**Research report on capital punishment**

Forum: Commission of Crime Prevention and Criminal Justice

Issue: The question of abolishing capital punishments in all member states

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**Introduction**

In 2017, 993 people were executed across 23 countries. At the same time, 21919 people are publicly known to be on death row. Capital punishment has been a concern of the UN ever since The Universal Declaration of Human Rights was proclaimed in 1948. The use of capital punishment is an issue that is deeply troublesome. Especially when governments decide to use it to silence their political opponents and when the people who condemned hasn’t been given a fair trial. The insurance of a condemned’s guilt has also proven to be insufficient in many cases, which is a serious breach of the human rights. Most of the world has deemed the use of capital punishment unethical and an inhumane way of being punished.

**Definition of Key Terms**

**Capital punishment:**

Capital punishment is when a person, guilty of committing a crime, is given a death sentence. Also known as the death penalty.

**Abolishing:**

Abolishing something is to officially end a law, system or an institution

**Retention:**

The action of keeping something rather than losing it or stopping it.

**Background Information**

**History:**

Capital punishment has been around since the Eighteenth Century B.C., and for centuries, it has been a common method to punish criminal acts. The capital punishment made its way to America when the European settlers came to the new world. With the first recorded execution in 1608, many other colonies began implementing the use of capital punishments throughout the 17th century. With new liberal influences being introduced around Europe in the 18th century, people began to question if the use of capital punishments was ethically right. In the mid 20th century the abolishment of capital punishment was progressing, and many nations forbade the use of capital punishments in this period.

**The abolishing of capital punishments:**

The first steps took towards abolishing capital punishments, was made by the UN in the early 1960s, when the drafters of the International Covenant on Civil and Political Rights (ICCPR) made moves to begin the abolition of capital punishments in international law. The 16th of December 1966, the ICCPR was adopted, which meant that the UN now had an official agreement on the view of capital punishments, namely article 6. Later on, in 1983 the Second Optional Protocol to ICCPR was adopted, which meant, that the abolition of capital punishments gained new momentum.

The Abolition Movement itself was influenced by the European Enlightenment, and in the late 18th century it began to try to limit the use of capital punishment. This let to Pennsylvania becoming the first U.S state to restrict the use of capital punishment to first-degree murder. In 1863 Venezuela became the first country to abolish capital punishment for all crimes, but it wasn’t until the late 1970s that another country would abolish capital punishment.

**Recent Figures:**

In 2017 there were 23 countries that combined performed 993 executions, but it doesn't include the thousands of people that were likely executed in China since the numbers are classified. This makes China the number one executor in the world. The number of executions dropped by 4% from 2016, where 1032 people were executed. Most of the executions took place in China, Iran, Saudi Arabia, Iraq, and Pakistan-in that order. 56 countries remained retentionists of capital punishment in 2018 and a total of 142 countries were total abolitionist in law or practice. 106 of these are abolitionist for all crimes, 8 for ordinary crimes only and 28 in practice. In 2017 the US dropped from an 8th to a 7th place on the global ranking making it the second time since 2006 the US wasn't in the top five of global executers, still the US is the only country that carries out executions in the region.

**Controversies:**

One of the major problems with the death penalty is, that it is permanent. If new evidence comes to light clearing the condemned, there isn’t a way to reverse the penalty. Therefore, many people have been wrongfully charged and later executed. Many countries also execute people without a fair trial, which is a breach of the Universal Declaration of Human Rights. Many mistakes have been made when death sentences have been issued. Since 1973, 160 prisoners in the US has been exonerated or released from death row due to grounds of innocence. It is also very concerning when nations use the death penalty to silence political opponents, which has been the case in both Iran and Sudan. This undermines democracy and is a grave disregard for human rights.

**Methods:**

* Lethal injection
* Beheading
* Shooting
* Gas Chamber
* Electrocution
* Hanging

**Important Points to Consider:**

When debating it is crucial to consider a nation’s right to decide and their sovereignty. If a nation refuses to temporarily abolish the use of capital punishment, it is important that all member states participate in the creation of a resolution that adopts safeguards for following purposes. If a nation wants to continue the use of capital punishment it is at the utmost importance that it is done in the most humane way possible and that they cease to use inhumane ways, such as stoning or beheading. This also means, that chemicals used for lethal injections should be disclosed to the condemned and that these chemicals ensure the swiftest and most painless death possible, so the condemned doesn't have to suffer. When a nation assertively has decided to use capital punishment, limitations must be adopted on who is eligible to be given a death penalty. Here it is important to protect minors and mentally unstable or handicapped since they are either ill or not fully mentally developed. The committee shall also make sure, that pregnant women are protected from being condemned.

**Major Players Involved**

**Amnesty International:**

Amnesty International is one of the most important global non-governmental organizations (NGOs). Amnesty is involved with everything that concerns human rights, and with over 150 member states and more than 3 million supporters worldwide, they have never failed to remain a front figure in the global effort towards abolishing capital punishment.

**National Coalition to Abolish the Death Penalty (NCADP):**

The NCADP is an NGO whose mission is to abolish the use of capital punishments in the USA and is supporting the worldwide effort to.

**Office of the High Commissioner:**

The Office of the High Commissioner for Human Right is part of the UN. They have a unique mandate to promote and protect human rights unlike any other, and they assist nations with technical expertise and capacity-development in order to secure the implementation of international human rights on the ground.

**Timeline of Events**

* **Eighteenth-Century B.C**: First established capital punishment laws
* **1608**: Captain Geroge Kendall becomes the first person to be executed in the new colonies
* **1823**-**1837:** The death penalty was removed as a suitable punishment for 100 out of 222 crimes in Britain
* **1948**: The “right to life” is proclaimed by the United Nations General Assembly in the Universal Declarations of Human Rights.
* **1966**: The International Covenant on Civil and Political Rights is adopted by the United Nations General Assembly
* **1984:** Safeguards guaranteeing the protection of the rights of those facing the death penalty was adopted by the UN Economic and Social Council
* **1989**: The United Nations General Assembly adopts the Second Optional Protocol to the ICCPR

**Possible Solutions**

There are multiple solutions that could be proposed during the debate in order to help the issue. While debating the topic a clause one might want to include in the resolution would be the request to ensure that nations penalty system provides safeguards for accuse and condemned. These can be habeas corpus, right to a defense lawyer at all times, the right to appeal a sentence, right to a fair trial and the right to be disclosed the type of capital punishment. Another possible solution may be to call for all member states to review their penal code, procedures, and legislature. That the member nations ensure that no cruel and inhuman punishments are enacted. Possible solutions could also be for the member nations to call upon countries using capital punishments such as the US, China, Saudi Arabia, Iraq, Iran, Pakistan to take measures towards abolishing or suspending the use of capital punishment and to disclose the number of people executed yearly to their fellow member states or NGO’s.

**Questions a resolution must answer**

* The question of a nations right to decide and their sovereignty
* The question of protecting minors, mentally disabled and pregnant women
* The question of protecting human rights such as but not limited to: the right to life and right to a fair trial

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