

Forum: Human Rights Council (HRC)

Issue: The question of the moral ethics of the death penalty.

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Guiding Questions as you Read

What is your country's perspective on the morality of the the death penalty?

What are the possible reasons that lead death penalty and how could your country prevent them?

What role does your nation play in the prevention of crime and protection of human rights?

What are your country's policies regarding criminal justice?

Introduction

Key Terms

Capital Punishment
Execution
Capital crimes
Legislature
Death Row
Criminal Justice

The death penalty, also commonly referred to as “capital punishment” is the act of killing an individual as a result of serious crimes. The severity of a crime must be formally analyzed by the state legislature or congress in order to assess its eligibility for a death sentence. The phrase “death row”, shares a similar concept, and refers to incarcerated individuals who are awaiting execution due to a previous death sentence. The main controversy deriving from the implication of this is the ethics of the criminal justice system as well as the punishment. Various countries, however, still operate with the death penalty legalized, used as a practice, or even in secret, challenging many nations' to manage the rates of organized crimes. The United Nations' stance on this matter is quite clear as the whole system opposes the application of the death penalty regardless of the circumstance. The United Nations firmly believes the legality of this act is a vast contributing factor to the deterioration of human rights, hence emphasizing the abolishment of this practice amongst all nations.

Comprehension Question(s): How and why has the death penalty affected the country's sovereignty and what does it say about a country?

Definition of Key Terms

Capital Punishment: the execution of an offender sentenced to death after conviction by a court of law of a criminal offense.

Execution: to execute a person means to kill them to punish for a serious crime.

Capital crimes: this is an offense that can be punishable by the death penalty; the crime committed is forbidden by the legislature, examples are murder, kidnapping, rape, treason, robbery, and bombing.

Legislature: the organization in a country with the power to make, change or remove laws.

Death row: a place where prisoners will be killed as a punishment for crimes they have committed, death row can include hanging, lethal injections, electrocution, lethal gas, and a firing squad.

Criminal Justice: The justice system is a count of legal processes that deal with crimes.

Crucifixion: a person being stripped of clothes, then both hands and feet being nailed into a cross-beam the prisoner would eventually die of exhaustion or asphyxiation

Impalement: the penetration by an object such as a sword, pole, spear, or hook.

Abolishment: the deletion of law, can only be prescribed by a legislature.

Ordinary crimes: street crimes such as murder, theft, extortion, and kidnapping.

Current Situation



General Overview

History behind it

The first record of the death penalty comes from the 18th century B.C. It was defined in the Code of King Hammurabi of Babylon, in this code reasoned 25 crimes eligible for the death penalty. From the 4th-14th century B.C, the death penalty was also found in the Hittite Code, Draconian Code of Athens, and the Roman Law of Twelve Tablet. The death penalty was very commonly used in the 14th century to punish anyone publicly and after they killed a person they would publicly hang them as a “warning sign” to threaten anyone from committing crimes.

Possible sentences

The sentences included drowning, hanging, crucifixion, beating to death, burning alive, and impalement, the most common one during the 19th century was hanging but now the used by prisons are lethal injections and electrocution. In more recent times, 2019 was the last year recorded by the International Amnesty where the countries with the most confirmed executions were China with 1,000+, Iran (251+), Saudi Arabia (184), Iraq (100+), and Egypt with more than 32. In 2021, it was recorded that 108 countries completely abolished the death penalty for all crimes, 8 countries abolished it for only ordinary crimes, 28 countries are abolishing the penalty, and 55 countries remain using the death penalty as a punishment for ordinary crimes.

Past Years

In 2020, 483 people were confirmed to have been executed in the world, the Amnesty International recorded it to have been the lowest number over the past decade and to have dropped by 26% from 2019. The highest number of executions recorded in a year over the past decade was 1,634 people in 2015. The top countries that were accounted for in 2020 were Iran, Egypt, Iraq, and Saudi Arabia with 88% of all confirmed executions that year.

Other approaches

The death penalty method has been used for a thousand years but in other countries like The United Kingdom which banished the death penalty in 1965 using other methods

like life imprisonment or life without parole (LWOP), other countries in Europe also use LWOP as an alternative for executions, since then the number of executions has decreased dramatically.

Major Parties Involved and Their Views

China

China holds the largest number of crimes punished by death, causing Chinese criminal law to be one of the most criticized. The penal code of 1997, which is still operating today, contained 68 crimes that were punishable by death. This number includes 24 violent crimes and 44 non-violent crimes. The Supreme People's Court (SPC) has overturned fifteen percent of all death sentences since 2007 from the lower courts. Compared to 2006, thirty percent fewer sentences were handed out in 2007. China's government authorities however have chosen to maintain their total number of executions confidential. Authorities still imprison individuals sentenced for any political crime, this includes crimes that are no longer under the Criminal Law such as "counter-revolutionary" crimes. China's regulation and use of police power remains a continuous challenge.

Iran

Capital punishment in Iran is practiced on arbitrary grounds, which imposes the question of this being used as a political tool. Iran's government and justice system contain many structural flaws, these flaws are reflected in the administration of the death penalty. As many as 60 percent of executions in Iran have been kept a secret by the government, refusing to disclose this data. A grand majority of the executions in this nation have been deemed an arbitrary deprivation of life. The Islamic penal code of 2013, allows the application of the death penalty for various offenses in violation of international human rights laws. Despite the prohibition under international law, Iran is one of the few countries in which children may be sentenced to death.

Saudi Arabia

Saudi Arabia released a royal order stating that the death penalty for minors is abolished under international law. However, minors still may be sentenced to death in circumstances specified by Islamic Law, meaning the nation falls short on their responsibilities in the "Convention of the Rights of the Child". As of 2022, a total of 92 executions have been carried out for a variety of offenses. These include terrorism-related crimes, armed robbery, as well as individuals convicted of charges such as participation in protests and inciting sit-ins (where people occupy an area to protest for a cause). The main form of execution in Saudi Arabia consists of beheading, which is the decapitation of an individual with a sword supported by the Islamic doctrine, and in some cases, crucifixion.

Egypt

Egypt opposes the use of the death penalty as a legal penalty, meaning it is considered a violation of the law. However, it has been viewed as a tool of repression by the Egyptian authorities utilized against citizens. Egypt ranks among the top three highest country rates in terms of the number of executions in 2020. In October and November, authorities in Egypt executed a minimum of 57 individuals, 49 of these were in the span of 10 days. These cases include 15 of which were under unfair trials. Many cases of capital punishment in Egypt have been used as a mechanism for combatting disputes. Among these, Egypt continues to sentence children to death in violation of international and domestic law. The Egyptian National Action Group (ENAG) has previously sent written submissions to the European Union commission, with the proposal of human rights as the centerpiece of EU-Egypt trade talks in July. This group requested that the new trade agreements would include a "Canada-style Human Rights and Non-Execution Clauses" to permit the European Union to call off-trade in the case that Egypt does not comply with the obligations of international human rights.

United Kingdom

The United Kingdom has opposed the practice of the death penalty in all circumstances. The nation firmly believes it is an undermining of human dignity. The Capital Punishment Amendment Act, abolishing the practice of public executions was placed in 1868, in which capital punishment within prisons was still legalized. The last formal execution was in 1964, and a law suspending this practice was passed in Great

Britain for all crimes except for high treason, arson in royal dockyards, espionage, and piracy with violence. The United Kingdom strives to fund projects with the aim to abolish the death penalty.

Portugal

Portugal was one of the very first countries to have abolished capital punishment for civil crimes. Portugal has been recognized as being a pioneer in the abolishment of the death penalty 150 years ago. This law was formally approved by the Portuguese Parliament and published on July 1st, 1867. This republic bases itself on humanist tradition and the dignity of the human where a person's life is considered absolute. This rejects the use of torture and death in the justice system. Portugal has been one of the strongest advocates for resolution in the prohibition of the death penalty in the United Nations General Assembly.

UN Involvement

The United Nations has combated this issue by creating The Death Penalty Moratorium Resolution, this resolution was created a few days after the 49th anniversary of Furman V. Georgia (June 29) which was the U.S. supreme court's decision to lead a nationwide moratorium on executions. This was the 8th resolution for a temporary suspension of the death penalty and this resolution passed on December 16, 2020, with 123 countries voting in favor, 38 votes against, 24 countries abstaining, and 8 countries absent. The UN recognized the death penalty issue as it is arbitrary, racially-biased, and covered with errors, multiple times in the past the death penalty has been targeted at minority groups.

In December 2007, the resolution for the death penalty for a worldwide moratorium in the UN General Assembly said "There is no conclusive evidence of the death penalty's deterrent value and that any miscarriages or failure of justice in the death penalty's implementation is irreversible and irreparable. The shocking number of people sitting on death row in Asia make the region an aberration on the global move towards abolition of the death penalty." (General Assembly)

Timeline of Events

Date	Description of event	Death Penalty Effects:
18th century B.C.	First established death penalty laws.	This codified the death penalty for 25 distinct crimes in the Code of King Hammurabi of Babylon, a group of rules and standards meeting the conditions of justice.
1700's	The United States Abolitionist movement began.	The Abolitionist movement strived to end the slave trade and chattel slavery, but also resulted in a decrease in international capital punishment and declared it a human rights matter.
1930's	Executions reach the highest levels in American history (167 per year).	
1948	The Universal Declaration of Human Rights proclaims a "right to life."	Adopted by the United Nations General Assembly, this proclamation established on Article 3 states everyone has the right to life and to live in freedom and protection.
1950 - 1980	De facto abolition popularized around Western Europe.	De Facto abolition refers to a nation's death penalty abolition in practice regardless of the legal status. Many countries in Western Europe managed to retain the death penalty for certain

crimes though have abstained from the practice of executions in this time period.

1966	Lowest death penalty rates recorded.	Recorded by a Gallup poll in 1966, the death penalty reaches an all-time low, at solely 42% support rate.
1999	Worldwide Moratorium On Executions is supported by the U.N. Human Rights Commission Resolution.	In 1999, Pope John Paul II sees St. Louis, Missouri, to call for an ending to the death penalty. This same year The U.N Human Rights Commission Resolution adopted a Worldwide Moratorium on Executions. This recalled and questioned human rights and ethics behind death penalty.
2005		The Supreme Court banned the death penalty for people under the age of 18.
2007	The United States Supreme Court evaluated the death penalty for crimes committed by individuals under the age of 18 years.	This was one of the most significant choices made by the World Coalition as it marked a grand step towards universal abolition.
	World Coalition supports the Resolution of the United Nations General Assembly for a moratorium on the practice of the death penalty.	

Past International Action

Worldwide over 70% of the world's countries have abolished the death penalty in practice or law. Capital punishment is not prohibited by international law, however, most countries do regard it as a violation of human rights. Conventions and many protocols have been enforced to assist in the ban of the death penalty.

The U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Torture Convention)

On December 10, 1984 the Torture Convention was adopted by the General Assembly of the United Nations and approved by the United States 10 years later. In total, 116 countries have approved or signed the convention. This treaty aims to internationally prohibit physical and psychological abuse of individuals in detention. Whether the death penalty is implicated within this treaty depends on the definition of "torture" the nation chooses to denote.

The Second Optional Protocol to the International Covenant on Civil and Political Rights

This protocol seeks the abolition of the death penalty. This is the sole international treaty that aims at the prohibition of executions and proposes the complete abolition of capital punishment to a profound degree.

Protocol No. 6 to the European Convention on Human Rights, concerning the abolition of the death penalty, and Protocol No. 13 to the European Convention on Human Rights, concerning the abolition of the death penalty in all circumstances.

Protocol No.6 in the European Convention on Human Rights, focuses on the abolition of the death penalty, and No. 13 emphasizes the dissolution of the death penalty in any circumstance. This protocol has since been signed and approved by all member states of the Council of Europe except for Russia, Armenia, and Azerbaijan.

The Protocol to the American Convention on Human Rights to Abolish the Death Penalty.

The protocol of the American Convention on Human Rights to Abolish the Death Penalty was established on January 1st, 1990. Article 1 states that the state's parties to this protocol are forbidden to use the death penalty in their territory on any individual subject to their authority.

Possible Solutions

The practice of the death penalty is condemned as a violation of human rights hence solutions to discourage the practice and eliminate it internationally are crucial for national protection. A solution that would focus on the diminishment of violence, and focusing on the root of the issue, would be community policing. This would suggest communities to proactively address conditions that may increase the likelihood of crime and social disorder. This is a technique that encourages and utilizes the community as the key contributor to prevention and awareness. Another solution that has been acted on is sentencing criminals to life without parole (LWOP) which is they will be sentenced to life without a chance to take their case back to court or get a "parole". By doing this they are still being punished for their crimes and actions without the violation of human rights.

Sustainable Development Goal (SDG)

The death penalty is connected to DSG 16, which promotes justice, peace and strong institution. The use of the death penalty in numerous cases is an arbitrary and discriminatory practice based off brutal actions and torture of individuals. Amongst this, this punishment is frequently used against specific groups of people which are claimed to be dangerous or as a manner to silence political rivals. It violates and disobeys the basics of human rights and civil justice. From a certain point of view, the international abolition of the death penalty will be a considerable step in the evolution of society, human justice and peace worldwide. This sustainable development goal strives for achieving a society where individuals all receive equal opportunities, and righteous treatment, working towards unity, affinity and harmony.

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Useful Links for Research

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- A list of the countries that have the highest numbers of executions recorded from 2005- to 2019 by Amnesty International, this link also includes the percentage of people who were put on death row compared with the percentage of people who were executed.

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