2019, Black prisoners made up almost half of death row inmates, despite only being 13% of the country's adult population. White prisoners, on the other hand, made up 56%, much less than their 77% share of the population. The gender of death row inmates is also heavily skewed. 98% of people on death row in 2019 were men.⁶

As for public opinion, according to a Pew Research survey, the majority of Americans support the death penalty for those charged with murder, but the majority also believes the death penalty is not an unbiased process, is not a proper deterrent, and does not have proper safeguards against executing innocent people. Support for

the death penalty varies between party, religion, and so on.⁶



⁴ “The History of the Death Penalty: A Timeline.” *Death Penalty Information Center*, <https://deathpenaltyinfo.org/stories/history-of-the-death-penalty-timeline>.

⁵ “State by State.” *Death Penalty Information Center*, <https://deathpenaltyinfo.org/state-and-federal-info/state-by-state>.

⁶ Gramlich, John. “10 Facts about the Death Penalty in the U.S.” *Pew Research Center*, Pew Research Center, 20 July 2021,

Overall, the United States has had a rocky relationship with the death penalty. There is no consensus within the country, but at least the death penalty has been falling further out of favor year after year.

Case Study: Europe

Capital punishment has been completely abolished in all European countries with the exception of Belarus and Russia, the latter of which has abolished it in practice.

Abolition became a new trend primarily following WWII, when human rights became a priority. The European Convention on Human Rights, drafted by the Council of Europe, contained two protocols against capital punishment. Protocol 6, which opened for signing in 1983, prohibits capital punishment during peacetime, and has been ratified by all members of the Council of Europe aside from Russia. Protocol 13, which opened for signing in 2002, prohibits capital punishment in all circumstances, and all member states of the Council of



Europe have ratified it aside from Azerbaijan, Russia, and Armenia.

The European Union has also been shown to be against the death penalty. In its 2000 Charter of Fundamental Rights of the European Union (CFR), it is stated in Chapter I, Article 2 that “No one shall be condemned to the death penalty, or executed.” It has also actively promoted abolition worldwide, including the presentation of a moratorium on the death penalty in the UN.⁷

The Council of Europe has made abolition of the death penalty a requirement for membership, and no executions have taken place in any of its member states since 1997.

Consequences of abolishing the death penalty

The history of the death penalty goes back nearly 4,000 years, and it is only relatively recently that its use has been curtailed. Changes in the law, research on sentencing patterns, and monitoring by civil rights groups have produced systems around

<https://www.pewresearch.org/fact-tank/2021/07/19/10-facts-about-the-death-penalty-in-the-u-s/>.

⁷ “General Assembly Adopts Landmark Text Calling for Moratorium on Death Penalty | UN Press.” United Nations, United Nations, <https://press.un.org/en/2007/ga10678.doc.htm>.

the globe with goals of justice which have become potentially tempered by mercy. Despite reform, ensuring impartiality in the imposition of the death penalty remains difficult for those who oppose, and the costs of capital trial and appeal procedures are great in all nations. Major arguments against the death penalty focus on its inhumaneness, lack of deterrent effect, continuing racial and economic biases, and irreversibility. However, proponents argue that it represents a just retribution for certain crimes, deters crime, protects society, and preserves the moral order. Generally, it can be argued that the death penalty serves as a stronger deterrent to serious crimes in comparison to simply imprisonment, scaring citizens worldwide into following some semblance of a moral compass, keeping the best interests of the general public in mind. This idea of the death penalty serving as a tool for ultimate justice is supported by those who believe it is possible to fashion laws and procedures ensuring that only those who are truly deserving of death are executed.

Despite what seems to be a general trend toward abolition, many countries have retained capital punishment as a fundamental pillar of their justice system – some even expanding their scope. For example, Iran, Singapore, Malaysia, and the Philippines impose a mandatory death

sentence for the possession of relatively small amounts of illegal drugs, giving Singapore the ranking of having the highest rate of execution per capita of any country. About 20 nations impose the death penalty for various economic crimes, including the bribery and corruption of public officials, embezzlement of public funds, and the theft of large sums of money.

Despite the large number of capital offenses in some countries, most years only about 30 countries actually carry out executions. China was believed to have executed about 1,000 people annually until the beginning of the 21st century, when estimates of the number of deaths dropped sharply.

In only a few countries does the law allow for the execution of minors (at the time they committed their crime. Most of these executions which are now prohibited by the Convention on the Rights of Child and the International Covenant on Civil and Political Rights have occurred in the US which in recent years begun cracking down on what congress deems to be abuses of the death penalty.

Regardless of the means for execution, those who are pro-death penalty believe that without it, no real justice could be served. Proponents who argue that the death penalty is needed as retribution argue that “an eye for an eye” is appropriate, that the punishment

should match the crime, and that the penalty is needed as a moral balance to the wrong done by the criminal. Furthering this thought process, the death penalty is argued to be needed to bring about closure and solace to victims' families argue that the finality

of the death penalty is needed for families to move on and not live in fear of the criminal getting out of prison.

Questions to Consider

- ❖ To what extent should the death penalty be banned?
- ❖ How can we encourage retentionist countries to abolish or place moratoriums on capital punishment?
- ❖ How effective is the death penalty at keeping people safe and deterring crime?
- ❖ What are better alternatives to the death penalty that may have the same or greater effectiveness?
- ❖ What safeguards should be in place to prevent the execution of an innocent person?
- ❖ How severe does the crime have to be for someone to deserve to be executed?
- ❖ How do we address biases that may place someone at a disadvantage when it comes to being sentenced to the death penalty?

Committee Positions

Countries with a death penalty imposed and enforced

While more than 70 percent of the world's countries have abolished capital punishment in law or practice, the death penalty continues to exist in many parts of the world. Typically, countries that impose and enforce the death penalty tend to have large populations and authoritarian rule. Professor William Schabas concludes that "those that still retain [the death penalty] find themselves increasingly subject to international pressure in favour of abolition," and that "the day when abolition of the death penalty becomes a universal norm...is undeniably in the foreseeable future". These countries, including China, India, Japan, and the United States, are often referred to as "retentionist". And while instances of capital punishment have decreased in most regions of the world and the number of countries still with an active death penalty has drastically decreased in the past three decades, the abolitionist movement has begun to lost pace, likely because of the growing pronouncement of regional differences in death penalty usage. The death penalty has remained exceptionally popular in

the Middle East, North Africa, and the Americas.⁸

Countries with the death penalty abolished in practice / only for serious crimes

The death penalty in the international setting is often approached from the perspective of human rights concerns — in terms of it being a violation of basic rights and human dignity. However, it is also closely connected to security, governance, justice, and other social and political matters. In recent years, the number of countries which carry out executions has gradually declined, with 28 countries which have death penalty laws but haven't executed anyone for at least 10 years and/or a policy or more formal commitment not to execute and 8 countries which permit the death penalty only for serious crimes in exceptional circumstances, such as those committed during times of war. One of the major arguments for retaining the death penalty revolves around granting victims appropriate justice. Some argue that capital punishment as an option is necessary for redressing the convicted criminal and for generally maintaining

⁸ Anckar, Carsten. "Why Countries Choose the Death Penalty." *The Brown Journal of World Affairs*, vol. 21, no. 1, 2014, pp. 7–25. JSTOR, <http://www.jstor.org/stable/24591027>. Accessed 11 Aug. 2022.

social order. Right after the genocide in 1994, Rwanda claimed that it needed the death penalty to achieve national reconciliation. This is why Rwanda rejected the United Nations' International Criminal Tribunal (ICTR) that it originally requested — because the Tribunal would not allow the death penalty.⁹

Countries with no death penalty

Since the 1800s, many countries throughout the world have abolished the death penalty for all crimes. There was no one path to complete abolition; each country reached abolition in their own ways. Some countries like the UK abolished the death penalty for murder initially, and then expanded abolition to all crimes years later. Others like Venezuela got rid of capital punishment without any leadup. Either way, these “abolitionist” countries share a philosophy: capital punishment is a violation of human rights, and that is reason enough to abolish it. Beyond that core philosophy, abolitionists believe the subjective process of deciding whether a person should be executed opens a risk that an innocent person could be killed, which is unforgivable. They also believe that tackling the factors that lead to serious crime is more effective than the

death penalty is as a deterrent. Roger Hood and Carolyn Hoyle state that the morality driven movement “gained force as more and more countries emerged from totalitarian and colonial repression to embrace values that seek, in the name of democracy and freedom, to protect citizens from the power of the state and... the masses,” quite opposite to most countries that enforce the death penalty to this day.

⁹ “Un Human Rights Chief Praises Rwanda's Abolition of Death Penalty | UN News.” United Nations, United Nations, <https://news.un.org/en/story/2007/07/226622-un-human-rights-chief-praises-rwandas-abolition-death-penalty>.
