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Topic 1 | Women's Rights in Palestine

Background

For decades, Palestinian women have suffered a lack of important human rights due to various factors. The main stages of their fight for rights can be thought of in three phases: 1) the initial creation of the Zionist settlements in 1882 to Israel's establishment in 1948; 2) the Israeli occupation of the West Bank and Gaza in 1967; 3) and the current struggles they continue to face today (Kazi). Not only does the ongoing Israeli-Palestine conflict continue to make it more and more difficult for Palestinian females to have a voice, but their misogynistic culture is an overwhelming root problem as well (Buyukgul). Their struggles for rights encompass a lack of employment, education, healthcare, protection from abuse, experiencing forced marriages, honor killings, and numerous other preventable situations.

Many circumstances surround Palestinian women and their continuous struggle for human rights. They grow up within a misogynistic culture and a society where honor is of utmost importance within the family- more so than their rights. As a consequence, they lack rights within their own homes and families including, among many others, the rights of expression, freedom, and education. Since 1991, 162 Palestinian women have been murdered by a family relative in the Green Line area, according to the Palestinian women's group Women Against Violence. In addition, the Palestinian Central Bureau of Statistics indicated that 37 percent of married, Palestinian women in occupied territories have experienced domestic violence from their husbands (Buyukgul).

Along with this culture where women are undermined and not prioritized, there are many political reasons for women's disadvantaged position. As an indirect result of



Zionist colonialism, Palestinian men have felt a strong loss of masculinity due to the oppression they face from the Israeli-Palestine conflict. Palestinian families have a high sense of pride in the ability to 'provide and protect' due to their patriarchal system and culture (Buyukgul). With higher unemployment rates among Palestinian men due to border closures and sanctions, the men work for lower incomes. Therefore, women face the consequences of this loss, having to, for example, leave school to work instead. In addition, security institutions fail to properly address the protection of women, prioritizing national liberation without discussing women's rights and solutions to address the problem. The Women's Security Index discusses how in 2013, Palestinian women were likely to fear government institutions twice as much as Israeli women (Gostoli). The survey showed a large amount - 74 percent - of Arab women worry of harm that can come from government institutions as well. Institutions do not seriously address gender-based violence, with more than 50 percent of Arab women's murders lacking proper investigation or being ignored entirely (Gostoli). As a result of this disregard for Palestinian women's rights and violence cases women report their domestic violence less, fearing the police and feeling their abuse would not be taken seriously. Women Against Violence reported that before 2000, 40 percent of women coming to their domestic-violence shelters would file police reports on their cases. That number has fallen to 20 percent in recent years (Gostoli).

Although Palestinian women lack access to many fields, some areas that could help improve their situation lie within the spheres of education, employment, and political participation. Education could provide Palestinian women with a non-traditional viewpoint of their roles, which could include more gender equality and independence



from the male dominants in their families. In a study surveying 149 Palestinian university students and non-students, 54 percent of the women who were non-students claimed decisions in the family were made by men, in contrast to 34 percent of female students who claimed the same. The study also showed women who do attend school show more independence from their families and more determination to choose their significant others. Although more Palestinian women have been able to attend school in the past couple decades, there are still difficulties stemming from the shutting down of Palestinian schools in the West Bank and Gaza areas (Huntington).

Regarding employment, the Israeli occupation of West Bank and Gaza Strip pushed women to enter the workforce to fill financial obligations. As mentioned previously, daughters are forced to leave their schools to work instead. The number of Palestinian females working has increased, from about only 15 percent of women working outside their homes to about 20 percent of wage workers being females (Huntington). In addition, the Palestinian labor force increased by 8.6 percent in 2014, reaching over 1.25 million women, going from 17.3 percent in 2013 to 19.4 percent in 2014. The higher number of women participating in the labor market allows for more economic independence. However, despite the increases these rates are low compared to global numbers, and women's daily wages are only 76 percent of men's. In addition, employment does not necessarily mean gender equality is in play. Outside work does not always affect their traditional roles within the home, described as a sort of "second shift" they must continue to work (Huntington).

Political participation is a difficult arena for women to be involved in as well, due to the potential risks that come along with their involvement. More women used to be



politically active in seeking independence, but about 3,000 women were imprisoned in 1988 for their political and protest activities (Huntington). In addition, if they are suspected of any activities even without sufficient proof they can face great danger. For example, Israa Abed was shot following allegations she was going to stab others, even though the allegations were unfounded and found to be false later on (Gostoli). Nevertheless, being involved in this public arena and sphere has allowed them to go against their more traditional family roles and be more active in the political agenda.

Emergence of Palestinian Women's Movement

The official establishment of an organized women's movement in Palestine happened in 1929 after the Arab riots in Palestine, also known as the 1929 Massacres or the Wailing Wall incident. The protests included many demonstrations and riots between Muslims and Jews regarding access to the Western Wall in Jerusalem, ultimately becoming violent and resulting in the deaths of 133 Jews and 116 Arabs, as well as 339 being injured ("Arab Discontent"). This highly affected the Palestinian society and caused Palestinian women to address the Arab Executive, a group which acted as the leadership of the nationalistic movement. Women had already been involved in women's associations that were funded and facilitated by women from around 1910, due to the economic results of World War I. And on October 26, 1929 Palestinian women launched the new movement themselves with more than 200 women participating from the country ("Arab Discontent"). They passed resolutions including pledges to work along with the Arab Executive to improve Palestinian women's rights and involvement in the workforce, politics, and so on. In addition, some



female delegations presented resolutions to higher commissioners at the Government House and throughout their cities.

At this creation, they ended with a session where the Arab Women's Executive Committee (AWE) was created to execute the congress's resolutions. All the events were planned and organized by the different women, announcing their actions a week beforehand to prevent their demonstrations from being too spontaneous. The resolutions were created to ensure the AWE's activities were centered on gender equality and women's rights, pushing it to the "forefront of its political consciousness" (Fleischmann). AWE acted as the executive branch of the Arab Women's Association (AWA), with the goals to "elevate the standing of women" through "national institutions" (Fleischmann). In addition, women from many different walks of life were involved in the organization, such as women from urban areas or from middle class or wealthier backgrounds, or families of merchants, professionals, teachers, writers, and more. This wide range allowed for a diverse set of experiences to be incorporated in the resolutions, being able to relate to and provide aid to many different groups of women.

A study was conducted on the influence of Palestinian women's role in fighting for rights and being involved in this movement. 68 Palestinian female activists were interviewed. The backgrounds of these women were diverse, with ages going from 19 to 72, fifty being married, 13 being single, and 3 being divorced. Jobs included and ranged from healthcare workers, media representatives, members of NGO communities, college graduates, high school graduates, those who studied law, community, economics, and much more. The main circumstances that pushed women to fight more for their rights included: a preexisting cultural context of gender hierarchy, local



conditions, and international and regional development (Abdulhadi, 1998). Their main goal was to change their historical narratives to make them more balanced and equal to their male counterparts, in the hope of addressing the root of their cultural problems. They wanted to work on their social and political roles in society and empower women to be more involved and not fear doing so. Overall, the need to change the cultural context, improve their local conditions, and adapt to the development around them pushed these women to emerge and be involved in the movement (Abdulhadi, 1998).

The creation of an official organization addressing Palestinian women's issues was a landmark event in addressing their different rights violations. However, the idea that Palestinian women's participation could actually help and benefit the national liberation movement came more into mind around 1967, after the Arab forces' defeat by Israel in the six day war. They became more involved all around, such as being given military training. But their main participation went into types of aid that included nursing, providing food and uniforms to fighters, and creating supportive social and cultural institutions (Kazi). Their participation was inconsistent, with women not always being utilized and men still dominating non-domestic duties. With Palestinian women not being utilized to their full potential in the national liberation movement, provisions were created for women to acquire more training and professional skills in addition to focusing on increasing literacy rates and increasing their income. Regardless, their contributions and participation continued to take a few steps back with invasions and the Israeli-Palestine conflict disrupting their involvement.



UN Involvement

UN Women has long been supporting Palestinian women since 1997 through different programs to specifically target acquiring them more “social, economic, and political rights” (“Palestine Country Office”). With political instability and occupation, the UN understands the damaged socioeconomic situations of many Palestinians along with the higher vulnerability that women face in these areas due to the violence surrounding them. Due to the complicated nature of many circumstances, UN Women focuses mainly in: increasing Palestinian women’s leadership and participation in decision-making, economic empowerment, decreasing violence and increasing protection, empowering women’s leadership in peace, security, and humanitarian areas, and strengthening institutional accountability in regards to gender equality (“Palestine Country Office”).

In addition, UN Women decided to utilize a “bottom-up approach” through community-based projects to empower women locally (“Palestine Country Office”). At the same time, they have supported the Palestinian government through helping to establish and facilitate gender-equality plans and strategies to increase female participation. UN Women attempts to focus more on promoting women’s rights through ensuring services to protect them are improved and strengthened instead of remaining stagnant. They work together with different humanitarian actors, such as Human Rights Watch, and gender equality supporters throughout the country, creating a network of cooperation and coordination.

The Commission on the Status of Women (CSW) also agreed on a set of Agreed Conclusions in March of 2016 for gender equality in the 2030 Agenda for Sustainable



Development. Their goal, by 2030, includes creating a “world where there will be substantive equality” as said by Phumzile Mlambo-Ngcuka, the Under-Secretary General and Executive Director of UN Women (“Concluding Session, Women’s Commission Agrees”). The Agreed Conclusions include the importance of targeting equality in education, health, humanitarian, and economic necessities for women. Specifically, the Commission adopted a draft resolution, E/CN.6/2016/L.3, titled the “Situation of and assistance to Palestinian women” with a vote of 20 for, 2 against, and 11 abstentions (“E/CN.6/2016/6”). The resolution included addressing the crimes committed against Palestinian women by the Israeli occupation. These goals are in accordance with the 2016 theme of International Women’s Day that CSW promotes, which includes “Planet 50-50 by 2030: Step it Up for Gender Equality” (Ziri).

The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) also focused much of its efforts in providing aid for Palestinian women. The organization helped facilitate 252 schools in the Gaza Strip and 97 within the West Bank, enrolling 290,977 pupils by October 2014 with about 53.4 percent being Palestinian girls.⁹ The branch also focused on gender equality as part of the education provided, increasing awareness of gender-based violence in their lives and providing technical training. They worked together with the Ramallah Women’s Training Center to strengthen these technical vocational programmes and training for females (Daoud, 2009). Other organizations including the UN Children’s Rights and Emergency Relief Organization (UNICEF) helped schoolchildren through protection during their commutes to school at 14 military checkpoints and gates at the West Bank. This helped in total 1,461 girls as well as 333 teachers, 80 percent of which were women (Daoud, 2009).



UNESCO also trained 265 female journalists in spreading news of gender equality and the different resources available to women, including counseling and training.

Additionally, UNICEF worked with the Ministry of Health to provide better healthcare to Palestinian women. With about 32 percent of women having high-risk pregnancies in Gaza, UNICEF provided postnatal home visits through nurses and provided advice to 26,000 women on nutritional and breastfeeding techniques. They also helped set up mobile clinic services to reach out to about 7,000 displaced women through health-care services (Daoud, 2009). The World Health Organization (WHO) and the Palestinian National Institute of Public Health also worked together to decrease infant mortality rates through improving the quality of their health registries and health surveillance systems (Daoud, 2009).

However, despite the UN's intents to provide aid to Palestinian women, their actions cause great controversy and sometimes lean towards blaming the state of Israel and Israeli occupation for domestic violence. They fail to balance out the blame and accountability of the Palestinian government as well. Therefore, the UN still must improve holding both sides accountable in order to fully solve the issue, as attacks from both sides have caused immense danger to Palestinian women (Ziri). To ensure neither side is offended and both feel more accountable, the UN must develop their understanding of all sides of the issue, including all key actors and all actions committed by these actors.



Potential Solutions

Delegates must understand that potential solutions should include tackling the numerous issues and circumstances surrounding Palestinian women. For example, the Israeli-Palestine conflict and how it makes women vulnerable to violence must be addressed. There needs to be strategies and initiatives in place to prevent violence and to help ensure Palestinian women are not in the forefront of facing the disadvantages of these conflicts. In order to truly solve this complex issue, the Israeli-Palestine conflict cannot go ignored in terms of its negative effects on Palestinian females.

Additionally, delegates must look into other solutions in Palestine's agenda and how to prioritize women's rights as an important topic of discussion and decision-making. There must be a strategy to balance looking at both Palestinian women's rights and national liberation as important, instead of liberation being more important than the former. As Rawda Basir, director of the Women's Studies Center claims, "people give more attention to the liberation of the land at the expense of the liberation of women" ("Palestinian Women's Rights Overlooked in Favour of National Liberation"). This highlights how much attention must be given to ensure the country can discuss liberation while also paying attention to the disadvantages women are experiencing.

And lastly, delegates must understand that there are many sides and perspectives to this issue. Solutions must not just surround dealing with how to strategize with the Israeli occupation, but also with the Palestinian, misogynistic culture and society that negatively affect women. Violence and violation of rights come from all sides and circumstances; therefore, delegates must provide concrete ways to tackle the issue from the different roots of the problem. Educating communities on moving away



from unbalanced, traditional roles can be strengthened through larger educational systems like the ones the UN is currently working on, as was mentioned under the *UN Involvement* section. Healthcare must also improve to ensure women can properly give birth in a healthy environment and care for their mental health when experiencing violence and other traumatic incidents. Employment must be made more equal, with a smaller income gap and more job opportunities opened up to women without the fear of being harassed or being mistreated within the workforce. There are many areas that solutions can be thought and created for, as well as many projects already in place that must be organized, coordinated, and further established.



Case Studies

Palestinian Women in West Bank

Much research generally surrounds two main areas when focusing on Palestinian women and their rights and treatment from their environment: the West Bank and the Gaza Strip. Within the West Bank is an area considered landlocked and with numerous Israeli settlements. Currently, there are 2,785,366 Palestinians and 371,000 Israeli settlers (CIA World Factbook). Due to the occupation, Palestinians in general have limited freedom and a limited right to activism. Studies on the psychological effects on women relate to the different restrictions on their freedom and the constant hardships they undergo. Women, especially, have a hard time to participate in changing the social system due to both the occupation obstacles and the cultural standards of women not being allowed into many leadership roles.

The economic hardships prevent women from gaining more employment, and the West Bank has no Palestinian financial system for them. In addition, agricultural development has been slowed within the Occupied Territories, with the labor market changing in accordance with the new changes of control over water resources. The increased migration or imprisonment of men within the region put more responsibilities on the women to fulfill financial obligations. However, their income and salaries end up being about 50 percent smaller than the amount of equal types of jobs in Israel (Kazi). In addition, the status of Palestinian women in the West Bank fails to improve due to the lack of amendments on existing laws for women (Kuttab).

Although Palestinian women in the West Bank continue to face numerous obstacles in their fight for liberation, freedom, and rights, there has been more



awareness and attention given to their situation. The Popular Front for the Liberation of Palestine (PFLP) attempts to organize women to participate politically and socially. Palestinian women have been able to become more involved in activities such as political disobedience or becoming members of women's work committees. The women especially emphasize the importance of education and the social welfare of women and Palestinians in general (Kazi).

Other activities West Bank Palestinian women have been involved in include demonstrations and writing for newspapers. In addition, females who are students of universities and of high schools also participate, which sometimes results in short and long-term detention sentences. But their involvement in education has undoubtedly been improving, as shown in the 1981/82 session where female students were about 40 percent of the total amount of students in higher institutions within the West Bank (Kazi). More women have also gained access to trade unions and have been able to participate more in national liberation and other fights for equal wages or employment opportunities. Although they are still very limited in their roles and statuses, the fight for Palestinian women's rights in the West Bank is evident and improving with time and progress.

Palestinian Women in Gaza Strip

Palestinian women within the Gaza Strip, like the women in the West Bank, also struggle in their rights and fight for empowerment. The women live within a society where males dominate, continuing to fight for a higher status or role. Consistent violence causes them to be vulnerable to situations in and out of their homes, providing them no safety from the conflicts around them. The financial struggles they experience



are especially difficult, as many women and their families lose their homes. Due to the slow economic development, reconstruction is nearly impossible or has been making very slow progress. Although there have been organizations to help families, such as the Catholic Relief Services, in building shelters, they still lack proper homes or compensation from the government. Gaza's Public Works and Housing Department's deputy minister, Naji Sarhan, explains the difficulty in providing compensation of lost homes. He claims there are over 12,620 housing units that were destroyed, 12,740 severely destroyed, and 143,680 partially destroyed. Therefore, the amount of work to be done is nearly impossible for a struggling government (Elrayes).

In addition, many women have been unable to finish or continue their education due to the amount of money they must save to compensate for the destruction of their housing or a lack of employment in their family. With the different forces of violence around them, such as Israeli attacks, many lose homes and must drop out to work unless scholarships are acquired. However, with a lack of communication with the Ministry of Education and Higher Education, it is difficult for scholarships and loans to be provided to students in Gaza. In addition, schools are barely able to pay their employees, and hence find it even harder to provide women with the financial security they need to continue their studies (Elrayes).

Similarly to the West Bank, Palestinian women in the Gaza Strip still become involved within the fight for their rights. Within the Gaza Strip, the Women's Empowerment Project was created in 1995, with the goal to have vocational and counseling services and training to women who experienced violence in their lives (Holt, 2004). In addition, women utilize media for empowerment as well, understanding media



can be a powerful tool for awareness and aid to their situation. They utilize five women-focused media outlets including: Gaza Women Radio, Al Ghaida Magazine by Women's Affairs Center, Al Saada Magazine, Nawa News Network, and the Khnsaa Palestine website (Jalal). These organizations and media outlets are significant as they are not affiliated with the government but instead with civil groups trying to push for women's rights to be an agenda topic of discussion and decision-making.

Within media, it is evident that popular news sources such as the Al-Quds, Al-Ayyam, or the al-Hayat al Jadida rarely point out or prioritize women's issues (Jalal). Additionally, when women's issues are being discussed on local radio stations they are mostly discussed by men, which result in the poor portrayal of women or with stereotypes. Overall, although women are increasingly able to utilize the power of media, there are still many obstacles to prevent them. For example, women do not acquire managerial roles in local media organizations that men are involved in and do not have the opportunities to show their different skills and ideas for innovation that could help women.



Questions to Consider

1. In what ways can the current activism, that Palestinian women are involved in, be improved upon to further their role in their surrounding community on both a local and national level?
2. What ways can both the Israeli occupation and the Palestinian government be held accountable for the violence and experiences the Palestinian women go through?
3. How can we create solutions without creating controversy or anger for other countries, such as Israel and the US criticized the UN for? (*Look at UN Involvement Section*).
4. To what extent should we look at the Israeli-Palestine conflict in order to solve the issue of Palestinian women specifically?
5. How can we change the different roots of the problem of Palestinian women's lack of rights, including their cultural standards already heavily embedded in their communities?
6. What can organizations such as UN Women, the UNHRC (our committee), UNESCO, and other UN branches do, or continue doing, to help Palestinian women?



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Topic 2 | Capital Punishment and Prisoner Rights

Background

Capital punishment, also known colloquially as the death penalty, is the process whereby a government imposes the infliction of death to a person for a crime committed. The act dates back to the eighteenth Century B.C. in the Code of King Hammurabi of Babylon, where the death penalty was imposed for 25 types of crimes (“Introduction to the Death Penalty”). Some early actions on the death penalty included the 7th Century BC Draconian Code of Athens that had the punishment applied on every crime (“Death Penalty Focus: Racial Disparities”). The death penalty was applied differently for people of different classes such as those of nobility, freed men, or slaves. Punishable crimes included destroying farmers’ crops, offensive publications, perjury, murder, causing disturbances, and many others. Types of death sentences carried out included crucifixion, drowning, burning, and many other forms found in historical documents. Some of the first executions recorded occurred in the British American Colonies in 1608 for treason. The influence for abolitionists to rethink this method of punishment came when Cesare Beccaria published *Essays on Crimes and Punishments*, which studied the criminal justice system of eighteenth-century Europe and called to end the death penalty (“UN Vote Against Death Penalty Highlights Global Abolitionist Trend”).

Although capital punishment is used for grave crimes such as murder, other punishable crimes also include fraud, adultery, rape, and treason. Amnesty International has carried out many studies following the trend of utilizing the death penalty amongst different countries. In 2008, this method of punishment was only practiced by 25 out of



59 countries where the death penalty was legalized in (“Introduction to Capital Punishment”). The organization also recorded that in 2015, there was a large increase of 54 percent in executions globally when comparing the numbers to 2014’s amount. In the same year, four countries did abolish the act altogether, which was the most amount of countries doing so in the same year (Amnesty International). In addition, 89 percent of the punishments were done in the same three countries: Iran, Pakistan, and Saudi Arabia. Between Iran and Saudi Arabia, the number of executions also increased by 31 percent for Iran and 76 percent for Saudi Arabia. Through estimations, the amount of executions in China, the top user of the death penalty in the world, is thought to be around the thousands. Other top executioners include the United States, who executed 220 people from 2007 to 2011 (Center for Constitutional Rights).

Despite these rising numbers, the amount of countries becoming abolitionist states has also increased, reaching a total of 102 in 2015. In addition, other countries have also adopted new laws to reduce the crimes that the death penalty can be inflicted on, such as Mongolia and their new Criminal Code, China, and Vietnam. Some countries also made a stricter promise to review their death penalty laws more carefully as well, such as Malaysia, South Korea, Burkina Faso, Guinea, and Kenya (Amnesty International).

The use of capital punishment has sparked a long and ongoing controversial argument on its legal, moral, and effective aspects. Many countries and abolitionists claim that the death penalty violates the Universal Declaration of Human Rights - the right to life, as claimed in Article 3 (Center for Constitutional Rights). Arguments are made that if a government has the right to end one’s own right to life, they can violate



the other fundamental rights listed as well. The criminal system also has been found with many flaws, such as utilizing isolation, violating prisoner rights further where prisoners are not allowed access to their families or fellow inmates. For example, about 3,250 prisoners on the death row in the United States are left in solitary conditions and isolation in about 23 hours or more a day (Center for Constitutional Rights). There have been calls to ban this method of solitary confinement, especially for death penalty prisoners.

There is also the argument that the death penalty does not exactly act as a proper deterrence for crimes, and is instead filled with many flaws such as its disproportionate use. For example, since 1977, the majority of death row defendants - about 77 percent - were executed for murdering white victims despite African Americans consisting of half of homicide victims within the United States. In addition, the death penalty has, at times, been inflicted upon those wrongly accused. In 1973, 140 death row inmates were released when found they were wrongly convicted of their crimes; but 1,200 people were also executed the same year (Amnesty International). Many death row prisoners are also unable to acquire attorneys due to financial reasons, therefore leaving their fate up to arbitrary processes such as plea bargaining and the political system of the justice process. Therefore, many abolitionists argue that the prisoner's rights are violated as they do not have equal access to the justice system, unlike other prisoners who can afford proper attorneys, and could be potentially wrongfully convicted.

Despite the argument against capital punishment, there are also many arguments for this act, creating much controversy. Many use the argument and study by



Isaac Ehrlich, who analyzed that when one prisoner is executed through the punishment, there are seven people whose lives are spared because they were deterred from murdering others (“Deterrence”). It is also argued that whether a country utilizes the death penalty or not does not correspond to having higher or lower murder rates, respectively. Ernest van den Haag, a Professor of Jurisprudence at Fordham University, also studied that even if statistics do not prove deterrence, the fact that death is a large fear for most people, the threat of death is still effective to a certain degree. There is also the argument that more or at less about an equal amount of white and black people get executed as well. It was found that 44.74 percent of death row inmates were white, with about 41.58 percent being black; in addition, 56.6 percent of defendants executed were white, with about 34.6 percent being black (“Death Penalty Focus : Racial Disparties”). Therefore, although there are more countries against the death penalty, there are definitely many arguments still in existence for and against this act regardless.



UN Involvement

Most members of the United Nations have taken a stance against capital punishment, as indicated when UN Secretary General Ban Ki-Moon acknowledged the global progress of more countries moving away from using the death penalty. More than 160 member states have abolished or discontinued practicing the death penalty throughout the years, including countries of various backgrounds and legal systems. Delegates can view the different countries that have abolished the death penalty in the country in the map figure below.



(Source: Deathpenalty.org)

The Office of the High Commissioner for Human Rights (OHCHR) advocated for the protection of all human rights, believing this would also include banning the death penalty globally. The OHCHR argued that fundamental rights, including those for prisoners, should include the right to life; in addition, the organization pushed for



banning the practice in order to prevent the execution of innocent prisoners or if there is a lack of absolute evidence to serve the punishment (OHCHR).

As early as the 1960s, when most countries still included the death penalty within their legal system, the UN International Covenant on Civil and Political Rights (ICCPR) started the frameworks on international law. Within Article 6 of the ICCPR, it was included that the death penalty should be used with limits. The UN Economic and Social Council also created and adopted the 'Safeguards guaranteeing protection of the rights of those facing the death penalty,' approving it on May 1984 (OHCHR). Within this safeguard included, in Article 1, that "capital punishment may be imposed only for the most serious crimes" and within Article 4 included the act will only be made on "clear and convincing evidence" ("Rights of Those Facing the Death Penalty") The UN also created the Second Optional Protocol to ICCPR, which aimed to abolish the act in 1989, where member states would adopt the protocol and not execute anyone in their states.

The UN has also been heavily involved in recent years, such as their support of the resolution, A/RES/69/168, on having a moratorium on the use of the death penalty. With more support from the Third Committee, the resolution was passed with 117 countries for, 38 against, 34 abstaining, and was co-sponsored by 94 in 2015 (Donatelli). The resolution had different focuses and goals from previous years, wanting to emphasize the rights of prisoners more such as those with mental illnesses, pregnant women, or minors. Paragraph 5b emphasized the responsibilities of countries' governments to provide foreigners, charged with the death penalty, consular assistance. This includes advice and aid from diplomatic agents of a country to those who are overseas temporarily (Donatelli). This occurred as people would receive the punishment



without their rights to consular assistance, such as Edgar Tamayo and Ramiro Hernandez Llanas who were executed without access to such rights. The resolution reminds their obligation to do so under the 1963 Vienna Convention on Consular Relations. This resolution also worked with the World Coalition Against the Death Penalty which highlighted the actions of the 117 countries working against the death penalty, and encourage others to do so (Donatelli). Therefore, although the death penalty might not be illegal under the international law, the UN has taken many actions in encouraging member states to not practice the act through the non-binding resolutions.

Regardless, the UN's actions have still not been able to rid of the death penalty completely, including in powerful nations such as the United States. The US and other countries such as China have experienced much criticism on their use of the death penalty ("UN Vote Against Death Penalty Highlights Global Abolitionist Trend"). In addition, with the increased terrorist attacks globally, countries such as Pakistan had to lift their death penalty moratorium in the event that they would have to execute those involved in terrorist offenses. However, without a proper criminal justice system, countries such as Pakistan have shown to have no absolute evidence or proper definition of 'terrorism' to link a crime to needing the death penalty. For example, the Justice Project Pakistan researched into Shafqat Hussain's case, a male who was on the death row for 10 years for kidnapping and murdering a child. However, the question of whether his rights were violated was made when studies found he was tortured for nine days straight, and whether he should face the execution or not. In the end, he was



provided a black warrant that meant his execution would be forthcoming when the moratorium was lifted by the government.

The UN has also studied the different results and effects of capital punishment, such as UN Assistant Secretary General for Human Rights, Ivan Simonovic. He wrote and launched a UN book titled *Moving Away from the Death Penalty: Arguments, Trends, and Perspectives*. Within the book, there was evidence and studies shown on how executions are occasionally registered and recorded incorrectly (“Time For the Eradication of the Death Penalty”). It also encourages for the public to take their part in decreasing the use of the act as well. Other studies showed the lack of a correlation between the punishment and whether crime rates truly go down or not, indicating that deterrence might not be an effective reason for the law to still persist. Simonovic claims that although there is no correlation between these two, there is “conclusive evidence that there is a correlation between death penalty and discrimination and unequal treatment against vulnerable groups.”¹³

The UN Human Rights Committee also found there are about 1,000 prisoners executed when their crimes are related to drugs. However, these types of issues and crimes are still very controversial around the world, with debates on whether drug crimes should or not should be punishable by death penalty. Therefore, the UN has great difficulty in balancing out the different priorities of diverse countries, as each country has higher crime rates in a certain area than others. Therefore, the UN still has much work to be done in coordinating the different policies of each nation along with the international law and goal for a complete abolishment of the death penalty worldwide.



Potential Solutions

Delegates must understand there are many different arguments that are involved in this topic, and that this topic is not just a black and white issue. Although the majority of states are against the death penalty, some have lifted the moratorium for their own agendas depending on what they feel is a priority in their nation at the moment. Therefore, delegates must look for solutions to cover the different, complex sides of this topic. Additionally, solutions must not just be on getting countries to reach a compromise on the death penalty itself, but to reach solutions to better the justice system for prisoners on the death row, or pending to be on it. The topic is not just on capital punishment- it is on prisoner rights as well.

Solutions must be provided on reaching a compromise between nations, such as on potentially putting limits on executions and the types of crimes that should be eligible to be punished by the act. There needs to be further observations on the types of crimes usually associated with the death penalty, and whether it is realistic for countries to narrow the different types. Other solutions can be found on incentives that can be provided to countries that might heavily be involved in the death penalty as well. The point of having a resolution is to get as many countries to vote in favor of it and agree with its points- not to just satisfy one single country by itself.

Delegates must also keep in mind the different ways to improve prisoner rights as well. Prisoners continue to face a violation of their rights all over the world, in both developing and developed countries. There needs to be solutions on how to better enforce their rights, such as their rights to be treated fairly and not with constant violence before their execution. Solutions must be made on whether certain acts should

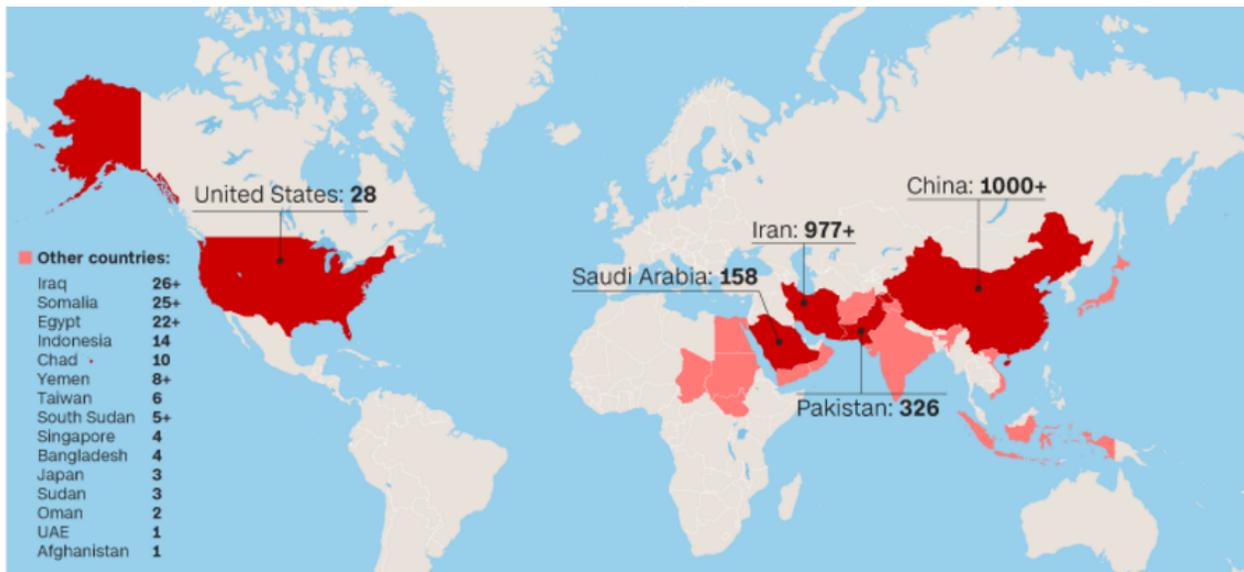


be legal or not, such as solitary confinement, torture for confessions, isolation, and much others that are highly controversial to this day. There must be solutions for death row prisoners that might be foreigners and potentially facing an execution in another country, as mentioned under the *UN Involvement* section. In addition, there should be solutions on how to better the investigation process into whether someone is guilty or not of a crime they are accused of, causing them to be sentenced to the punishment. Delegates must find ways to better DNA testing or other systems to prevent innocent people to be executed. Keep in mind, as well, that countries have deaths ingrained in their system due to cultural and religious beliefs, such as those of honor killings. Solutions must be respectful of diverse types of countries and backgrounds, but also reach a justified system that will not violate someone's rights.



Case Studies

People's Republic of China



(Source: <http://www.cnn.com/2016/04/06/asia/china-death-penalty/>)

The People's Republic of China remains, to this day, one of the most frequent users of the death penalty in the world today. Amnesty International estimates at least over 1,000 executions took place in China in 2015, which is significantly higher than any other country considering there was an estimated 1,634 executions worldwide in 2015, not including China (Griffiths). China's Criminal Procedure Law of 1996 only allows lethal injections and shooting as methods of their executions, but shootings were stopped in 2010 through the People's Supreme Court ruling in 2009 ("Death Penalty Database: China"). The use of lethal injections rather than firing squads was shown to be more economical, as one injection would cost about 300 yuan as opposed to 700 yuan for a firing squad. They invested and created what are known as mobile 'death vans' where prisoners are placed in an electric-powered stretcher and injected with the



legal injections. Generally, people inflicted with the death penalty in China are usually convicted of economic and political crimes.

China has come under much scrutiny for their use of the death penalty, especially with the worldwide trend moving away from this punishment. Amnesty International, a group highly involved in death penalty research, is still unable to officially publish numbers of executions from China due to their confidentiality and lack of transparency when providing proper numbers, claiming the ones the government gave were too low. In addition, Death Penalty Worldwide, an organization that researched the punishment through Cornell Law School, observed that there were at least 2,400 executions in China in 2014, which equals one execution per group of 562,500 people (“The Secret China Won’t Share with the World”). Amnesty International still lists China as the largest executioner within their *Death Sentences and Executions* report in 2015, stating there are about 50 crimes eligible to impose the death penalty on. Such crimes would range from embezzlement, murder, or political treason and such.

China’s executions numbers have consistently remained high throughout the years, but reform to move away from the act has occurred as well. In 2011, the number of crimes where capital punishment was the prescribed decreased by 13, and then by 9 in 2015 (Griffiths). Nevertheless, the crimes that were removed included ones such as smuggling nuclear material or making up rumors, which were crimes that rarely concluded in the death penalty, thus failing to make a large difference in the overall execution numbers. In 2014, China did announce that they would discontinue using the organs of prisoners who were executed. This act of harvesting the prisoner’s organs was met with much controversy, as there are many negative consequences, such as



the parts becoming a part of the black market if traded for money. Therefore, China has been attempting to improve this system by registering organs on a computerized donation system instead of having the process being private and open to corruption (Griffiths).

In addition, public opinion in China towards the death penalty has also changed throughout the years. This occurred as the amount of executions imposed on innocent prisoners increased, such as on Huugjilt, an 18 year old male accused of raping and murdering a woman. He was executed in a few months, but was found innocent nine years later when the actual murderer, Zhao Zhihong, confessed to the crime instead (Griffiths). This started much debate and arguments amongst the media and public on the corrupt system that lacked proper investigation strategies and the necessity of the death penalty. Regardless of apologies from the courts officials, China still is under much criticism for their lack of transparency, high number of executions, and questionable investigation techniques. In addition, the situation is complicated by the nature of their conservative government on issues of free expression. (“The Secret China Won’t Share with the World”).

Latvia

The Republic of Latvia, a recent abolitionist country of the death penalty, removed the act from the law completely in December 2011, and was enforced in January 2012 (“Terms”). Latvia’s history with the death penalty emphasized the importance and necessity of prisoners having the right to seek clemency when coming face to face with the punishment. The country deemed one having such right if they had served or were serving a sentence in Latvia already, were convicted in another country



and sent to Latvia for the sentence, or was convicted in Latvia but transferred to another country to decide on the sentence (“Terms”). The country allowed for clemency petitions to be carried out once a court ruling is in order and after one-half of their prison term has been carried out. If one is sentenced to life imprisonment, the prisoner also has the right to a clemency petition for 20 years after the prison term as well.

Despite their clemency laws, Latvia’s legislature, Saeima, adopted the Law on Protocol 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Protocol also allowed that a country can make necessary changes in times of war or if a threat of war was taking place. In 2011, they passed the Law on Protocol 13, which detailed potentially abolishing the death penalty as well; however, Section 37 of the Criminal Law does include the case that the death penalty might be allowed in a time of war for an act of murder if necessary (“Terms”). There was significant controversy around the issue, as government officials and lawmakers believed the amount of murders would increase without the act. However, with the European Union’s encouragement that Latvia should rid the act in order to facilitate their membership in the EU, Latvia officially abolished it. The Latvian Foreign Minister Valdis Birkavs announced that the death penalty would prevent them from having trouble joining the EU, resulting with a 64-15 vote in favor of doing so (“Herald Journal”).

Latvia has become a consistent supporter for abolishing the death penalty, it was involved in the World Day Against the Death Penalty and signed and ratified international conventions against the punishment. The country has also supported the moratorium on the death penalty as well since 1996, and has continued to be a supporter within the EU (“Latvia Supports Joint Call for Abolition of Death Penalty”).



However, there is still much controversy and debate regarding the use of the punishment in the country. Many arguments are expressed through media and the national radio, such as by Latvian Justice Minister Gaidis Berzins who claimed there must be “renewed debate on the suitability of not having capital punishment” (“Latvia Supports Joint Call for Abolition of Death Penalty”). Other government officials have argued whether there should be a referendum to reinstate the death penalty, especially after a murder case involving an 11 year old girl murdered by her father while sleeping (“Deterrence (In Support of the Death Penalty)”). Therefore, with this controversy and debate, Latvia has not yet signed Protocol 13 of the European Convention of Human Rights, which would prevent them to execute prisoners in times of war (“Latvia Supports Joint Call for Abolition of Death Penalty”).

Despite much progress in Latvia in moving away from the death penalty, it is still evident that there is much controversy that prevents them from fully detaching from the act. This is the same case for many countries, as the numerous sides of the topic allows for different perspectives and reasoning to come in.



Questions to Consider

1. What are the different sides to this topic? There's obviously the for and against argument, but what about allowing the act under certain circumstances, such as in times of war like Latvia, or just completely abolishing the act no matter the situation?
2. In what ways has your country moved away, or toward, the death penalty?
3. In what ways has your country improved the rights of prisoners on the death row? What types of limits should be made on their rights?
4. What kind of methods should be enforced to ensure prisoners are absolutely guilty of the crime they are accused of? This could include DNA testing, witness accountability, transparency from the police, etc.
5. Would the death penalty be a true deterrence in your, other other, country? What evidence do you have for or against this argument of deterrence?
6. What kind of results, both positive and negative, can come from abolishing or using the death penalty? This would include public opinion, international reactions, etc.



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