



U N H R C S T U D Y G U I D E

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FREEDOM OF THE PRESS

INTRODUCTION

Article 19 of the United Nations' 1948 [Universal Declaration of Human Rights](#) states: "Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers." In the 68 years since this declaration, the types of media that can be used to express and propagate ideas have changed considerably, particularly with the rise of the internet and social media. What we consider 'press' has now diversified, and any individual with internet access now has the opportunity to become a publisher. The principle of Freedom of Press has always conflicted with government agendas and censorships, and this is a particular issue with digitalised media which has opened up new, easier methods of communication and discussion.

It is arguable that standards are slipping in member states' preservation of press freedom. Freedom House [have observed](#) that internet freedom has been falling over the past few years; while it used to be the case that governments would be more discreet, there is now more legislation being passed worldwide which overtly restricts the right to press freedom. A lot of this can be seen in response to new threats over terrorism and national security, which would lead governments to act more radically to defy these dangers – often repressive pieces of legislation are passed under the guise of countering extremism and terrorism. It is a worrying change that could lead to a normalisation of restrictive press rights globally, as the idea of what is 'extremist' can be very subjective. Over the course of the weekend, the UNHRC must make amends to these recent failings, and rejuvenate a traditional liberty of the UN.

BACKGROUND INFORMATION

FREEDOM OF PRESS

Freedom of press is the right to publish and circulate opinions without outside interference. It is closely linked to the right of free speech, but there is more emphasis on the right to publish controversial content, and adds particular protection for journalists. The government are usually cited when looking at the 'interferences' towards freedom of press. Countries that have traditionally faced more issues over press freedom tend to be more repressive and undemocratic as a whole, as press power is suppressed to minimise political criticism. However, recently more countries have adopted legislation which has threatened this traditional right. Security is an often cited factor behind this development; governments may seek to prevent the publication of information in order to preserve a nation's safety from international and internal threats.

INTRODUCING DIGITAL TECHNOLOGY

The 21st century has brought new media to the picture which has significantly altered how freedom of press can be seen and enacted. The internet has led to new platforms for established journalism to expand (such as newspapers expanding on to the web, or the creation of independent news and opinion outlets as web products) but has also democratised press, particularly through the rise of social media; a normal person without any accreditation or qualification can publish their views by creating blogs and websites. The ability to tweet a news article or a political opinion to one's followers is an issue which is now tied under the concept of press freedom. This development divides journalism from 'professional journalism' and 'citizen journalism'; the boundaries between the two are blurred online.

One of the benefits of digital media is the flexibility and mobility of the media; there does not need to be any physical resources like offices and printing presses that can be targeted and destroyed, and online publications are cheap and easy to produce in any locations. Furthermore, it has led to a faster circulation of news as news can be uploaded in real time. There are methods that governments can use to restrict digital media output, but overall it is far more difficult than with traditional medias.

TECHNOLOGICAL LIMITATIONS OF FREEDOM OF PRESS

There are methods of control that can be used to limited press freedom online:

SURVEILLANCE

Surveillance is one of the crucial methods of social control in restricting free press; this can lead to the shutdown of online accounts and websites, and real-life imprisonments. Countries where surveillance is high also leads to the 'chilling effect' - that is, when individuals and bodies consciously edit the way they present themselves in online speech in fear of legal action against themselves.

Social media is a key area where surveillance is used. Although it is generally difficult to criminalise mass behaviour online, many governments have made startling attempts. A few countries have imposed laws of user registration, which impose real name registration for social media, which can lead to greater surveillance over an individual's social media and internet movements. In the case where opinions are anonymised however, there are technological developments which can lead governments to trace opinions back to the source.

NET NEUTRALITY

Net neutrality is a concept that all internet traffic should be treated equally; without guaranteed neutrality, internet providers have the power to stifle freedom of press and opinion, by being able to choose where users get their news from, and being able to bury certain articles. These choices can be made by both political influences and also financial; it can lead to internet providers being able to manipulate readership from which sites pay the most, which will particularly dampen to voice of independent journalism. At the moment, few countries have adopted reforms to encourage net neutrality, with the EU rejecting it in 2015. The only European states to have legislated net neutrality are the Netherlands and Slovenia. For a fair use of internet, net neutrality must be considered.

RIGHT TO BE FORGOTTEN

This is a particularly problematic concept for the UNHRC presently. On one hand, it is one of the key concepts of the UN that an individual must have the right to privacy, and this can be obtained via the internet by being able to request search engines to hide links to public information that is no longer relevant about them. However, this system can be used

to hide items of public interest, and can threaten press freedom by hiding published items. In 2015, Russia passed a law which let individuals request the removal of links to certain information within ten days – this law included public figures, which could lead to the censorship of items of public interest.

It is key to note that the entire concept does not have to be a threat to press freedom. Currently, removals cannot be done internationally; a removed page on Google.com will not be applied to all Google pages, for instance. Google also sends lists to news organisations of URLs they are going to remove, which gives the press the opportunity to speculate on the removal, and to write stories on them which can prevent the original news article from disappearing entirely. The ability to request internet removal does not necessarily need to be damaging to press freedom; it is simply important for the UNHRC to make sure that individual countries do not abuse this right in order to further restrict media freedom.

BLOC POSITIONS

EUROPE

Freedom of press was reaffirmed at the birth of the Council of Europe in 1950, and since then there have been multiple efforts to consolidate this ideal in various European legislation and documents. In theory, Europe has an excellent legislative framework for media freedom which all member states of the EU are supposed to abide to. There are certain countries such as the Germany, Netherlands and Belgium which are particularly well known for a progressive free press.

However, in recent years, there are a number of European countries whose performance has regressed. A key country whose press freedom has deteriorated recently is France, in response to the terror attacks of 2015. Despite the huge march for free speech as a reaction to the Charlie Hebdo attacks, the government responded with heavy law enforcement online which has limited press freedom. Many were arrested for apologie du terroisme, which had been recently updated to include online behaviour, and politicians have started to put forward ideas which internet freedom groups have rejected on the basis of press freedom, such as the mandatory registration of online news editors. France has the potential to further regress in its press freedom out of fear of further attacks.

There are also European countries which have continually had a restrictive press policy, particularly in the East. Russia has constantly been an anomaly, and has recently regressed even further. The Ukraine Crisis triggered further press repression; content which criticised Russian policy was blocked, and new laws restricting press movement were introduced. For instance, new guidelines have been codified which increased penalties for disseminating extremist materials and criminalised funding of extremist activity, but they were worded so vaguely that this has been applied to independent news outlets – prominent people arrested have included a gay rights activist Konstantin Golava, and Rafis Kashapov who posted support for Ukraine online. A prominent anti-Kremlin website, Grani.ru, was no longer allowed to receive donations after the legislation. Politicians continue to call for a clampdown on social media, viewing it as a venue for anti-government propaganda. Russia is an extreme example – being a powerful country with a repressive attitude to press freedom – but it is influential on the former satellite states.

THE MIDDLE EAST AND NORTH AFRICA

There has been a recent crackdown on digital press freedom in the Middle East, in response to the Arab Spring and other political turmoil in the area. Although many countries' constitutions supposedly encourage freedom of press, the internet is often under restrictive control which limits this ideal – [the Office of the High Commission for Human Rights in the Middle East found](#) state legislation on the matter changed often and was vaguely worded, opening up opportunities for wide interpretation and abuse. For some countries, such as Algeria, there has been a minor improvement in 2015 compared to previous years; however, they all have a long way to go.

In the last year, the case of Raif Badawai, a co-founder of the Saudi Arabia Liberals website, caused a stir as he was sentenced to a thousand lashes in public on apostasy charges, after his website had material which criticised senior religious figures. This case has caused international outrage, and also signals the Saudi Arabia's repressive attitude towards free press. However, this is similar to other countries in the area. Morocco recently prosecuted Badil and Goud for defaming public officials, with a fine so large imposed on Goud that the independent news site risked bankruptcy.

CENTRAL AND SOUTH AMERICA

Freedom of press is an issue across the region. Violence against journalists in many of these countries has been a [persistent problem](#), particularly in Mexico, which accounts for more than a third of all the killing of media workers and journalists in the western hemisphere since 2009. Online, press freedom is a similar picture.

Brazil has a strict electoral law which prohibits coverage of candidates three months before an election; thus, during the 2012 municipal elections, over 200 removal requests were sent to Google, and triggered criminal proceedings against two Google executives for failing to remove certain content. In Ecuador, governmental control has been expanding – the [Organic Law on Communications](#) has a clause which gives media outlets the 'ulterior responsibility' over all content appearing on their websites, including comments made by anonymous users.

However, there have been some moves to also protect rights recently as well. Chile, for instance, was the first country in the world to legislate protection of net neutrality in 2010; Brazil followed in 2014.

UNITED STATES

Freedom of Press is protected by the First Amendment in the United States Constitution; generally, the US has matched up to its claims of being the 'land of the free'. However, there have been notable exceptions to USA's attitude towards Free Press, notably when national security is at risk.

The [infamous case of Edward Snowden](#), who released thousands of classified documents for public disclosure, was going to be originally charged under the Espionage Act, a 'show trial' in Snowden's own words which would have meant he would have not been able to defend himself to an open jury and thus almost guaranteed immediate imprisonment. However, the European Parliament voted to drop charges against Snowden in 2015. Other individuals who have been charged under the Espionage Act for online activity include Chelsea Manning, who was sentenced for thirty three years after also leaking documents.

Although these instances are under the guise of protecting American security, both cases can also be seen as strong reactions against their press freedom.

However, USA have also made active choices to protect press rights recently. In February 2015, the Federal Communications Commission adopted strong net-neutrality rules, where they classified broadband as a telecommunications service, which enabled it to approve new rules which prohibit blocking and unreasonable discrimination of content.

CHINA

'The Great Firewall of China' refers to the extreme efforts of the Chinese government to restrict internet access, by criminalising online speech, filtering key words out of searches, monitoring of individuals, and blocking websites (including Google, Facebook, Wikipedia and LinkedIn to name some popular searches).

It has imprisoned the most cyber-dissidents out of any other country. This is part of China's general aversion to press freedom; it has constantly been ranked poorly by international bodies in their attitudes. The impact of criminalising speech has led to self-censorship and chilled speech, as online journalists monitor their content so not to face legal action and users of social media are forced to be careful choosing their words (in the past year, China has strengthened their username registration laws, where citizens need to use their real name to register for online sites). This

repression is justified by Chinese sovereignty, claiming their actions abide by their legislation.

Although restrictions of press freedom have come from political and ideological reasoning, it is important to note how domestic businesses (such as Baidu, a web service) have benefited from a system of blocking – their business thrives on the fact there is no international competition. In this sense, the reduction of press freedom has led to business growth within China – this economic reasoning is something to consider for all countries with similar methods of press control and a reliance on internal providers.

FINAL NOTES

There are some generalisations that can be made about countries who have limited freedom of press. Firstly, countries with the biggest problems with free speech tend to have repressive or undemocratic governments; restricting the press naturally ties in with governments looking to maintain their power. Economy can also be a [defining factor](#), richer countries tending to have stronger freedom due to the ability to hold a more diversified media. Finally, countries and governments that face significant security risks or are unstable tend to restrict press freedom for national safety – this particular factor can be attributed to the declining freedom of press in multiple countries currently. It is important that the UNHRC understands these basic causes of press repression, to help improve conditions for a variety of countries.

Finally, press freedom is an issue which is made more difficult by the age-old conflict of UN membership versus sovereignty. Despite the traditional UN encouragement of freedom of press, many members justify their repressive stances through their own legislation and individual cases. Currently, more and more countries are finding reasons why they can diminish press freedom; the committee needs to strongly remind members of their commitment to this liberty. To make any progress on this issue, all delegates must consider how to get past this barrier of ‘sovereignty’ to create a resolution that the majority of countries can abide by in the future.

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THE QUESTION OF THE DEATH PENALTY

INTRODUCTION

“All victims of Human Rights abuses should be able to look to the Human Rights Council as a forum and a springboard for action”

— Ban Ki-moon, UN Secretary General.

Human Rights can be described as rights inherent to all human beings to live according to certain standards and laws. There are various international laws protecting and echoing the doctrine of Human Rights.

Human Rights require empathy and understanding of the obligation to respect another person's human rights. It also requires and outlines the importance of the rule of law, which is the legal principle that law should govern a nation.

Right to Life is one such human right that stands on the moral principle that every human being has a right to live and not be killed by another human being. The principle of Right to life is echoed in Article 3 and Article 5 of the Universal Declaration of Human Rights.

But there are various obstacles to this right in the international community. These include:

- Capital Punishment (Or Death Penalty)
- Abortions
- Euthanasia
- War
- Justifiable Homicide

For the purpose of this conference and study guide, we will focus on the issue of death penalty and whether it should be abolished. One side of the argument (the abolitionists) believes that Capital Punishment or the Death Penalty is a clear violation of Human Rights. On the other hand, the supporters argue that the death penalty is necessary to act as a deterrent for heinous crimes such as rape and murder. So where does one draw the line?

BACKGROUND INFORMATION

WHERE DID THE DEATH PENALTY START?

Death Penalty laws can be traced back to as early as the 18th century B.C. In the 10th century A.D., the usual method for execution in Britain was death by hanging. Even though in the following century, people were not allowed to be executed except in times of war, this trend was changed in the 16th century when an estimate of 72,000 people were executed. The common methods of execution were hanging, beheading or boiling. Britain influenced America's use of the death penalty more than any other country.

However, the emergence of modern nation-states in the last few centuries saw the introduction of the idea of citizenship, which was associated with equality and universality and the right to life. However there are still many nation states that have not abolished the death penalty.

DETERRENCE

Deterrence is often presented as a major reason for retaining the death penalty, the argument being that by executing convicted murderers and rapists, we will deter would-be murderers and rapists from killing people. John McAdams, an American associate professor of political science at Marquette University, echoed this argument:

"If we execute murderers and there is in fact no deterrent effect, we have killed a bunch of murderers. If we fail to execute murderers and doing so would in fact have deterred other murders, we have allowed the killing of a bunch of innocent victims. I would much rather risk the former. This, to me, is not a tough call."

Many also argue that death penalty will prevent the person from re-offending since those who are executed cannot commit further crimes. Another argument is that the death penalty provides closure for victims' families.

Although there is no statistical evidence to confirm that deterrence works, there is also none to prove the contrary. But no one knows if death penalty deters more than life imprisonment.

Deterrence is most effective when the punishment happens soon after the crime, but the more the legal process distances the punishment from the crime - either in time, or certainty - the less effective a deterrent the punishment will probably be.

Even if capital punishment did act as a deterrent, the debate comes back to whether it is acceptable for someone to pay for the predicted future crimes of others.

EXECUTION OF THE INNOCENT

A panel report from the OHCHR discussed the many constitutional, institutional, and structural obstacles to the fair and accurate administration of the death penalty. For example, public confidence in the death penalty, particularly in the United States, has been shaken in recent years by the number of people who have been released from death row with evidence of their factual innocence. Panellists also discussed the fact that some categories of offenders would not be deterred by the threat of being executed. Mr Federico Mayor pointed out that many of those sentenced to death have mental health issues or were under the influence of alcohol or drugs at the time of the offence, both of which suggest the defendant may not have thought through the consequences of their actions or the possibility they may be executed.

Many other factors that need to be taken into consideration are expenses, retribution and value of human life and dignity .

DEATH PENALTY AND RELIGION

It is important to acknowledge the existence of a connection between religion and death penalty that at times goes unnoticed. Although death penalty is usually used as a punishment for crimes such as drug trafficking, rape or murder, there are constitutions in the world where death penalty is awarded for acts that go against religious beliefs. Both Buddhism and Hinduism have no unified policy on capital punishment but in terms of doctrine the death penalty is clearly inconsistent with their teachings.

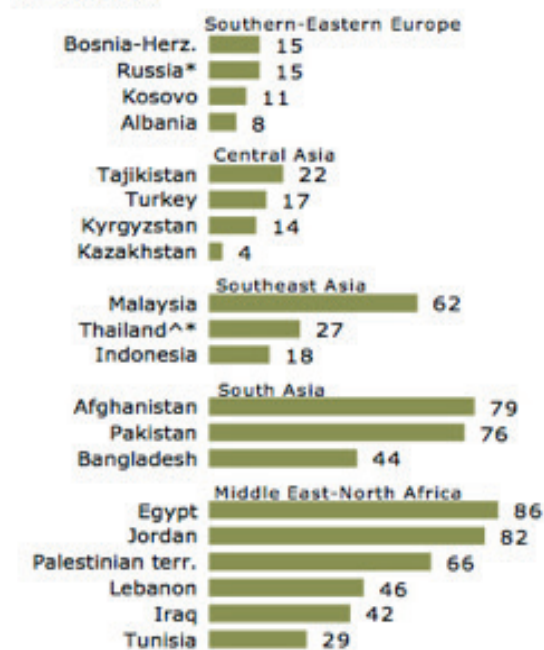
Christians argue both for and against the death penalty using secular arguments. Pope Innocent III, for example, put forward the proposition: “The secular power can, without mortal sin, exercise judgment of blood, provided that it punishes with justice, not out of hatred, with prudence, not precipitation.”

The most controversial area of death penalty comes from Islam, specifically, Apostasy. On the whole, Islam accepts capital punishment, although forgiveness is preferred over death penalty. Apostasy is known as the act of consciously abandoning Islam by word or by deed. This is normally taken as a sin and can be punishable by death penalty. According to a study by the Pew Research Centre, 88% of Muslims in

Egypt and 62% of Muslims in Pakistan favour death penalty being used as a punishment for those who commit Apostasy. On the other end, Bangladesh has only about 36% supporters on this issue. Fewer than one in six Tunisian Muslims support the death penalty for Apostasy. The study by Pew Research Centre also goes on to discuss that many Muslims in many countries believe that Sharia Law should be the law of the land. This very factor brings in an uncomfortable atmosphere not only for human right activists wanting to abolish death penalty, but also many Muslims who interpret Sharia Law differently. While there is support for implementation of Sharia Law in issues such as property dealings and marriage and divorce, there are debates on the punishment aspect of the law which deals with whipping or cutting off hands in criminal cases or, like we discussed above, death penalty for apostasy.

Death Penalty for Leaving Islam

Among Muslims who say sharia should be the law of the land, % who favor the death penalty for converts



Based on Muslims who favor making sharia the law of the land.

*Based on Muslims who favor making sharia the law in Muslim areas.

^Interviews conducted with Muslims in five southern provinces only.

Results for Azerbaijan not shown due to small sample size.

PEW RESEARCH CENTER Q79a and Q92b.

Article 6 of the International Covenant on Civil and Political Rights (ICCPR) permits the use of the death penalty in limited circumstances, it also provides that “nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.”

Two-thirds of the world’s countries have abolished the death penalty or ceased to apply it, and the numbers of executions seem to decline each year. The timeline of this can be seen below. Previously there have been several attempts to pass a strong resolution against the use of the death penalty at the UN General Assembly, which had failed. However, 2007 saw the beginning of a trend towards the universal abolition of death penalty. Firstly, in 2007 the General Assembly adopted a resolution on a moratorium on the use of the death penalty (A/62/149). The resolution was passed by a vote of 104 in favour to 54 against. A subsequent resolution (A/63/168) on this matter was adopted in 2008, with increased support for the resolution with 106 states voting in favour and 46 against.

Followed by that was the resolution which was adopted on 21 December 2010, on a moratorium (A/65/206). This new resolution renewed the call to “States that still maintain the death penalty to progressively restrict its use, to reduce the number of offences for which it may be imposed, and to establish a moratorium on execution with a view to abolishing the death penalty. States which have abolished the death penalty are called upon not to reintroduce it.” This resolution passed with 109 in favour and 41 against, a broader margin as compared to 2008.

However, according to a review by Amnesty International, the number of death sentences recorded in 2014 jumped by almost 500 compared to 2013, mainly because of sharp spikes in Egypt and Nigeria, including mass sentencing in both countries in the context of internal conflict and political instability.

The World’s top five executioners in 2014 were Iran (289 officially announced and at least 454 more that were not acknowledged by the authorities), Saudi Arabia (at least 90), Iraq (at least 61) and the USA (35). The methods of executions in 2014 included beheading, hanging, lethal injection and shooting. Public executions were carried out in Iran and Saudi Arabia.

BLOC POSITIONS

ASIA

For the past several years, certain states such as Sri Lanka (1976), Maldives (1952), South Korea (1997), Pakistan (2009) and India (2004) have observed de facto moratoriums.

China is the world's most active executioner. North Korea often uses the death penalty. However, as previously mentioned in Amnesty's report, China's 'state secret' attitude towards executions makes it difficult to always get accurate data.

The last known execution in Mongolia took place in 2008. According to the U.N.'s definition, Mongolia is therefore a retentionist state, because it has carried out at least one execution in the previous 10 years.

In the case of Saudi Arabia, there are reports that an approximate of 3 executions (one in 2009 and two in 2008) took place by shooting.

Over the past few years, reported executions have been almost exclusively been by beheading, despite the prevalence of media discussion of the possibility of death by stoning.

There are reports that Saudis have exposed the body (with head sewn back on) of the condemned to public indignity, including crucifixion, after execution for the crime of highway robbery resulting in death. The country has been worsening its profile on execution. At least 50 people are currently at imminent risk of execution in the country.

AFRICA

Countries such as Kenya, Morocco, Burkina Faso, Republic of Congo and Ghana have the status of Abolitionist de facto meaning that they have not executed anyone in at least the past ten years.

In South Africa, although the death penalty was abolished in 1995, opinion polls suggest that there is significant public support for its reinstatement.

Compared to 2013, there was a total of 46 known executions in sub-Saharan Africa, compared to 64 in 2013, representing a drop of 28%.

These executions were carried out in just three countries; Equatorial Guinea (9), Somalia (14) and Sudan (23).

In Nigeria most death sentences imposed are for murder and armed robbery. However in 2014 military courts also imposed mass death sentences for mutiny and conspiracy to mutiny.

This despite Article 6(2) of the International Covenant on Civil and Political Rights, to which Nigeria is a party, stipulating, “Sentence of death may be imposed only for the most serious crimes”.

EUROPE

The EU considers the death penalty as a cruel, inhuman and irreversible punishment, which fails to act as a deterrent to criminal behaviour.

The Committee of Ministers of the Council of Europe declared 10th October as “European Day against the Death Penalty”. This was decided on 26th September 2007.

The Russian Federation is Abolitionist de facto. Amnesty International reports that the last execution in the Russian Federation occurred in 1999 in the Chechen Republic, although the Federation as a whole instituted a moratorium on executions in 1996.

As of 2013, in Europe, the death penalty for peacetime crimes has been abolished in all countries except Belarus.

The last executions in the United Kingdom were by hanging, and took place in 1964, prior to capital punishment being abolished for murder (in 1965 in Great Britain and in 1973 in Northern Ireland). Although not applied since, the death penalty was abolished in all circumstances in 1998.

LATIN AMERICA AND CARRIBBEAN STATES

Since 2000, the Mexican government has successfully defended more than 400 Mexicans on death row in the United States. Mexico is also bound by the Inter-American Convention on Human Rights, which bars countries who have abolished the death penalty from later reinstating it. Between 70 and 80 percent of Mexicans favour the death penalty for kidnappers who kill their victims, according to several recent opinion polls. Forty-four percent support executing kidnappers in general,

compared with 50 percent who are opposed, according to an August survey by The Associated Press and the pollster Ipsos MORI.

Cuba retains the death penalty for several crimes. It is believed that the fallibility of criminal justice systems everywhere creates the risk that innocent persons will be executed even when full due process of law is respected. Cuban law affords convicts sentenced to death minimal opportunities to appeal their sentences. Since the Supreme Court receives death penalty appeals only within 5 days of sentencing, it leaves little time for anyone to prepare for defence.

Ecuador still uses death penalty as a form of punishment. One of the main reasons why it is still used is to mainly deter crime and also to make an example of what would happen if the crime would to be committed again. However, it is important to note that this is used even for small crimes committed. Other reason for why most agree with the death penalty is especially punishing the criminal for his or her wrongdoing and also for the victim and possibly so that the family obtains retribution.

QUESTIONS TO CONSIDER

- Is the death penalty an absolute necessity for certain crimes?
- Can states claim issue of national sovereignty while deciding against or for abolition of death penalty?
- Should states with religion-focused constitutions abolish death penalty, if it is within realms of the religion's belief?
- Can the international community establish a successful framework to assess the link between death penalty and deterrence?

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