



SciMUNC XVII

UNITED NATIONS HUMAN RIGHTS COUNCIL (UNHRC)

Death Penalty

BACKGROUND GUIDE

UNITED NATIONS HUMAN RIGHTS COUNCIL

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Letter from the Dais

Dear Delegates,

Welcome to SciMUNC XVII! I am so excited to bring you this year's conference. We hope that being a part of the UNHRC will familiarize you with the intricacies of capital punishment in countries around the world and, more generally, the significance of collaboration and cooperation. As delegates, you'll get the chance to hone your public speaking skills, debate an incredibly interesting and pressing topic, and meet a ton of new people. We look forward to seeing your creativity and problem-solving in action!

Hi everyone! I'm Akhil Ponda, and I will be your Chair for this committee. I have been on Bronx Science's Model UN Team since my freshman year, and I have not once regretted my decision to join. Model UN allowed me to meet some of my closest friends and learn how to research efficiently, write coherently, and speak confidently. More than that, it has taught me how to work with the people around me, and be a delegate both in and out of conference. Outside of Model UN, I do behavioral economics research at a university and I am a black belt in mixed martial arts. I can't wait to meet all of you, and I hope you have an amazing experience at SciMUNC! Feel free to reach out anytime at akhilp2@nycstudents.net.

Hey delegates! My name is Eva Russo, your co-chair for UNHRC. This is my third year at SciMUNC and I cannot wait to be chairing. Similar to Akhil, I've been on Bronx Science's Model UN team since freshman year and my absolute favorite part of being on the team is attending conferences. This is your chance to display your creativity, leadership, and team-building skills while meeting new people along the way. Other than Model UN, I lead a cancer awareness club at Bronx Science and rock climb! You are all going to have an incredible experience at SciMUNC; remember to take risks and have fun. If you have any questions, don't hesitate to reach out at evar30@nycstudents.net.

Best,

Akhil Ponda and Eva Russo

Committee Description

United Nations Human Rights Council

The United Nations Human Rights Council (UNHRC), consisting of 47 member states, was founded in 2006. It replaced the United Nations' previous main policy organ in the human rights field, the U.N. Commission on Human Rights. The Commission drafted a plethora of human rights instruments, such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, and more. These documents have now been implemented in the International Bill of Human Rights. In the late 1990s, the Commission turned a lot of its attention towards providing the right to an adequate standard of living and ensuring the human rights of indigenous peoples and minorities. In 2006, however, it was replaced due to the faulty human rights records of a handful of its members.

Situated in Geneva, Switzerland, the UNHRC is a subsidiary intergovernmental

body of the U.N. General Assembly. The Council's primary function is to address human rights violations. Some topics tackled are genocides, sexual violence, human trafficking, child labor, and more. The Council's mission is defined as the promotion and protection of human rights for people around the globe. In 2007, the UNHRC adopted the institution-building package, acting as a guide and outlining the procedure for the Council. Within the institution-building package exists the universal periodic review mechanism, allowing the Council to examine the human rights record of each U.N. member state. Furthermore, the Advisory Committee, composed of 18 members, directs the committee's main actions. The Council also has an Optional Protocol consisting of an inquiry and complaint procedure. The inquiry procedure allows the UNHRC to inquire into systematic abuses of human rights in member states to the Optional Protocol. Additionally, the complaint procedure enables individuals to report human rights violations to the Council.

The UNHRC works in accordance with the Office of the High Commissioner for Human Rights (OHCHR), which acts as a U.N. bureau. It serves as a Human Rights Council's Secretariat, providing substantial support. The OHCHR generally coordinates U.N. human rights programs. Furthermore, the U.N. high commissioner serves a four-year fixed term. The current high commissioner is Volker Türk of Austria, appointed by the United Nations Sec-Gen.

Background Information

The earliest recorded death penalty dates back to the eighteenth century B.C., established in the Code of Hammurabi from Babylon. It acted as a punishment for 25 different crimes at the time. Over time, the death penalty worldwide has lessened in the severity of the nature of the killing, as standard practices in the past included hanging, boiling, burning at the stake, beheading, and others. During the 18th century, the abolitionist movement raised criticisms of death penalty laws worldwide. The United States, one of the few Global North countries practicing capital punishment, uses lethal injection as its primary form of execution. Often, inmates are injected with pancuronium bromide, a chemical that causes muscle paralysis and respiratory arrest within minutes. Other methods of execution remain unclear as numerous countries, such as China, North Korea, Vietnam, Syria, and Afghanistan, keep records of execution in secrecy.

53 member states of the U.N. maintain the death penalty in law and practice, although approximately 57% of all member states have completely abolished it. The use of capital punishment is on the rise,

as 2022 saw a 53% increase across over 20 countries in recorded death penalties. Furthermore, China, Iran, Saudi Arabia, and the United States are currently the top five countries responsible for executions. 93% of global executions occurred in the Middle East and North Africa.

Inmates awaiting execution remain in special housing, referred to as "death row." In the United States, for example, prisoners often spend over a decade on death row, even while awaiting exonerations. Those on death row are often isolated from other inmates, excluded from interactive and educational prison programs, and have restricted exercise and visitation opportunities. This means some inmates spend up to 23 hours in solitary confinement daily. Scientists have referred to the subsequent deterioration of mental health as "death row syndrome" after inmates have spent years in anticipation and isolation.

Main Committee Topic

Individual nations and the UNHRC must consider whether the death penalty should be legal in any, all, or none of the potential scenarios that may arise. More than 160 of the 193 United Nations Member States have either abolished or do not practice the death penalty. The ethics of the practice is relevant in the discussion of legality as well, as deeming the death penalty unethical effectively outlaws it. Many of the aforementioned nations have denounced the death penalty as inhumane and a violation of human rights. However, the countries that still practice the death penalty, including the United States, do not hold it as unethical, and diplomacy between the two groups must still be observed. An additional point of contention is the actual administration of the death penalty. Beyond the legal and ethical opinions held by various nations, these nations may also disagree over how the death penalty should be carried out, if at all.

Past Actions

The U.N. has taken several steps already to attempt to address the issue of the death penalty. For instance, 81 states have ratified the Second Optional Protocol to the

International Covenant on Civil and Political Rights (ICCPR), which states that "no one within the jurisdiction of a State Party to the present Protocol shall be executed." The official position of the United Nations System as a whole is that it "opposes the use of the death penalty in all circumstances," but does not strictly outlaw it. A more targeted approach was taken with the Convention on the Rights of the Child, which prohibits capital punishment for "offenses committed by persons below eighteen years of age." 196 of the 197 parties relevant to the treaty have ratified the Convention, with the United States maintaining its position as a signatory. The United Nations Development Group's (UNDG) Guidance Note on Human Rights for Resident Coordinators and U.N. Country Teams states that "In countries that have not abolished the death penalty, international human rights law requires, as a minimum, full compliance with the clear restrictions prescribed in particular in article 6 of the ICCPR. However, in accordance with the last paragraph of article 6, the ICCPR provides that 'nothing in this article shall be invoked to delay or prevent the abolition of capital punishment in any State party to the Covenant.'"

Possible Solutions

Delegates may consider solutions such as establishing a standardized method of administering the death penalty to ensure the practice is carried out humanely.

Delegates may also consider solutions that ensure that the extraditing nation provides a recommendation to the receiving country regarding the offender's punishment.

Questions to Consider

1. What should determine the death penalty's legality in a given country?
 2. What should determine the death penalty's ethicality in a given country?
 3. How should the death penalty be handled in the context of international relations and multi-country events?
 4. Is a blanket ban on the death penalty legal, ethical, or feasible?
 5. How can individual countries regulate usage of the death penalty within their borders?
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Bloc Positions*Algeria**Belgium**Bolivia**Cameroon**China**Eritrea**Finland**France**Gambia**Germany**Honduras**India**Kazakhstan**Lithuania**Malawi**Malaysia**Morocco**Nepal**Qatar**Romania**Somalia**Sudan**Ukraine**United Kingdom**United States**Kyrgyzstan**Russia**Pakistan**Canada**Australia**Brunei**Venezuela**Mexico**Bulgaria*

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