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Research Report

Topic 3: Eradicating the death penalty.



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Introduction

The UN recognizes that the death penalty is a capital punishment that is irreversible. UN experts have called for the complete removal of the death penalty in all states.¹ Majority of the states believe that the abolition of the death penalty will aim to preserve human dignity and further the recognition and development of human rights.² Currently 125 countries have voted in support of the abolition of the death penalty, with 37 countries voting against the death penalty. The death penalty comes with the challenge of wrongful conviction because of witness misidentification and evidence that eventually proves their innocence, it has been known to mostly be used on less privileged individuals, such as people of a lower economic status, hindering the human right of right to life and no torture.

Definition of Key Terms

Death Penalty: Also known as capital punishment, is the execution of an offender who is sentenced to death after their conviction by a court of law of a criminal offense.³

Right to life: *“None shall be condemned to the death penalty or executed.”*⁴

Universal Declaration of Human Rights (UDHR): A document that represents the universal recognition that basic rights and freedoms are essential and equally applicable to all human beings, and everyone is born free with equal rights and dignity.⁵

Human Rights: Rights essential to all human beings, disregarding their race, sex, nationality, ethnicity, language, religion.⁶

¹OHCHR, “UN Experts Call for Universal Abolition of the Death Penalty,” OHCHR, October 9, 2023, <https://www.ohchr.org/en/press-releases/2023/10/un-experts-call-universal-abolition-death-penalty>.

²United Nations, “Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty Adopted and Proclaimed by General Assembly Resolution 44/128 of 15,” December 15, 1989, <https://www.ohchr.org/sites/default/files/ccpr-death.pdf>.

³Roger Hood, “Capital Punishment | Definition, Debate, Examples, & Facts | Britannica,” in *Encyclopædia Britannica*, 2023, <https://www.britannica.com/topic/capital-punishment>.

⁴European Commission, “Right to Life,” European Commission, 2023, https://commission.europa.eu/aid-development-cooperation-fundamental-rights/your-rights-eu/know-your-rights/dignity/right-life_en#:~:text=Everyone%20has%20the%20right%20to,the%20Charter%20of%20Fundamental%20Rights.

⁵United Nations, “Human Rights Law,” Archive.org, September 2, 2015, <https://web.archive.org/web/20200813084117/https://www.un.org/en/sections/universal-declaration/human-rights-law/index.html>.

⁶United Nations, “Human Rights | United Nations,” United Nations (United Nations, 2023), <https://www.un.org/en/global-issues/human-rights>.

International Bill of Human Rights: a statement of every individual rights that all governments that are represented in the United Nations are expected to follow.⁷

International Covenant on Economic Social and Cultural Rights (ICESCR): aims to ensure the complete protection of cultural, social and economic rights, including gender equality, right to work and freedom from discrimination.⁸

International Covenant on Civil and Political Rights (ICCPR): An international human rights treaty that provides a range of protections for political and civil rights. Along with the UDHR and the International Covenant on Economic Social and Cultural Rights (ICESCR), it makes up the International Bill of Human Rights.⁹

Background Information

The international battle against the death penalty began in 2007 and has continued till 2022. On 15 December 2022, 125 countries voted “yes” to the abolishment of the death penalty with 37 voting against it.¹⁰ In the USA, black and Hispanic people represent 31% of U.S population, however a 53% of death row inmates.¹¹ According to Amnesty International at least 883 executions occurred in 2022 in comparison to 2021 with at least 579 executions, this showed a 53% rise. Additionally, 28,252 people globally were sentenced to the death penalty in 2022.¹²

⁷OHCHR, “International Bill of Human Rights,” OHCHR, 2024, <https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights>.

⁸OHCHR, “Background to the Covenant,” OHCHR, 2024, <https://www.ohchr.org/en/treaty-bodies/cescr/background-covenant#:~:text=The%20ICESCR%20aims%20to%20ensure.Right%20to%20work>.

⁹American Civil Liberties Union, “FAQ: The Covenant on Civil & Political Rights (ICCPR) | American Civil Liberties Union,” American Civil Liberties Union, July 11, 2013, <https://www.aclu.org/documents/faq-covenant-civil-political-rights-iccpr#:~:text=The%20ICCPR%20is%20a%20key.International%20Bill%20of%20Human%20Rights..>

¹⁰United Nations Digital Library, “Moratorium on the Use of the Death Penalty : Resolution / Adopted by the General Assembly,” United Nations Digital Library System, December 15, 2022, <https://digitallibrary.un.org/record/3997726?ln=en>.

¹¹NACDL, “NACDL - Race and the Death Penalty,” NACDL - National Association of Criminal Defense Lawyers, 2024, <https://www.nacdl.org/Content/Race-and-the-Death-Penalty>.

¹²Amnesty International, “Death Sentences and Executions 2022 - Amnesty International,” Amnesty International, May 18, 2023, <https://www.amnesty.org/en/documents/act50/6548/2023/en/>.

Major Countries and Organizations Involved

Iran

In 2022 Iran had 565 people executed, 5 of them under the age of 18.¹³ Iran has been continuously condemned for their violation of international law, and their executions of minors.¹⁴ Throughout 2022 there were multiple protests against the government., this led to thousands being charged with offenses like *Moharebeh* “Waging War Against God” or *Mosfed-e-filarz* “Corruption on Earth”. Under the Islamic Republic of Iran these are punishable by death.¹⁵

Venezuela

Venezuela is the first country to permanently abolish the death penalty for all crimes. First ordinary crimes had the death penalty abolished in 1848. Eventually the death penalty for all crimes was abolished which was done so by the Constitution in 1864.¹⁶

Human Rights Committee

A sector of the UN that monitors the implementation of the International Covenant on Civil and Political Rights (ICCPR) per state.

Amnesty International

A non-government organization that fights for human rights for everyone. They are responsible for a lot of statistics and news when it comes to the celebration or condemnation of human rights.¹⁷ Amnesty International believes that the death penalty violates human rights, especially the right to life and live free from cruel treatment and torture.¹⁸

¹³Human Rights Watch, “Iran: Alarming Surge in Executions,” Human Rights Watch, May 12, 2023, <https://www.hrw.org/news/2023/05/12/iran-alarming-surge-executions>.

¹⁴Guardian staff reporter, “Iran Execution of Child Condemned by UN Human Rights Office,” the Guardian (The Guardian, November 29, 2023), <https://www.theguardian.com/world/2023/nov/29/iran-child-hamidreza-azari-execution-un-human-rights-milad-zohrevand>.

¹⁵Amnesty International, “Iran: Chilling Use of the Death Penalty to Further Brutally Quell Popular Uprising,” Amnesty International, November 16, 2022, <https://www.amnesty.org/en/latest/news/2022/11/iran-chilling-use-of-the-death-penalty-to-further-brutally-quell-popular-uprising/>.

¹⁶Roger Hood, *The Death Penalty : A World-Wide Perspective* (Oxford: Oxford University Press, 2002), 10.

¹⁷Amnesty International, “About Us,” Amnesty International, December 14, 2023, <https://www.amnesty.org/en/about-us/>.

¹⁸Amnesty International, “Death Penalty,” Amnesty International, 2023, <https://www.amnesty.org/en/what-we-do/death-penalty/>.

Relevant UN Resolutions

A/RES/44/128

“Second Optional Protocol to the International Convention on Civil and Political Rights, aiming at the abolition of the death penalty.”

Recalling article 3 of the Universal Declaration of Human Rights. Aims to abolish the death penalty, also wishes for states that insist on maintaining death penalties make it a second optional protocol.¹⁹

A/RES/77/222

“Moratorium on the use of the death penalty”

Reaffirming the significance of abiding by the Universal Declaration of Human Rights, the Convention on the Rights of the Child, and the International Covenant and Political Rights. Encouraging the Second Optional Protocol for states, in aim to abolish the death penalty.²⁰

Universal Declaration of Human Rights

Article 3

*“Everyone has the right to life, liberty and security of person.”*²¹

Article 5

*“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”*²²

Article 7

“All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”

¹⁹United Nations, “Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty Adopted and Proclaimed by General Assembly Resolution 44/128 of 15,”

²⁰ United Nations Digital Library, “Moratorium on the Use of the Death Penalty : Resolution / Adopted by the General Assembly,” United Nations Digital Library System, December 15, 2022, <https://digitallibrary.un.org/record/3997726?ln=en>.

²¹ United Nations, “Universal Declaration of Human Rights | United Nations,” United Nations (United Nations, 2023), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

²² United Nations, “Universal Declaration of Human Rights | United Nations,”

Previous Attempts to Solve the Issue

There have been up to 9 resolutions to abolish the death penalty starting in 2007 and the latest in 2022, it is discussed every two years.

Possible Solutions

1. Reducing the number of crimes that have capital punishment as a main consequence, for countries that still have the death penalty implemented in their law.
2. Urging nations to carry out thorough investigation of suspects with no discrimination and have the appropriate legal representation before trial.
3. Ensure that authorities undergo standard procedure and have sufficient evidence before the trial and sentencing of every civilian taken to court.

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