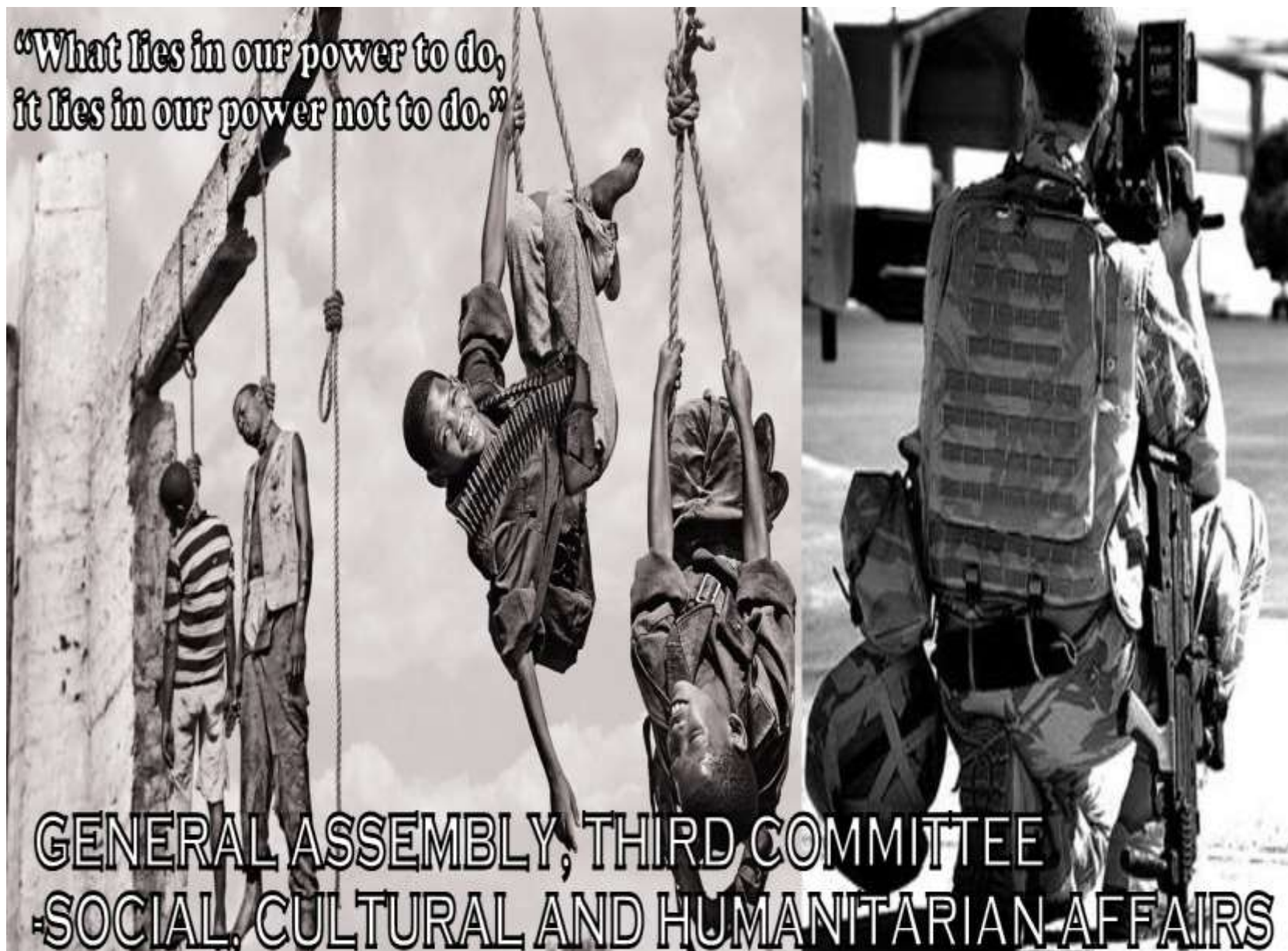


"What lies in our power to do,  
it lies in our power not to do."



GENERAL ASSEMBLY, THIRD COMMITTEE  
SOCIAL, CULTURAL AND HUMANITARIAN AFFAIRS

## **The Social, Humanitarian and Cultural Affairs Committee**

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### **Chairperson's Address**

Dear Delegates,

Welcome to the Social, Humanitarian and Cultural Committee of LMCMUN 2013! This committee, commonly called the 3rd committee, deals with the social, cultural and humanitarian aspects of the problems that our world faces today. I will strive to make LMCMUN an enjoyable and enriching experience for you.

Over the three days of conference we will be discussing Capital Punishment and the viability of the death penalty; as well as the Role of Media in War Zones in today's socio-political scenario. Using the study guide provided only as a base, you are encouraged to go beyond it and delve deep into both the topics (as we will be discussing both topics over the three days of committee, as committee wishes), focusing on your country's stance and role individually, and as a member of the inter- national community.

Besides MUN-ning, I enjoy debating and theatre and am an enthusiastic swimmer. My director is Rohini Roy, a best-selling author and a lively and easily approachable person by nature. Radhika Goyal, the Assistant Director, has an incredible sense of humour and an unconventional take on any subject.

Finally, please feel free to contact me with any questions and queries. Good luck to you all and looking forward to meeting you in May,

Sincerely,

Raisa O'Brien

Chairperson of the Social, Humanitarian and Cultural Affairs

## **Introduction**

The Social, Humanitarian and Cultural Affairs Committee, or simply the ‘Third Committee’ is one of the six specialized bodies of the United Nations General Assembly. Established after the UN Declaration of Human Rights (1948), its aim is to secure basic human rights around the world. This body of the GA aims at establishing universal codes to be followed by states to establish an environment of liberalization, security and peace. It allows for international dialogue on issues ranging from minority rights to drug control and prevention of crimes; and is currently focusing on issues such as violation of human rights in Syria, the right to self determination, protection of children and development of women.

In this session, we will consider two of the most widely discussed agendas in the SOCHUM: Capital Punishment and the Role of Media in Warzones. Delegates please note that of the two agendas only ONE will be discussed over the three days of conference (refer to Conference Handbook page 6).

This Study Guide aims to give you a background of both the agendas, setting the base for your research. Giving you a historical progression of the problem as well as the current scenario and bloc positions, this guide is designed to give you an overview of the situation and delegates are encouraged to go beyond it with their research and explore the world of humanitarian rights. Contrary to what the Conference Handbook states, Points of Order will NOT be entertained while a speaker is speaking, and may be suspended at the Chairs discretion. Decorum at all times and respect for the members of the Secretariat as well as fellow delegates is expected. Plagiarism in any form and the use of un-parliamentary language in committee will not be looked upon favorably by the Chair.

# **TOPIC A: CAPITAL PUNISHMENT WITH SPECIAL EMPHASIS ON JUVENILE DELINQUENCY**

## **THE CONCEPT OF CAPITAL PUNISHMENT**

To understand the multi-pronged concept of capital punishment which holds much relevance in today's day and age, it is imperative to delve deep into its legality, procedural specifications, deterring effects, ethics and most importantly its universality, or the lack of it thereof. With the crime rates increasing at par with the increase in the number of Human Rights agencies around the World, the death penalty is a matter of contention, a grey area in internal as well as international policy. This study guide is planned to ensure better understanding of the issue at hand by following a systematic approach. Morals and Ethics, though deemed important, should not form the sole foundation of any argument as the Board will look favorably upon factually sound judgment notwithstanding any insinuating comment with respect to religion, nationality or other subjective matters.

Capital punishment is a legal process whereby a person is executed by competent state authorities as punishment for a heinous crime. The key word of the aforementioned statement is heinous as it implies that not all crimes are punishable by meting out of the death penalty, ie. It is used as a last resort. The statement or ruling passed by a state to mete out the death penalty is known as the death sentence whereas the act of meting it out is known as execution. Crimes that can result in a death penalty are known as capital crimes or capital offenses.

The most important aspect of this definition is 'put to death by the state' as only the state has the power to execute a criminal for committing a capital offense, non state officials are not bestowed with the power to do the same, and an act of execution carried out by non-state officials will be deemed as murder.

The ambit of the term Capital offenses is not only subjective but also differs from country to country. There is no set universal rule that explains which crime is considered to be punishable by the death penalty and which isn't, so while corruption is a capital offense in China that may not be the case in other parts of the world. Capital punishment is usually meted out for the most heinous crimes such as terrorism, sexual offences, treason, homicide, etc.

The main opposition that the proponents of the death penalty face, come from Human Rights activists and like minded people who believe that execution is something too absolute and is a direct attack on the Right to Life, as stated in the Universal Declaration for Human Rights. There have also been numerous debates about the actuality of the deterring effect of the death penalty, it's ethics and morals, the cost- benefit analysis and the methods of execution with respect to

international agreements propagating the provision of basic Human Rights to all, without discrimination, and all of the above inconsistencies make it a topic of altercation in the international community.

### **HISTORY OF THE PROBLEM**

Capital punishment had been in use as a form of punishment way before formal judicial systems had been established. The Babylonian 'Code of Hammurabi' is the first known legal document to contain laws on Death Penalty. Capital offences, according to the code did not contain murder. The first recorded use of capital punishment dates back to 621 BC when the death penalty was used in ancient Greece for a variety of crimes such as murder, kidnapping, sexual offenses etc. Execution was also frequent in ancient China during the Tang dynasty, where strangulation, decapitation, truncation were some of the ways death penalty was carried out for offenses ranging from trafficking to treason. In case of treason the entire family would be punished. Fathers under the age of seventy-nine and sons over the age of fifteen would be strangled while sons below, wives and grandparents were banished to remote areas or sold into slavery.



**THE CODE OF HAMMURABI, 1772 B.C**

The use of capital punishment carried on and was often accompanied by torture in the middle ages, and as many as 72000 people have been known to be executed under the rule of Henry VIII. Boiling the criminal to death was another method which was allowed from 1531, and



record indicate that it would take the prisoners upto two hours to die by boiling. Capital punishment was meted out all around the world for petty offenses including for cutting down a tree or stealing grapes. In 1622, the first legal execution of a criminal, Daniel Frank took place in Virginia for the crime of theft. It was during this time of heightened use of the death penalty that calls for reforms began. For example, in Britain out of the two hundred and twenty two crimes that were punishable by death, hundred were done away with. The Italian jurist, Cesare Beccaria whose exposition on abolishing capital punishment throughout his book crime and punishment was one of the most influential voices of the 18th century. He said that the death penalty was "*a war of a whole nation against a citizen, whose destruction they consider as necessary, or useful to the general good.*" His essay conceded that the only time a death was necessary was when only one's death could insure the security of a nation.

The first reform era took place between 1833-1853 when public executions were deemed cruel and many states did away with public hangings. Finally in 1846, Michigan became the first state to abolish the death penalty, which was a big breakthrough for abolitionists and many states followed suit.

The second big reform took place in 1897 when the US congress passed a bill reducing the number of crimes punishable by death and in 1907, and Kansas took the "Maine Law" a step further and abolished all death penalties.

The advent of the 20th century brought about a vast improvement in the methods of meting out the death penalty. In 1888, New York approved the dismantling of the gallows and the building of its first electric chair, which held its first victim William Kemmler in the 1890. After this, experiments began with various other forms such as death by cyanide gas which was considered more humanitarian. The development of lethal injection followed suit and Oklahoma passed its first death by lethal injection law, based mostly on economic as well as humanitarian reasons as the building of a gas chamber was very expensive.

Even today capital punishment is a widely debatable topic, with many countries abolishing capital punishment. In 2008, there was a growing reluctance among those countries that do retain the death penalty to use it in practice. In 2008, only 25 out of 59 countries that retain the death penalty carried out executions. Amnesty International completely abhors capital punishment and is leading the abolitionist movement in their crusade against the death penalty.

## **CURRENT SITUATION**

### **ETHICS, MORALITY AND LEGALITY OF CAPITAL PUNISHMENT**

On the 21<sup>st</sup> of November, 2013, the General Assembly's Third Committee (SOCHUM) adopted a resolution establishing a moratorium on the usage of the death penalty by a whirlwind of 110 votes in favour of the resolution. This is considered as a systematic step towards the universal abolition of the death penalty. The Secretary General of the United Nations, Mr. Ban Ki Moon said, "*The taking of life is too absolute, too irreversible, for one human being to inflict on another, even when backed by legal process.*"

The United Nations has, historically and intrinsically follows a strict policy on the regulation of the death penalty. A moratorium can be defined as a temporary suspension of the execution of a particular law, in order to reform the procedure or review legal sanctions for the same. The first UN Moratorium on death penalty was passed in the November, 2007 and reaffirmed in

December the same year. UN resolutions insisting on the Moratorium on death penalty has been passed in UN Resolutions in the years 2008, 2010 and 2012. Keeping in mind, that the death penalty has been primarily discussed in UNGA resolutions, the moratorium on death penalty and other recommendatory articles and reports are not legally binding on the international community but primarily act as advisory framework for the countries to ensure that all citizens are treated well with respect to the Universal Declaration of Human Rights and other articles governing the relation between politics and ethics.



Although not legally binding, the Moratorium has moral and political weight, for the reason that a temporary cessation of executions is deemed necessary by many, in today's day and age. The purpose of it, however, is debatable. Some consider it a step towards the universal abolition of the death penalty and some argue that it's a temporary and intermediate step to reviews laws with respect to Capital Punishment and make them more suitable to the present day global scenario. The legal sanctity of many executions are often questioned on the basis of not being guaranteed basic rights such as The right to fair trial and right to equality before law. According to the UN Declaration of Human Rights, everyone has the right to life and the death penalty is a direct attack on that premise.

The legality of Capital Punishment, though debatable, is easier to decipher than its ethics and moral judgments, simply owing to its vastness and the subjectivity of morals and ethics which hinder effective jurisprudence. In the words of Alex Kozinski,

*"Immanuel Kant said it best. He said a society that is not willing to demand a life of somebody who has taken somebody else's life is simply immoral. So the question really... when the system works and when you manage to identify somebody who has done such heinous evil, do we as a society have a right to take his life? I think the answer's plainly yes. And I would go with Kant and I would say it is immoral for us not to."*

Whereas, in the opinion of many, Capital Punishment is barbaric and follows the policy of 'an eye for an eye' and thus cannot be the basis of rectification for human beings or a foundation

stone of reformation of rouge elements in society. Defenders of Capital punishment use the provision of usage as a last resort as a main argument for Death Penalty. Since only perpetrators of the most heinous crimes are executed, it is deemed morally justified by many political thinkers. The defenders of the theory of execution can again be broadly divided into two categories, those who think it is morally permissible and those who deem it morally obligatory. One of the main motives of propagating the cause of Capital Punishment as an effective means is its effect of deterring criminals by setting a precedent. However, many argue that it doesn't deter criminals but incites emotions of anger, rage and revenge. Morally, people argue that taking someone's life is too extreme and irreversible and the purpose of a punishment is defeated. Capital Punishment is also said to brutalize society and increase the rate of murder in society.

### METHODS OF EXECUTION AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Capital Punishment, as has been mentioned earlier, has no uniform universal method or criteria. Different countries follow different methods of execution and many a times different states in a country follow different methods from one another. The most common method of execution in Eastern countries is hanging, whereas in the Western countries, the use of lethal injections for execution is predominant. Lethal injection executions can be based on either a singular drug protocol or a three drug protocol, which is decided upon on a case to case basis, keeping in mind the circumstances as well as important criteria such as the BMI of the individual being executed. Other methods include electrocution, gas chamber and firing squad. Stoning, as a method is used primarily in Islamic countries for adultery and its legality is often questioned, not without reason.

All methods of execution are often question on the basis of legal sanctity and moral values. The Universal Declaration of Human Rights, adopted by the United Nations in 1948 preaches each individual's right to life and states that no one shall be subject to cruel and degrading punishment. The Death Penalty, in its basic sense is a violation of both these provisions.

### ESTABLISHING A UNIFORM UNIVERSAL CODE FOR DEATH PENALTY & ITS ALTERNATIVES

With the coming of the age of Globalization, the need for uniformity has been highlighted greatly over the past few decades. With respect to Capital Punishment, all countries have laws different from one another. The legal procedures, requirements, alternatives and conditions surrounding capital punishment vary from country to country depending on their socio-political and religious circumstances. Committee must deliberate upon the possibility of forming a universal code for death penalty, as well as explore the option of the abolition of the death penalty, as deemed fit by the international community. Though territorial demarcations have been overshadowed by the cultural and social milieu, it is important to note that to come up with a universal law for Death Penalty can be testing as rates of crimes, methods of punishment and



the circumstances and political stability differs from one geopolitical region to another. If the abolition of the death penalty is considered, suitable alternatives need to be devised which would have the same, or better deterring effects on criminals, and would be viable from the point of the logistics as well as the economics of a country. It must be noted, that with the emergence of the era of preservation of Human Rights, all governments should work in collaboration with Human Rights bodies to ensure the protection of all that is due to a human being.

### CAPITAL PUNISHMENT FOR VARIOUS CRIMES

**CASE STUDY:** Saddam Hussein, President of Iraq from 1979-2003 was executed on 30<sup>th</sup> December, 2006 by hanging to death as he was found guilty of 'Crimes against Humanity' by the Iraqi Special Tribunal. He was found guilty of murdering Shiite Iraqis in retaliation of an attempt to assassinate him in 1982. Saddam Hussein was abused verbally by those carrying out the execution, and even in his last minutes, he was very particular as to not wanting his face covered. There was speculation about the way in which the execution was carried out. Reports alleged the presence of stab wounds on the body of Saddam Hussein, but no substantial proof has been found for the same.

The official video documentation stopped short of showing the actual assassination but there were unofficial amateur videos taken and arrests were made with respect to the same, but not soon enough to prevent it from going viral on the internet. Human Rights Watch issued a statement that the execution followed a flawed judicial proceeding, whereas Amnesty International's opposition for the death penalty grew stronger. This execution was a milestone in providing the push needed for the UN Moratoriums and various uprisings for the abolition of the Death Penalty. **What should the principles governing the Media involvement in executions be? How can their role be judged and moderated?**

**SADDAM HUSSEIN DEFENDING HIMSELF AT THE TRIAL**



## SEXUAL OFFENCES

Sexual assault can be defined a physical attack of a sexual nature that violates the sexual integrity of the victim. The victim of the sexual assault can be of either man or woman and the attacker can be of the same or different sex. Capital punishment for rape is a very controversial topic. Countries like Egypt, Guyana, Iraq, China, Kuwait, U.A.E, and Tunisia consider rape a capital crime, and death penalty for rape is very common in these countries. Other countries like Afghanistan, Saudi Arabia, consider homosexuality a capital crime and sodomy laws are very strict. Countries like India are undergoing a change in their view of capital punishment with the increase in the number of violence against women in the country. Countries in which the Sharia law forms the basis of governance have intrinsically followed a stringent policy towards capital punishment with regards to rape and adultery. In these countries the authenticity of the testimony depends wholly on gender. Countries are introducing the death penalty for child molesters. Debate is raging in many countries as reports show that capital punishment does not hinder crime rates, or instill any fear among the offenders, while those supporting capital punishment argue that rape, especially against children is the worst crime that can be committed and the only punishment worthy is death. With respect to committee proceedings, the board will look favorably upon determining the purview of sexual offences as well as delving into the details of alternatives to capital punishment in terms of sexual offences, and the establishment of comprehensive steps before the death penalty is meted out. All socio-religious aspects of a country's environment must be kept in mind while coming to a decision on the same.

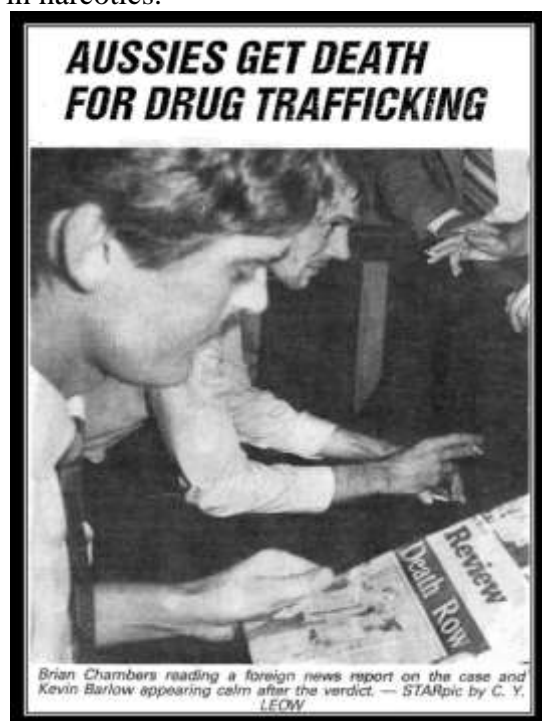


## NARCOTICS

Capital punishment for drug trafficking and narcotics has been very common in many countries like Afghanistan, Bangladesh, Egypt, Iraq, Singapore. In Singapore under the misuse of drugs act, any person importing, exporting, or found in possession of more than a certain amount of drugs receives a mandatory death sentence. China too has very strict laws against drug trafficking on account of it sharing its border with two major areas of drug production, the so-

called 'Golden Triangle' area. Studies show that the Golden Triangle produces up to 70—80 tons of heroin each year, and that the annual opium production in Afghanistan is more than 3,600 tons, much of which comes into or through China. Iraq has been waging its war against misuse of drugs for long now. More than hundred have been sent to the gallows for drugs related offenses. And even in India, the high court sentenced a man to death penalty for a drug crime for the first time in 2011. In light of these reports UNODC frowns upon the use of death penalty in narcotics. "UNODC advocates the abolition of the death penalty and calls upon Member States to follow international standards concerning prohibition of the death penalty for offenses of a drug-related or purely economic nature," A report stated.

those opposing the use of death penalty have many arguments mainly stating that from a criminal law perspective, drug-related crimes are non violent, and do not directly endanger the human life. Drug-related crimes are therefore not on a par with murder, terrorism or other acts resulting in death or serious injury and cannot have the same punishment as those, mentioned above. Another strong argument states that In the absence of any victims, drug related crimes cannot really be considered as offenses and therefore the death penalty is not suitable punishment. This committee will be expected to discuss the suitability and validity of the use of death penalty in narcotics.



## **BARLOW AND CHAMBERS EXECUTED FOR DRUG TRAFFICKING**

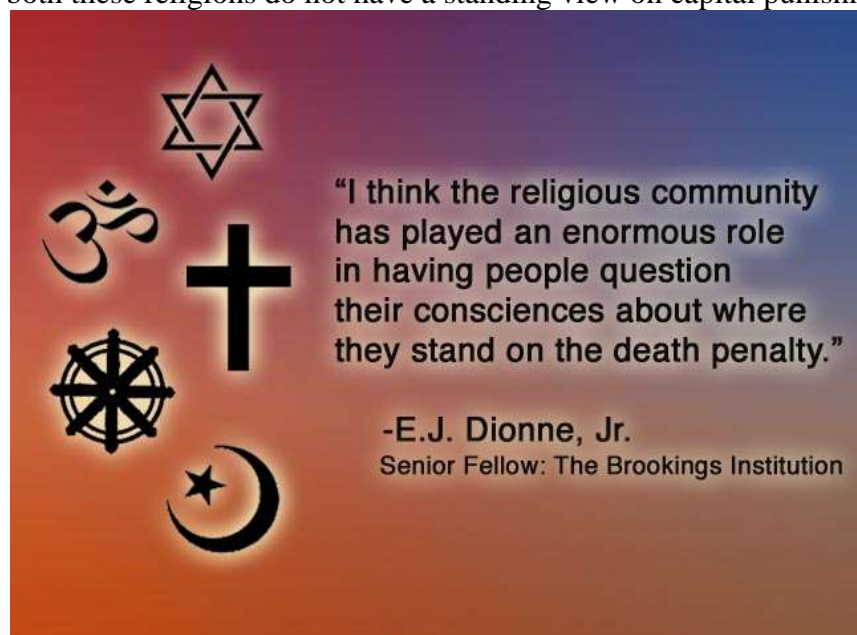
### **RELIGIOUS OFFENCES**

'Religious community has played an enormous role in having people questioning their consciences about where they stand on the death penalty.' Many religions have different views on capital punishment which ends up affecting the national view in cases of theocracies. Islam, for example, on the whole supports capital punishment therefore Islamic countries that practice a very strict Sharia law are associated with the use of capital punishment as retribution for the

largest variety of crimes. But even then there are exceptions such as Albania and Bosnia which while retain the death penalty are abolitionist in practice. Intentional murder, treason, rape, adultery, homosexual activity blasphemies are all considered capital crimes. In Geneva, on 28th April 2005, there was a call for a moratorium on corporal punishment, stoning and death penalty. This was, however, rejected by the Legal Research Commission of the Al-Azhar University in Cairo, the world's leading Islamic learning centre.

Christians on the other hand argue both for and against capital punishment. Pope Innocent III, for example, put forward the proposition: "The secular power can, without mortal sin, exercise judgment of blood, provided that it punishes with justice, not out of hatred, with prudence, not precipitation." The argument that Christianity supports the death penalty comes from the argument that the state is the agent of god who does have legal power over life and death. on the other hand abolitionists argue that Christianity is based on forgiveness and compassion which goes directly against the basis of capital punishment. Another strong argument is that the main tenants of Christianity is that of free will according to which each individual is adjudged competent to be responsible for his or her wrong doings or the lack of them thereof the punishment meted out is based on the principle of religious supremacy wherein one shall repent or be punished only by god.

Buddhism is solely based on karma. Karma, both good and bad, is inevitable. There is no need of a God to judge or to punish, or to prescribe punishment or to give authority to men to punish. Hinduism also supports this view and further supports the path of non violence. Both officially both these religions do not have a standing view on capital punishment.



## CORRUPTION

Corruption is considered a serious capital offense in China, Indonesia, Vietnam, and Taiwan. The ideology behind this is basically that while no country can ever have zero corruption, having a zero tolerance for it, implemented through making those corrupt eligible for capital punishment, will go a long way when it comes to managing or reducing corruption. As corruption is the main ill that plagues their society countries like Nigeria are too moving towards

making corruption a crime punishable by death. There is a lot of controversy surrounding this topic as views vary massively. As reports state that countries where the death penalty for capital punishment has been introduced has brought about a marked decrease in their corruption rates, making corruption a capital crime is becoming an increasingly attractive option for many countries. But this is criticized by many organizations on humanitarian grounds and that capital punishment is too harsh a punishment to be given for a crime like corruption. Nevertheless many countries do have death penalty for those penalized with corruption charges and it is an extremely pertinent discussion for this committee.



#### **FORMER CHINESE AIRPORT CHIEF LI PEIYING EXECUTED FOR CORRUPTION TREASON**

Treason is an act of disloyalty or betrayal of trust to a person's own government. Examples include assassination of a state figure, fighting against his or her own nation in a war, assisting enemy combatants, or passing vital government information to the enemy. It has been on the list of capital crimes since the idea of death penalty was first formulated. Treason has always been considered as one of the worst crimes a man can commit, more so in the past when betrayal of the king meant betraying God. Even today treason remains the highest crime which can be punished by the highest penalty. For example in the state of Michigan, where capital punishment is abolished, a person who commits treason may be given the death penalty. Traditionally, family members of someone convicted of treason too were punished which was particularly common in China. United Kingdom too has very strict laws against treason. The Treachery Act 1940 was the



last act to be passed with respect to Treason. Recommendations have been made for "thorough reform and rationalization of the law" of treason.



**WILLIAM JOYCE EXECUTED FOR TREASON AGAINST THE UNITED KINGDOM**

## TERRORISM

Terrorists are among the most brutal, violent criminals in existence and discussions regarding their punishment are one of the most debated topics in the world today. Most countries which retain death penalty have categorized terrorism as a capital crime. India even executed Ajmal Kasab in November 2012 for being directly involved in 26/11 Mumbai terrorist attacks. But this incident too sparked many debates questioning the legality and effectiveness of death penalty being given to terrorist. Arguments against the death penalty states that killing these terrorists turns them to martyrs in the eyes of the people and many attacks may be instigated as means of revenge. Another popular argument also states that capital punishment does not provoke any fear within terrorists or political criminals, who are ideologically motivated and devoted to sacrifice for love of their cause. These fanatics do not hesitate to die for their cause and therefore the death penalty is not something that will hinder them from committing the crime. Many organizations like Amnesty international have done notable work in the field of abolishing capital punishment.



### **AJMAL KASAB EXECUTED FOR AFFILIATION WITH THE 26/11 ATTACKS IN MUMBAI, INDIA.**

#### **CAPITAL PUNISHMENT WITH RESPECT TO WOMEN**

In most countries, women are treated the same as men in terms of meting out capital, there are a few extraneous circumstances. When the woman in question is a mother on whom the child is entirely dependent the sentence is, at times commuted.

Furthermore pregnant women may not be hanged according to natural legal principals which state that one should not be punished for a crime one has not committed. In many countries which follow the Sharia law, a woman's report of a crime needs to be seconded by men, and laws relating to capital punishment may be biased against women and the poor.

#### **CAPITAL PUNISHMENT WITH RESPECT TO MENTALLY UNSTABLE CRIMINALS**

Those criminals, who aren't in a stable state of mind while committing the crime or during the trial, usually aren't legally executed. But the point of contention remains those who are sane during both the crime as well as the trial but lose their mental stability during the time between the death sentence and the execution. Executing mentally unstable people isn't allowed and this draws its authenticity from Article 5 of the Declaration of Human Rights. Though initially allowed in countries like the USA, this was overturned. Case in point is Atkins vs. Virginia which was decided in the Supreme Court. This verdict held the verdict in the case Penry vs. Lynaugh.

## **PAST INTERNATIONAL ACTIONS**

According to a report “There is a downward trend in the number of death sentences and executions around the world. In 20 years, more than fifty countries have become abolitionists in law. To date, 97 states have abolished the death penalty for all crimes, 8 have abolished it for ordinary crimes, and 36 are observing a moratorium on executions, i.e. 141 states in total. However, the death penalty is still applied in 57 states and territories. Since 2011, 23 states have carried out executions. While the number of countries carrying out executions is decreasing, the latest report from Amnesty International lists 676 executions in 2011, compared to 527 in 2010, demonstrating an increase in executions in the core retentionist countries, mainly Saudi Arabia, Iran, and Iraq. Moreover, the actual figure is difficult to determine in the absence of official statistics in some countries, including China. The number of sentencings has meanwhile declined from 2024 in 2010 to 1923 in 2011. Mongolia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty in January 2012. Latvia abolished the death penalty for all crimes in January 2012. Honduras and the Dominican Republic ratified the Additional Protocol to the American Convention on Human Rights concerning abolishing the death penalty respectively in November 2011 and January 2012. In the United States, Illinois and Connecticut became the 16th and 17th states to abolish the death penalty in March 2011 and in April 2012 respectively. North Africa and Middle East Despite the hopes raised by the Arab Spring, none of the 22 states in the region have abolished the death penalty. In 2011, at least 558 executions were recorded in eight countries (Saudi Arabia, Palestinian Authority, Egypt, United Arab Emirates, Iraq, Iran, Syria, and Yemen), including several hundreds in Iran, 68 in Iraq, and at least 82 in Saudi Arabia, a trend that continued in 2012. No information is available regarding Libya’s use of the death penalty in 2011, but numerous reports indicate extrajudicial killings by all parties in the conflict. Other countries have been observing de facto moratoria for several years (Tunisia since 1991, Morocco and Algeria since 1993, Lebanon since 2004, and Jordan since 2006).”

## **JUVENILE DELINQUENCY**

The Second United Nations Congress on the Prevention of Crime and Treatment of Offenders states “By Juvenile Delinquency should be understood the commission of an act which if committed by an adult, would be considered a crime.”

Juvenile Delinquents are those offenders including boys and girls who are normally under 16 years of age. A juvenile delinquent is a young person incorrigible or habitually disobedient. Acts of delinquency may include (1) committing sexual offences, (2) shop-lifting, (3) gambling, (4) stealing, (5) habitual truancy beyond the control of parents.

A few reasons for Juvenile Delinquency may be classified into two categories, (A) Social Causes and (B) Personal causes.


Delinquency prevention is a very important aspect as prevention is always better than cure. All social conditions promoting delinquent behaviour among juveniles, like poverty, family problems, companionship, mental disabilities and other emotional problems should be dealt with

by competent authorities in order to ensure that the youth doesn't come upon the urge to commit crimes.

## JUVENILE DELINQUENCY AND THE DEATH PENALTY

### CASE STUDY: THE DELHI RAPE CASE

On 16<sup>th</sup> December, 2012 a women was gang raped and murdered in Delhi, while returning home on a bus with a friend from the opposite sex. All the accused were charged with rape and murder and then arrested and this case led to a nationwide uprising asking for reformation of the laws with respect to rape in the country of India. Out of all the offenders, the one who is said to have caused the greatest injury to 'Nirbhaya' was a seventeen year old boy. The youth of India, led a protest calling for the death penalty to be meted out to all the criminals concerned, but keeping in mind international law, the Juvenile cannot be subject to such punishment. As is mentioned, the intensity of his misdoings overpower that of the adults present, one of whom- Ram Singh has committed suicide in jail. Is it fair that the Juvenile be saved from harsh punishment on pretext of his age, when the crime committed by him has led to the death of an innocent woman? Should India reconsider Juvenile Delinquency laws, to suit the circumstances it is in?

A TOUGH LINE ON SEXUAL OFFENCES			
THE CRIME	WHAT THE CABINET RECOMMENDS	WHAT THE VERMA PANEL PROPOSED	 <p>■ Rape by police in police station or on a woman in custody, rape by a public servant taking advantage of his official position, rape by the staff of a jail, remand home or other place of custody, rape by the staff of a hospital, rape on a pregnant woman, rape on a woman less than 12 and gang rape shall not be punished with a term which shall not be less than ten years but which may be for life and shall also be liable to fine</p>
<b>RAPE</b>	Minimum 7 years in jail to life imprisonment	Did not recommend death for rapists, but suggested that the punishment be rigorous	
<b>GANG RAPE</b>	Minimum 20 years, could entail a life term till death	Jail for not less than 20 years, which may also extend to life	
<b>IF VICTIM IS BRAIN DEAD</b>	Death penalty	Rigorous imprisonment for not less than 20 years, but may be extended for life also	
<b>MARITAL RAPE</b>	Not covered under the proposed amendment Bill	Exception to marital rape should be removed	

With industrial and technical development, there has been a change in the mental abilities of Juveniles. The time at which laws relating to them were codified, had not seen such progress, and there was a stark difference between the mental capabilities of adults and juveniles. Nowadays, we have teenagers passing medical exams and being adjudged doctors, and adolescents graduating from college. The relevance of the term 'juvenile' has changed drastically over the past few years. Owing to trying circumstances, the youth sometimes take to the life of

crime. Crimes that would be punished severely if committed by an adult are punished mildly in the case of juvenile delinquents. The death penalty, which is the most severe crime, is usually not meted out to juveniles, with exceptions. But, what holds more importance today is not the age at which the crime has been committed, but the circumstances leading to it. It is considered that, children or juveniles are easier to coerce into committing crimes, and since their mental development isn't complete, they cannot be held fully responsible. However, keeping in mind the change in circumstances, one can raise innumerable questions:

- Can the mental development for all human beings be uniform? If not, then why are juveniles not punished as severely as adults for crimes they commit on their own merit, whereas others their age don't?
- Since the age under which people are considered Juveniles differ from country to country, and sometimes state to state, how is the trial or execution of one person for a similar crime justified when due to national laws, another person doesn't follow the same protocol?
- Is it possible to establish a uniform standard, for evaluating the conduct and punishment for Juvenile Delinquents? If not, what are the alternatives for the reformation and punishment of Juvenile Delinquents?

## **BLOC POSITIONS**

Capital Punishment with respect to Juvenile Delinquency is a topic which requires close deliberation of international policy. At the outset, there can be two distinct blocs establish, one consisting of countries in favour of abolishing Capital Punishment and the other, believing in its validity albeit necessity. Following this format, blocs can be further divided into those countries which believe capital punishment laws need to reform, and those who believe that even though the death penalty shouldn't be abolished, certain changes should be made in order to increase judicial efficiency. Among countries which believe in the abolition of Capital Punishment, views would differ with respect to the viability of alternatives. Religious perspectives, in terms of theocracies, are welcomed. Many countries that are governed by religion will have a different outlook on the agenda altogether. The board will be expecting every delegate to stick by their country's foreign policy, at any given circumstance.

## **PROPOSED SOLUTIONS**

- Collaboration with NGOs, IGOs and Human Rights organizations to devise solutions that bridge the gap between maintaining the disciplines as stated in documents such as the Universal Declaration of Rights and the needs of the present day.
- Establishing a case to case law for Juvenile Delinquents, in order to meet the needs of situations perfectly rather than generalizing all cases which might lead to acquittal of the guilty or execution of the innocent.
- Spreading awareness about problems faced by the youth that may lead them to commit crimes, and taking action under the Governments of respective countries to ensure that these crimes aren't committed.



- Reviewing the list of non-bailable offences and capital crimes and re-stating them with relevance to the current situation.

### **SUGGESTIONS FOR FURTHER RESEARCH**

The board would like to make it absolutely clear that this study guide is to be used as a base or structure for further research. Delegates are expected to research extensively about the topic, following the format of the study guide.

Country Policies and Bloc Positions are of utmost importance. Delegates should review their policy with respect to the Death Penalty as well as other countries, both opposing and proposing their country's ideology.

Organizations relevant to the topic must be researched upon. Programmes and projects undertaken by these organizations are of utmost importance to this committee. The role of NGOs in mediation must be considered. Particulars such as founding, funding and membership of such organizations must be known by all delegates to ensure existing bodies are utilized properly to combat the problems at hand.

A General Assembly requires an in-depth understanding of the topic at hand, past legislation, action with respect to the agenda in order to move towards a better future. Delegates are advised to be thorough with their historical overview.

Racial disparities with respect to Capital Punishment should be looked into, as well as any cases which are exceptions to the accepted norm in any case.

### **QUESTIONS A RESOLUTION MUST ANSWER**

1. Is Capital Punishment a justifiable Punishment for any crime? Should the Death Penalty be abolished altogether? If so, what are the effective alternatives for what are known as capital crimes in today's day and age?
2. Should the methods of execution be altered, and if so how?
3. Is it possible to establish a uniform International law with respect to the Death Penalty, which would cater to the needs of all countries equally?
4. On what basis should the punishment for crimes committed by Juveniles be determined?
5. What are the reformatory steps that can or should be taken with respect to Juvenile Delinquents?
6. Should there be a universal age separating Juveniles from adults, and if so what?
7. In extreme cases, can Juveniles be executed? If so, how would extreme cases be defined?
8. What are the minimal legal procedures that need to be carried out before Death Penalty can be awarded?

## **TOPIC AREA B: ROLE OF MEDIA IN WARZONES**

### **Overview of the Problem**

*Power must be held accountable. The mainstream media is a pillar of a functioning democracy, and one of its roles therefore, is to hold power accountable. What journalism is really about—it's to monitor power and the centres of power.*

— Amira Hass

The debate between the 'right to know' and knowing what's 'right' is one that has been met with interest in the international community and is one which has led to the United Nations deliberating and thus eventually taking a stance on the role of media in warzones. The definition of media has been altered since the concept of media was introduced; especially with the development of communications and industrialization. Media has expanded to include social media and the censorship of the internet and other new modes of communication by states has come into serious question. Provision of both accurate, reliable as well as the holistic presentation of events regardless of the scenario that they deal with is a right that should be guaranteed to all regardless of nationality or relation to the topic. Ethical neutrality while reporting instances of armed conflict has been a problem that has plagued the world since the magnification of the importance of the media in today's society. The liberty and freedom guaranteed to the media by a state is a reflection on the democracy and if not democracy in its truest form, then democratic values, of the respective state. As war becomes increasingly modernized, mediated, technologised and informative, allows one to believe that the media is the battleground of the war. The belief that media and military networks have converged to a point that they practically indistinguishable shows that dilemma is not as to whether the media is promoting or opposing a particular conflict, but that they are the deciders of the events of contemporary conflicts. The sharp increase in the relevance and importance of the media has brought about an urgent need in the international community to come to a consensus on the limitations that should be imposed on and freedoms that should be guaranteed to the media.

### **The Current Situation**

#### **Role of the Journalist**

As per the 1975 United Nations International Convention on the Protection of Journalists Engaged in Dangerous Missions in Areas of Armed Conflict draft resolution the term "journalist" refers to *any correspondent, reporter, photographer, and their technical film, radio, and television assistants that are ordinarily engaged in any of these activities as their principal occupation*. War correspondents, on the other hand are authorized members of the armed forces. The journalist's main role has been as communicating the war as a critical observer, publicist and neutral reporter. It would be ideal to think that organizational, personal and ideological differences would not play a role in reporting; however this is not to be seen in many cases. The most famous of those being the Vietnam War in which American media companies were accused of being insensitive in their portrayal of American losses which affected public opinion enough to effectively lose the war. The Vietnam War was a classic example to show that the media not only has the power to shape public opinion, but also that of politicians, military heads and other s who directly affect the progression and outcome of the war. The 'watchdog' role of the media is

seen to be a pressurizing factor on governments to justify their military and other actions and for them to be increasingly transparent.

The United Nations recognizing the positive contribution that journalists have made in situations of armed conflict emphasizes the need to curtail presentation and *promotion of false images and negative stereotypes of vulnerable individuals or groups of individuals and to uphold and respect human values*. On the other hand the UN guarantees to all the right to *seek, receive and impart information* endowing journalists with a certain amount of power making them supreme in this regard.



**BARKHA DUTT, AN INDIAN JOURNALIST REPORTING FROM THE KARGIL WARZONE**

#### Protection of Journalists in Warzones

The unique characteristics of their career leave journalists more vulnerable than regular civilians in both internal as well as external armed conflicts. Year after year, the UN departments involved in protecting human rights receives hundreds of reports of individual journalists who have been tortured, beaten, detained or killed while executing their work. Minimal protection for media personnel is undermined by the regular use of search warrants on media offices and journalists' homes, in many jurisdictions. Misuse of data protection laws, use of legal and illegal surveillance, and extraordinary measures employed by some States by the in the fight against terrorism also contributes to the weakening of protection.

Mental and physical sufferings borne by journalists on foreign soil causes further friction has a direct impact on freedom of the press, , reconciliation, durable peace and development of relations between the nations involved and becomes a bone of contention between them. With the volatile situation in the Middle-East and Arab region due to the Arab Spring, there has been a sharp increase in civilian as well as journalist casualties in the recent past. The raging civil war in Syria resulted in the death of 28 journalists in 2012 alone and that of a French journalist, Olivier Voisin in February 2013. They were victims of an information war waged by conservative orthodox opposition forces, as well as President Bashar al-Assad's regime which is hostile to any opposition or resistance and was making an attempt at imposing a news blackout. The Committee to Protect Journalists releases an annual list of journalists, cameramen, photographers, soundmen and radio reporters who have been kidnapped, threatened, murdered or

died on cross-fire. Iraq, Algeria, Russia, Colombia, Philippines and India have been among the most dangerous countries for media personnel in the last decade. On the other hand, though most American journalists are appointed in conflict areas and are more bold, intense and outspoken in their views there have only been 9 out of 340 deaths in the last decade, this highlighting the efficiency of the American government in protecting their civilians.

International human rights, humanitarian, and refugee laws allow for the judicious and reasonable use of force and compassionate conduct towards unarmed non-combatants.

International law protects and grants immunity to the person concerned regardless of the nationality of the person, i.e.: any journalist who is a national of a state involved in the conflict or a national of a neutral state is generally protected under international law.

In order to ensure the safety and protection of media workers engaged in areas of armed conflict, the 'Charter for the Safety of Journalists Working in War Zones or Dangerous Areas' was drafted. It is used as a safeguard as though international law endeavors to provide the requisite protection; in actuality it is difficult to ensure safety in an antagonistic environment. Along with the responsibility of media managements to take maximum efforts to reduce risks involved, basic protection compensation and guarantees are granted to them in accordance with 8 principles which are: commitment, free will, experience, preparation, equipment, insurance, psychological counseling and legal protection.

### Propaganda

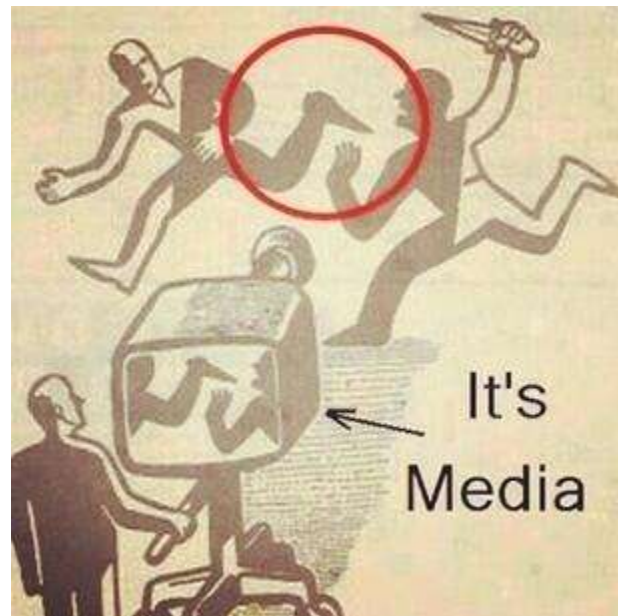
*Propaganda is to democracy what violence is to totalitarianism* - Noam Chomsky

Propaganda can be referred to as the calculated purposeful wide spreading of information, ideas, or rumors with the intention of aiding or deterring a person, group, movement, institution, or nation. It is characterized by distortion, misrepresentation and/or exaggeration of facts with the aim of gathering support. Propaganda seems to induce fear among civilians causing them to behave in an inconvenient and distasteful fashion thus adding to the problems of the nation. In the context of war, propaganda has been used widely and the most notable instance of it was its use by the Nazis to gather support before and during World War 2. Although propaganda is evident in totalitarian regimes as it is more obvious and obtrusive, one cannot negate its presence in democratic societies as well. Thus regardless of the dependability and respectability of a media house, in times of armed conflict, the unscrupulous use of the media to propagate ideologies that directly affect the war has been seen in many instances. In order to avoid propaganda especially in sensitive and volatile situations, media houses can be held accountable to the public as well as to respective governments. The US government to justify their invasion of Iraq in 2003, propagated the idea that it was Saddam Hussein alone who could have carried out the 9/11 attacks, allowing the government to gain popular assent of the people to carry out their actions. Their propagandist actions not only won them domestic approval, but also shaped international public opinion and made USA the father figure in the War against Terror.

### Hate Media

Hate Media is any violent action, which helps to demonize and stigmatize people that belong to different groups. Infamously known to have incited the Rwandan genocide, this type of media was also used by Der Stürmer in Nazi Germany. The radio station Radio Télévision Libre des Mille Collines(RTLM) was accused of inciting antagonistic sentiments among the people leading to the 100 day long genocide in Rwanda and resulted in the loss of 800,000 Tutsis and moderate Hutus. Three former media executives were convicted by The United Nations tribunal in Arusha

of being key figures in the media campaign to incite ethnic Hutus to kill Tutsis in Rwanda in 1994.



### Media Management and Public Relations

The importance of public relations cannot be undermined. Professional public relations firms often take up propaganda for purposes of war using Perception Management as their key tool. In circumstances where a war is controversial, the PR firms are indirectly affecting the eventual outcomes. Political policies and ideologies are also promoted by media management and may become problematic when media reports do not attribute reliable sources.

In 1991, during the The Gulf War in Iraq the founder of The Rendon Group (a Washington PR firm) John Rendon told cadets at the U.S. Air Force Academy in 1996: Did you ever stop to wonder how the people of Kuwait City, after being held hostage for seven long and painful months, were able to get hand-held American, and for that matter, the flags of other coalition countries?" He paused for effect. "Well, you now know the answer. That was one of my jobs then.

### Social Media

Social media can be defined as a set of computer-mediated communication tools. It results in an environment of "user-generated content" and creates among the public a participatory culture. Social media is used for different purposes by civilians depending on where they are in the crisis; and because people are experiencing several stages simultaneously, war presents a special case for crisis informatics and allows social media to serve different needs. As crises are inherently decentralized, disconnected events the social media and other networked technologies play a crucial role in coordination. Research conducted on the Iraq war showed that social media



allowed civilians to report events as they unfolded and enabled the open discussion of topics that were socially unacceptable to otherwise discuss.

During a crisis, and especially in situations of armed conflict, government officials attempt to restore normalcy, partly by brokering information. Like in the United States, government officials called Public Information Officers (PIOs) are “charged with coordinating communication activities and performing as spokespersons” during crises. With the advent of the age of the social media, it has been found that the role of the PIO has changed: not only does direct interaction take place between PIOs and the public on social media; but the PIOs also have control and monitor the fast-spreading distorted and vague information on these new platforms. In volatile situations, government agencies attempt to leverage technology to keep the masses informed however this leads to presentation of insufficient and/or attenuated data.

Social media curation is a process aiming at spreading information to new audiences by selectively identifying and sharing content coming from the broader stream. Social media curators position themselves as intermediaries in the flow of spreadable media. Research on crisis informatics has started to examine decentralized efforts at news curation where large numbers of somewhat homogenous participants collaborate to archive information about crises like the 9-11. Moreover, in times of crises, mainstream media often encourages civilians to share information via social media.

Even though there is a distinct growth in the power of the social media and other information technologies, in war zones, PIOs and other government agencies are significantly weakened by conflict and are unable or unwilling to carry out their role leading to government information being unreliable under such circumstances. The US Army in their Media Handbook suggests the use social media in a crisis rather than avoiding it claiming that *using social media to communicate with stakeholders during a crisis has proven to be effective due to its speed, reach and direct access.*

The most significant victory of the social media was the 2011 Egyptian revolution which, sparked off by the Egyptian youth on popular social networking site Facebook, eventually saw the fall of the President Hosni Mubarak and the gradual development of democratic governance in Egypt.

The Israeli-Gaza conflict saw the introduction of widespread social media warfare. Over and above the physical war, a high-intensity virtual war on the public is being waged.

The sharing of clips on YouTube and posted messages and images on Facebook and Twitter by both the Israeli Defence Force (IDF) and Hamas initiated heated debates. Many reporters as well as civilians from both sides of the conflict have actively participated in these discussions, making social media an important element of both reporting and criticizing the conflict.

However, studies suggest that Israel’s attempts at using social networking to support foreign policy appear to be failing.

Most recently, the social media web sites have reacted with apparently humorous or mocking images of North Korea’s leader Kim Jong Un's and other compromised messages and photographs after his final approval with the nuclear war on the United States. An anonymous, decentralized group of hackers have accepted responsibility for the taking over the North Korean social media accounts like Twitter and Flickr.

### Information Operations

Information operations and warfare, is also known as influence operations is the *collection of tactical information about an adversary as well as the dissemination of propaganda in pursuit of a competitive advantage over an opponent*. The military often attempts to restrict or manage what information is presented with the aim of manipulating the mainstream media, and hence adversely affects what the public are told. For the military, controlling the media is of paramount importance. Organizing media sessions and daily press briefings, providing managed access to war zones, and even planting stories are all activities involve and have been practiced throughout the 20th century. Over time then, the way that the media covers conflicts degrades in quality, critique and objectiveness.

Old technology is being rapidly replaced with digitized packets on Internet-protocol and space-based networks in the U.S. Army as elsewhere when it comes to information sharing and media broadcasting. As the Army makes pertinent changes to keep it updated, it will be important to identify the implications and potential boundaries of cyberspace operations as well as to approach information operations with a plan to organize and consolidate its operations in the psychological and technological realm.

The balance between deceiving the opposition and maintaining public support is essential for the military. The invasion of Iraq in 2003 by USA saw the embedding of journalists within the Coalition forces. On the one hand it provided media outlets detailed and factually accurate information and on the other it provided the military with a means of controlling information to some extent. These embedded journalists allowed the military to provide vivid images while minimal insight into the actual problems was given.

### Censorship of the Media

*I'm for censorship. I believe we have to be very careful about reporting information that will be of comfort to the enemy* - Walter Cronkite, legendary CBS newscaster and correspondent

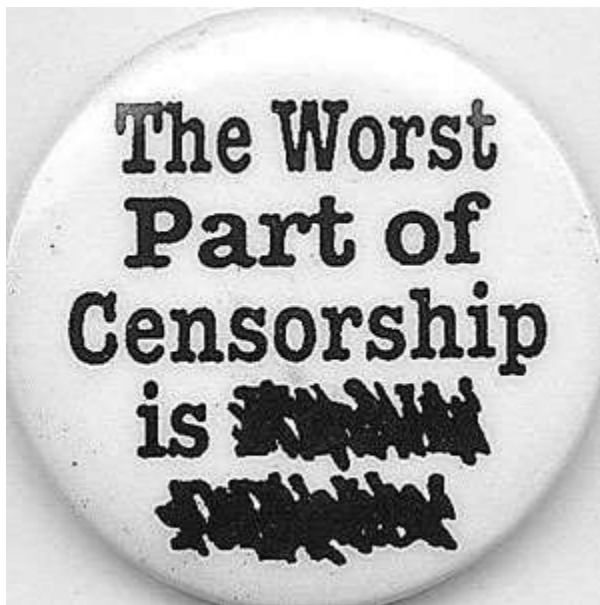
In the international political spectrum, the role of censorship in media has, in some cases, been taken to new extremes. Technologically advanced techniques such as blocking of the internet, as well as use of physical force in the manner of mass imprisonment of journalists, to ebb the flow of information has been seen in a bid to control the media. Journalists from foreign outlets are subject to harassment and prosecution. In rare cases, authorities in nations, such as in North Korea, block international news sources in a bid to exercise control over their country. As in the case in Equatorial Guinea the population is denied access to any international new coverage unless state officials travel abroad. denying foreign journalists visas and accreditation is also a way of isolating the nation from international news. With respect to war, censorship of information can be thought of as undermining public trust.

Research conducted in late October 2001 showed that 59% of the respondents preferred the military-controlled war reporting compared to 28% of the respondents who preferred the media indicating that the medias appeal for increased access to the battlefield is not even getting the support of the very public the media is fighting for; that is, the public is supporting media restrictions.

Some effects of the censorship of information in times of war are lack of independent verification of government reports about the war, increased tension and mistrust between the media and government/military officials, reporting of rumors and distorted stories, compromising freedom of expression due to censorship and self-censorship, dissemination of wrong information, mass flow of reporters to the war area, infighting among the media groups due to limits on the number of reporters covering the war in the field as well as intensified media

war, recycling news due to the lack of forthcoming news, making deals with the opposition and media losing audience to other more objective media outlets.

Chile and Hungary, as well as many other well-established democracies, saw a decline in the freedom of the press in 2011, causing international alarm. The proportion of the global population that enjoys a Free press has fallen to its lowest level in over a decade as a result of status downgrades in a number of previously 'Free' countries: Approximately only 14.5 percent of the entire world's population live in countries where coverage of political news is flourishing, there are guarantees for the safety of journalists, state intrusion in media affairs is minimal, and the press is not subject to onerous legal or economic pressures. Ecuador, Macedonia, Malawi, Uganda, and Ukraine and a number of other nations; which previously had Partly Free media environments, also saw deterioration in this respect.



### **Past International Actions**

The four Geneva Conventions, and their Additional Protocols and Hague Conventions, summarize and codify most of the customary international laws on the issue of the role of media in warzones as well. The relevant international legal instruments on this issue include but are not limited to the following:

**Right to Freedom of Opinion and Expression** guaranteed by the Commission on Human Rights who in its resolution 2003/42 *Stresses the importance of a diversity of sources of information, including mass media, at all levels, and the importance of the free flow of information, as a way to promote full enjoyment of the right to freedom of opinion and expression, and encourages the facilitation of access to the Internet, as well as international cooperation aimed at the development of media and information and communication facilities in all countries;*

It further urges all States:

- (a) To respect freedom of expression in the media and broadcasting, and in particular, to respect the editorial independence of the media, and to encourage a diversity of ownership of media and of sources of information, including through transparent licensing systems and effective regulations on undue concentration of ownership of the media in the private sector;

(b) To create and permit an enabling environment in which training and professional development of the media can be organized in order to promote and protect the right to freedom of opinion and expression and can be carried out without threat of legal, criminal or administrative sanction by the State.

States are called upon to respect all human rights and fundamental freedoms and calls on all parties to armed conflict to respect international humanitarian law, including their obligations under the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto of 8 June 1977, whose provisions extend protection to journalists in situations of armed conflict. States are asked to refrain from imposing restrictions which are not consistent with the provisions of article 19, paragraph 3, of the International Covenant on Civil and Political Rights, including on:

(a) Discussion of government policies and political debate, reporting on human rights, government activities and corruption in government, engaging in peaceful demonstrations or political activities, including for peace and democracy, or expression of opinion and dissent, religion or belief;

(b) The free flow of information and ideas, including practices such as the unjustifiable banning or closing of publications or other media and the abuse of administrative measures and censorship;

(c) Access to or use of modern telecommunications technologies, including radio, television and the Internet

(d) This freedom is provided not only for the content of speech but also method of its communication.

Article 19 of the **International Covenant on Civil and Political Rights** *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. And goes on to say that The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*

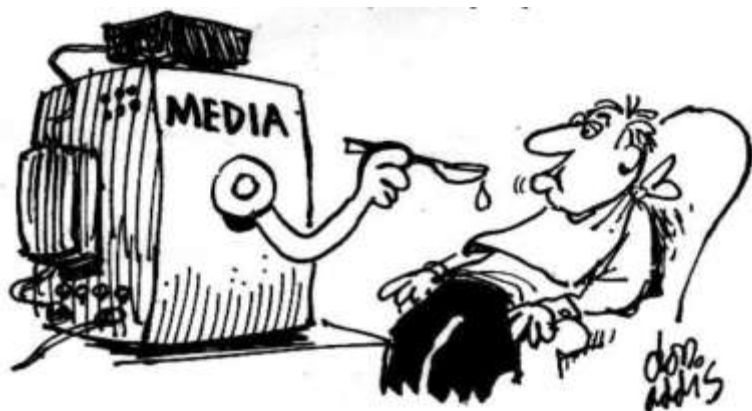
(a) *For respect of the rights or reputations of others;*

(b) *For the protection of national security or of public order (ordre public), or of public health or morals.*

Article 20 talks of any *propaganda for war shall be prohibited by law.*

The United Nations Security Council Resolution 1738 (2006) recognizes that *the consideration of the issue of protection of journalists in armed conflict by the Security Council is based on the urgency and importance of this issue, and recognizing the valuable role that the Secretary-General can play in providing more information on this issue.*

Under current international law, journalists are protected in three categories: war correspondents, civilians, and embedded/unilateral journalists. They are granted different types of legal protection and immunity under current international law.



### **Bloc Positions and Country Stances**

Keeping in mind areas ranging from legislation to violence against journalists, democratic countries are seen to have the most respect for media freedom: Finland has distinguished itself as the primary nation in this regard followed by the Netherlands and Norway. On the other hand, Turkmenistan, North Korea and Eritrea are seen to be the strictest in their media policies. Eritrea was recently affected by a brief mutiny by soldiers at the information ministry, continues to be a vast open prison for its people and lets journalists die in detention. Despite its reformist discourse, the Turkmen regime has not yielded sufficient control to the media. Syria, Somalia, Iran, China, Vietnam, Cuba,, Sudan and Yemen also have stringent policies on media. Paraguay's President Fernando Lugo's removal of an "institutional coup d'état," had an almost immediate impact on the news media and was accompanied by frequent program censorship. Despite a high level of physical violence against journalists, Peru now tops Brazil, who itself is one place above Bolivia which saw several media agencies being the targets of dramatic arson and/or dynamite attacks and where impacts of both national and local polarization are evident. After a year of extreme tension between the government and leading privately-owned media Ecuador's stand in the global arena fell. Venezuela, where several media were closed arbitrarily, a journalist was killed and more than 170 cases of violence were reported in a "media war" climate.

Although on a less dramatic scale, polarization is becoming a concern in Argentina, which amid growing tension between the government and certain privately-owned media, which is resisting full implementation of a law regulating the broadcast media. Costa Rica remains the most liberal in Latin America with respect to media policy.

In the recent past Central America has seen little change in the marked contrasts. Nicaragua, Guatemala and Panama shows a media having lack of pluralism, intermittent tension with the political authorities, harassment and self-censorship; Panama especially where attacks on journalists tripled in the space of a year. On the other hand, El Salvador government has made efforts to combat violence crime, even if journalists and media often complain about the lack of access to state-held information. The Dominican

Republic saw a decline in violence against journalists and legal proceedings that threaten freedom of information. Its neighbor Haiti's situation is still largely unchanged although some journalists have accused President Michel Martelly of hostility towards them.

Mali's military coup in Bamako in March 2012 and the north's takeover by armed Islamists and Tuareg Separatists exposed the media in the north to censorship and violence. Tanzania saw killing of journalists while Oman saw prosecution of 50 netizens and bloggers on cyber-crime



charges in 2012. Despite the existence of military censorship, journalists in Israel enjoy real freedom of expression.

In Asia, Japan has been accused of lack of transparency and almost zero respect for access to information on subjects directly or indirectly related to Fukushima. Malaysias access to information is becoming increasingly limited.

Three of the countries with major gains in terms of freedom of media—Burma, Libya, and Tunisia—had for many years endured media environments that were among the world’s most oppressive. Furthermore, they were accompanied by positive changes in several key countries outside the Middle East and North Africa: Burma, Indonesia, the Philippines, Thailand, and Zambia. Other countries that registered progress include Georgia, Nepal, Niger, Sierra Leone, and Togo.

### **Proposed Solutions**

While hoping that delegates will continue in their search for suitable solutions to the problem, this guide gives an insight into a few plausible solutions.

- Financial considerations, body armor, situational training and insurance to be given to journalists working in war zones.
- International campaigns to address the issue of media harassment Is essential to make the public sensitive towards journalists.
- Encouraging Public Information Officers (PIOs) and other government officials to coordinate communication activities and perform as spokespersons during crises
- Uniform laws that talk of the limitations and the guarantees given to media associations
- Framing of comprehensive set of laws to talk of the change in the role of and censorship on the media with respect to areas of armed conflict as opposed to under ordinary circumstances

### **Questions a Resolution Must Answer**

1. What is the basic yet essential role of the media in warzones as prescribed by the United Nations?
2. How will the United Nations change its position with the dynamic circumstances presented by the evolving social media?
3. What are the measures that the United Nations will take in ensuring the transparency and neutrality of media associations?
4. What action will be taken against those media associations that fail to comply with these provisions?
5. How will the United Nations involve itself in ensuring the security of journalists and other media personnel?
6. Under what circumstances will the United Nations involve itself in a conflict if civilians are victims of media persecution?
7. If the United Nations does involve itself, what justifications will be used and how will they ensure their efficiency?
8. What is the United Nations’ stance on Information Operations?

9. How does it justify taking this stance?
10. Will the United Nations take a stance on censorship if the media?
11. If so, then what will its stance be and how will this stance be justified?
12. Will this resolution deal with legal, social, military as well as humanitarian aspects to the problem or focus solely on one?
13. How will this resolution involve the use of NGO's and other organizations to make use of all the resources available to the U.N?
14. Keeping in mind the changing role of the media, what is the time frame within which this resolution will come into play before it is supplemented by a more updated one to accommodate the changes in the global society?

### **Suggestions for Further Research**

It is imperative for delegates to have a thorough understanding of the legalities and technicalities behind the role of media in warzones. The board would look favorably upon delegates who present factually correct and substantially relevant data rather than simply ethical or moral debates. Delegates are also encouraged to refer to other committees, conferences and organizations like the World Summit on the Information Society, Reporters without Borders, Global Internet Freedom Consortium and the IFEX and draw information, facts, statistics and relevant actions from them. Delegates should also look into the dynamics of cyber-warfare and its negative effects on presentation of information.

Studying the role of the media in historical events, even those in the recent past such as the Libyan Civil War; and those further back like the War in Iraq and the Vietnam War would give you an understanding on the relevant and important role that the media has played.

I would encourage all of you to follow the intricacies developing in the conflict zones of North and South Korea and other such zones which have experienced war in the recent past or are experiencing war at the moment. The active or passive role of the media should be monitored and critically analyzed.

It is of vital importance to diversify the sources of your information and gain perspective on the issue from a wide variety of sources so as to not only expose oneself to the varied opinions that exist within the international community but also to fully understand the momentum behind the policies and the motives behind those policies of your fellow delegate in committee.

I would encourage all delegates to begin their research with ample time left for the conference so as to allow them to delve deep into the intimacies of legalities surrounding the media. Delegates are recommended to research wisely and bring to the make research that is current and factually infallible their priority as it will aid them not only while making a point while addressing committee but also in their workings with fellow delegates.

### **Position Paper Requirements**

Position Papers are an essential part of any MUN. It allows the delegates to become familiar with their own country policy as well as the situation at hand. For this committee, it is mandatory for each delegate to submit **TWO** position papers: one for each topic. Position papers should include a header with (i) your full name/s, (ii) the topic area of the position paper, (iii) the country that you are representing, and (iv) the high school you are from. They should be single-spaced and in Times New Roman size 12 font. Each paper should have a minimum of 500 words and a maximum of 750 words. Ideally, each paper should be divided into three distinct parts. The first part should consist of an general overview of the agenda; the second should comprise of your

country policy on the agenda and any role and any relevant steps that your country has taken; and the concluding section should be a comprehensive set of potential solutions that your country believes could solve the problem and the measures your country will take in solving it. If your country has no definitive stance on the problem, it is recommended that you research on the broader policy of your country and try to find solutions keeping that in mind. Please note that delegates who fail to submit position papers on time will be penalized. The last date for submission of position papers is 1 May.

### **Closing Remarks**

Delegates, I hope that you have found this guide both informative as well as enjoyable. You are encouraged to go beyond this guide and expand your knowledge about the topics. Familiarity with the agenda, your countries policy on the agenda (as well as in general) and this committee, will aid you while participating in committee. I would encourage you to be aware of the events that take place between your initial reading of this document and the commencement of committee. If you have any questions or queries, please feel free to contact me at [lmcmunga3@gmail.com](mailto:lmcmunga3@gmail.com), [raisaobrien@gmail.com](mailto:raisaobrien@gmail.com) or +919831118132. Look forward to meeting you in May. Thank you and good luck.

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