



United Nations Commission on Crime
Prevention and Justice (CCPCJ)
Chair Letter

DEAR DELEGATES,

Welcome to CNYMUN 2025! This is our 42nd conference. Your chairs for the Commission on Crime Prevention and Criminal Justice (CCPCJ) are Nick Prince and Liam Newton.

ABOUT THE CHAIRS

Liam Newton is a junior at Fayetteville-Manlius High School. Some things he enjoys doing include sports, music, traveling, and MUN of course. He plays soccer and basketball for his school teams and enjoys golfing with friends for fun. One of his favorite activities is playing the trumpet in his school's Wind and Jazz Ensemble, and he has been a musician for many years. He is also an Eagle Scout in his local Boy Scout Troop 369. His favorite sports teams are all from Georgia, including the Falcons, Hawks, Braves, Atlanta United FC, and Georgia college football. Additionally, he enjoys playing fantasy football, placing friendly bets on games, and staying up late to watch Sunday and Monday night football. He has been a part of the MUN club at his school since eighth grade. He has attended many conferences, including MPH MUN, JDMUN multiple times, and UNAR in Rochester. For CNYMUN, he was part of the Secretariat last year and a delegate in ECOFIN the year before. MUN has been a substantial part of his life for a long time, and he has made great memories with other delegates in committee, debating, and problem solving. He hopes for the same experience at this year's CNYMUN.

Nick Prince is a senior at Fayetteville-Manlius High School. He has been participating in MUN since his junior year, attending many different conferences. Outside of MUN, Nick rows on his school rowing team, and participates in a variety of clubs such as Data Science Club and German Club. He also is a huge sports fan, and has horrible taste in sports teams. His favorite sports are Formula 1, college basketball, and college football, and he loves staying up late to watch F1 races and football games. His favorite teams are the NY Jets, Syracuse football and basketball, and Williams Racing. Nick is very excited to be chairing at CNYMUN 2025, and hopes to create a friendly and fun environment for delegates.

ABOUT THE COMMITTEE:

Your topics for the United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ) at CNYMUN 2025 will be:

1. Tackling the Issue of Firearm and Weapons Trafficking
2. Assessing the Use of Capital Punishment as a Means of Criminal Justice

The United Nations Commission on Crime Prevention and Criminal Justice is a subsidiary body of the United Nations Economic and Social Council, which was set up in 1992 with the mandate of acting as the principal policy-making body in matters pertaining to crime prevention and criminal justice.¹ Among the other mandates of the CCPCJ are international cooperation in combating transnational organized crime, developing and implementing global standards and norms for criminal justice, and relevant technical assistance to Member States for the strengthening of national justice systems. The Commission plays an important role in shaping international policies on a broad range of crime-related problems, including human trafficking, cybercrime, corruption, terrorism, and illicit trade in firearms. It creates dialogue and cooperation among member states, international organizations, and civil society in order to respond to the challenges mentioned above. The CCPCJ also monitors the implementation of the conventions developed under the United Nations with respect to crime, such as the UNTOC-United Nations Convention against Transnational Organized Crime-and the UNCAC-United Nations Convention against Corruption.² The CCPCJ-its main vehicle for fostering cooperation and providing guidance-applies great importance to making progress to ongoing global efforts for public safety while upholding the rule of law and human rights in the administration of criminal justice.

¹ "Commission on Crime Prevention and Criminal Justice." *UNODC*, www.unodc.org/documents/commissions/CCPCJ/19-10645_CCPCJ.pdf. Accessed 9 Oct. 2024.

² "Commission on Crime Prevention and Criminal Justice: Sustainable Development Knowledge Platform." *United Nations*, United Nations, sustainabledevelopment.un.org/index.php?page=view&type=30022&nr=210&menu=3170. Accessed 8 Oct. 2024.

ABOUT THE CONFERENCE:

Following CNYMUN tradition, the debate will be conducted in Harvard style, meaning delegates will not be allowed to use pre-written clauses and/or resolutions during committee. Doing so will make a delegate ineligible for awards.

To be eligible for awards, delegates must submit a 1-2 page position paper via email that addresses both topics before the start of the conference. Position papers should outline the stance of your delegation, and display an understanding of the topics, demonstrating research and knowledge of your organization's goals. When deciding on awards, the chairs will look favorably upon delegates who have put significant effort towards research/preparation, collaborate with other delegates during committee sessions, stay within their nation's policies, and get their voice heard without being overbearing.

Furthermore, for the first time, CNYMUN is implementing a tiered structure of committees to ensure similar experience levels for all committee members. The Commission on Crime Prevention and Criminal Justice Chair Letter (CCPCJ) is designated as an open committee. In turn, the Best New Delegate Award will be offered to a first-time delegate in this committee.

Please share position papers before the conference begins. To contact your chairs about any research, position papers, committee inquiries, or other questions, our emails are listed below. We also encourage you to scan our lengthy delegate preparation resources – and award structure – on www.cnymun.org. We wish you luck, and look forward to what CNYMUN 2025 will bring!

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TOPIC 1: TACKLING THE ISSUE OF FIREARM AND WEAPONS TRAFFICKING

Arms and weapons trafficking is a global problem that increases conflict, empowers organized crime, and perpetuates human rights abuses. About 1 billion small arms circulate worldwide each year; nearly 45% of them are civilian-owned, most of which have been acquired through illegal means.³ Such illicit trading can be found across nations with poor governance, porous borders, and new technologies that allow anonymous purchases and sales. Similarly, this problem cannot be handled without intense international cooperation to destroy these networks and implement regulations effectively.

The increase in guns, especially since the Cold War, has affected global security for a long time. Since 2020, there have been more than 1 billion small arms circulating globally and 84.6% of that is from civilians.⁴ Weapons given out during earlier wars are still being sold illegally, causing violence all over the world. For example, during the Cold War, the United States and Soviet Union both gave large amounts of weapons to their allied states and revolting groups. Once the Cold War came to an end, these weapons found themselves in illegal markets. A study done by the UNODC on global firearms trafficking revealed that upwards of 40 million illegal firearms from the warzones and nations' stockpiles were abandoned and looted, most notably in Latin America, Africa, and Eastern Europe. Even with the efforts put in place, such as the UN PoA and the ATT on small arms and light weapons, because of the problems in law enforcement and unequal support by countries, illegal arms trade continues. In many countries, particularly those with limited capacity and/or ongoing armed conflict, law enforcement agencies simply do not have the proper tools to effectively control arms flows. In Africa, Latin America, and Southeast Asia, illegal arms flows frequently find their way to regions containing far-reaching imbalances in terms of police funding both overall and per capita according to the UN Office on Drugs

³ *Small Arms Survey*, www.smallarmssurvey.org/. Accessed 8 Oct. 2024.

⁴ "The West Africa–Sahel Connection." *Small Arms Survey*, www.smallarmssurvey.org/sites/default/files/resources/SAS-BP-West-Africa-Sahel-Connection.pdf. Accessed 9 Oct. 2024.

and Crime (UNODC). A 2018 study found that up to 80% of arms seizures in Nigeria were from unlicensed sources, with authorities unable to fully track or intercept many illicit arms due to poor cross-border cooperation and limited resources.⁵ The problem of arms trafficking is met with inconsistent responses from nations. Richer countries focus more on their homeland security rather than international matters of trafficking, leading to less developed countries having very little help when it comes to these issues. Moreover, states that are heavily dependent on an export-driven arms sector might be reluctant to rigorously enforce international agreements so as not to undermine their respective defense industries.

The UN Programme of Action on Small Arms and Light Weapons (PoA) was adopted in 2001 to stop the illicit flow of small arms worldwide. However, a 2021 review found that only 51% of countries had fully implemented provisions of the PoA, while many nations—especially in conflict regions—struggled with lack of funding or institutional capacity to enforce these measures effectively.⁶

It is estimated that over 500,000 people die each year due to firearms violence, and most of these incidents involve illegal weapons.⁷ Today, illegal trading in arms continues to be one of the major headaches, and several million small guns are still in use. For instance, Latin America is home to 43 of the 50 most violent cities globally, many of whose problems spring from gun violence issues occasioned by illegal trading.⁸ Similarly troubled spots include Sub-Saharan Africa and the Middle East, where guns result in high murder rates, prolonged conflicts, and humanitarian emergencies. International efforts to deal with this trade, such as the ATT, have been mostly crippled by inconsistent enforcement and a lack of universal participation. Some topics that may need to be discussed should entail improving

cooperation internationally, advancing the capabilities of law enforcement and imposing standard arms regulations around the world. Solutions should address the need for more funding and training of police agencies to assist them in stopping illegal arm shipments. Also, improving border control systems and technologies such as drones and identification systems to further prevent transnational arms smuggling.

Preventing gun trafficking requires robust international laws. Important agreements like the Arms Trade Treaty (ATT) and the UN Programme of Action on Small Arms and Light Weapons (UN PoA) have been made to control the trade and stop weapons from getting into the hands of illegal markets.⁹ But, these laws often face problems related to their enforcement. Many of these countries have difficulty following these agreements properly due to the scarcity of resources or usually because of national interests. Some depend on their own authority and evade foreign supervision, which is the major obstacle in cross-border enforcement. For instance, the ATT has been only adopted by 111 countries, which harms its effectiveness on an international scale.¹⁰ Especially because major arms-producing nations such as Russia and China refuse to sign it, it limits the amount of improvement the treaty brings globally. Many countries that have signed these agreements face difficulties in establishing comprehensive monitoring and reporting mechanisms. The lack of transparency on reliable data of arms transfers makes it challenging to track compliance with the ATT and UN PoA. Poor reporting on these transfers also hinders international bodies from determining if countries are adhering to the agreements. According to the ATT Monitoring Report of 2021, 45% of state parties failed to submit annual reports on arms transfers as required by the treaty.¹¹ The report cited a lack of capacity, political

⁵ Ibid.

⁶ “Global Progress Report on Sustainable Development Goal ...” Edited by Jeanne Finnstone, *UNODC*, July 2024, www.undp.org/sites/g/files/zskgke326/files/2024-07/undp-unhcr-undc-global-progress-report-on-sdg16-indicators-v2.pdf.

⁷ “Geneva Declaration.” *Genevadeclaration.Org*, www.genevadeclaration.org/. Accessed 8 Oct. 2024.

⁸ “World Population by Country 2024 (Live).” *World Population by Country 2024 (Live)*, worldpopulationreview.com/. Accessed 8 Oct. 2024.

⁹ “Programme of Action on Small Arms and Its International Tracing Instrument.” *United Nations Office for Disarmament Affairs*, disarmament.unoda.org/convarms/salw/programme-of-action/. Accessed 8 Oct. 2024.

¹⁰ “United Nations: Arms Trade Treaty.” *ATT*, thearmstradetreaty.org/hyper-images/file/ATT_English/ATT_English.pdf?templateId=137253. Accessed 9 Oct. 2024.

¹¹ “A Project of Control Arms.” *ATT Monitor*, attmonitor.org/wp-content/uploads/2021/08/EN_ATT_Monitor-Report-2021_Online.pdf. Accessed 9 Oct. 2024.

will, and coordination between national agencies as key reasons for non-compliance. It is proving to be impossible to accomplish anything without widespread cooperation internationally. It is crucial to begin legitimizing the annual reports which would entice other nations, who have not yet joined, to ratify these agreements in their country and produce real change. Improving international cooperation and developing regional partnerships are important steps to plug these implementation loopholes.

Terrorism groups and organized crime gangs are not excluded from the top categories of gun trafficking. These terrorist groups depend on weak governments, corruption of officials, and wars to traffic weapons across borders. Traffickers might be able to find tools within the dark web and cryptocurrencies that would enable secret dealings in order for them to evade the police.¹² This proliferation of 3D printing is particularly alarming, as it allows the production of guns outside established supply chains and makes efforts to monitor or curtail the spread of illicit weapons much more difficult. Yet technology may also provide a partial solution. Innovative methods, like blockchain and artificial intelligence, can thus far trace and interdict illicit arms flows, but significant financial investment and interstate coordination will be required.¹³ The majority of countries, especially those in conflict or having experienced it, are far from possessing the financial, technical, and institutional necessities to effectively implement the provisions of the ATT and UN PoA. Both agreements require competent systems of monitoring, controlling, and reporting arms transfers-standards that many low-income and/or conflict-affected countries are incapable of maintaining. The Small Arms Survey in 2020 revealed that fewer than 30% of low-income countries had effective mechanisms for arms tracing, marking, and record-keeping¹⁴, which are essential components of the ATT and the UN PoA. This gap makes it extremely difficult to track and prevent the illegal transfer of weapons in regions such as Latin America and Northern Africa.¹⁵ The inconsistency of

¹² “UNODC Annual Report.” *United Nations : Office on Drugs and Crime*, www.unodc.org/unodc/en/about-unodc/annual-report.html. Accessed 8 Oct. 2024.

¹³ “Building a More Secure World.” *UNIDIR*, unidir.org/. Accessed 8 Oct. 2024.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

proper arms-limiting systems between regions, where some are even neighboring each other, make it virtually unfeasible to hold up a standard of regulation across the globe. Therefore, the importation from developed to developing countries of these monitoring and control systems, which effectively combat arms trafficking, must be discussed within committee.

The impacts firearm trafficking has on people are serious mainly in war areas. The presence of many small weapons normally fuels violence, and this normally makes it difficult to reach peace. Some examples can be seen in the Middle East and Sub-Saharan Africa. About 70% of the injuries and deaths in conflict areas are caused by small guns, which can indicate the possible harm presented by the proliferation of guns.¹⁶ DDR programs have, over time, remained vital in ensuring stability in post-conflict regions. These are weapon collection and destruction programs, assistance to ex-combatants for societal reintegration, and alternative livelihoods. Effective DDR programs require the support of international organizations and NGOs, particularly in regions where local governments lack the capacity to manage these efforts on their own.¹⁷

In committee, expect wide-ranging stances by all different regions. Western nations often favor stricter regulations while states sometimes emphasize sovereignty, maybe wary of outside controls. Western countries, mainly in Europe, have historically favored efforts to regulate arms transfers and prevent them from falling into the hands of non-state actors, terrorists, or criminal organizations. These nations advocate for global frameworks that bring strict standards on arms exports and imports, often focusing on human rights considerations. The European Union’s Common Position on Arms Exports, made in 2008, is one of the strictest arms

¹⁶ “ICRC Statement: The Impact of Diversion and Trafficking of Arms on Peace and Security.” *International Committee of the Red Cross*, 10 Jan. 2023, www.icrc.org/en/document/icrc-statement-impact-diversion-and-trafficking-arms-peace-and-security.

¹⁷ “Disarmament Study Series.” *United Nations Office for Disarmament Affairs*, disarmament.unoda.org/publications/studyseries/. Accessed 8 Oct. 2024.

export control regimes in the world.¹⁸ It sets harsh but effective criteria for arms sales, requiring that exports must not exacerbate or lead to human rights conflicts. This reflects the EU's broader stance that arms trade should be heavily regulated to prevent misuse. As proof, in 2020, EU countries rejected over 100 arms export licenses due to concerns that the sales would violate the Common Position's human rights ideals.¹⁹ Germany has been a vocal advocate for the ATT and continues to support stricter international arms regulations. In 2019, Germany suspended arms exports to Saudi Arabia due to concerns about these violations in Yemen, showcasing its commitment to stricter arms export controls.

In contrast, many countries, especially in the Global South, emphasize sovereignty when discussing international arms control agreements. They argue that such agreements may infringe on their right to self-defense, maintain internal security, and arm their military forces. Additionally, countries with fragile security environments or those engaged in internal conflicts may be reluctant to adopt international regulations that could limit their access to weapons for state security forces. The United States, despite being a major arms exporter, has been cautious about international arms control measures that could limit its sovereignty. According to the ATT Monitor Report, although the U.S. signed the ATT in 2013, it has not ratified the treaty, due to concerns that it could breach the Second Amendment rights of U.S. citizens.²⁰ In 2019, President Trump withdrew the U.S.'s signature, stating that the treaty posed a threat to American sovereignty and domestic arms regulations.

QUESTIONS TO CONSIDER

¹⁸ "The 2024 Review of the EU Common Position on Arms Exports." *Forum on the Arms Trade*, www.forumarmstrade.org. Accessed 8 Oct. 2024.

¹⁹ Ibid.

²⁰ Ibid.

1. How can international legal frameworks be strengthened to better combat arms trafficking?
2. What role can technology play in facilitating and combating firearm trafficking?
3. How can DDR programs be made more effective in post-conflict regions?
4. What is the balance between state sovereignty and international oversight in regulating arms trade?
5. How can we address the humanitarian impacts of illegal arms flows on vulnerable populations?

HELPFUL RESOURCES

Arms Trade Treaty (ATT) Secretariat

<https://thearmstradetreaty.org/>

Global Initiative Against Transnational Organized Crime

<https://globalinitiative.net/>

Programme of Action (PoA)

<https://disarmament.unoda.org/convarms/salw/programme-of-action/>

ATT Monitor Report

https://attmonitor.org/wp-content/uploads/2021/08/EN_ATT_Monitor-Report-2021_Online.pdf

UNODC Progress Report

<https://www.undp.org/sites/g/files/zskgke326/files/2024-07/undp-unhcr-unodc-global-progress-report-on-sdg16-indicators-v2.pdf>

Data and Statistics, Bureau of Alcohol, Tobacco, Firearms

<https://www.atf.gov/resource-center/data-statistics>

TOPIC 2: ASSESSING THE USE OF CAPITAL PUNISHMENT AS A MEANS OF CRIMINAL JUSTICE

Currently, 27,687 individuals worldwide are left isolated from the outside world, in small, dimly lit jail cells for 22-24 hours a day, patiently waiting for an appeal or an execution.²¹ These individuals are all facing Capital punishment, also known as the death penalty. Capital punishment refers to the legal process of sentencing a convict to state-sanctioned execution.²² Capital punishment has been a part of the criminal justice systems of many countries for centuries, and today, it continues to be used by a total of 55 countries.²³ In the 55 countries that continue to use capital punishment, over 2000 people are sentenced to death annually and in 2023, 2,428 people were sentenced to death.²⁴ The criteria for what may be considered a capital offense (a crime that results in capital punishment) can be completely unique to a country, as each nation has their own criminal justice systems, which can cause someone to be put to death for vastly different reasons. The possible crimes that result in capital punishment range from the “most serious” crimes such as murder to non-violent crimes including drug offenses, economic crimes, espionage, treason, and more.²⁵ For this reason, many consider the use of capital punishment to be arbitrary and unjust, causing international debate over its use by abolitionists and retentionists.

Before the 20th century, the death penalty was a common form of punishment, with only a handful of countries abolishing the practice. However, in 1929, there were major changes to capital punishment, with the Geneva Convention being adopted. The Geneva

²¹ “The Death Penalty Is the Ultimate Cruel, Inhuman and Degrading Punishment.” Amnesty International, 9 July 2024, www.amnesty.org/en/what-we-do/death-penalty. Accessed 22 Sept. 2024.

²² “Capital Punishment.” Bureau of Justice Statistics, 2020, bjs.ojp.gov/topics/corrections/capital-punishment. Accessed 31 Aug. 2024.

²³ “The Death Penalty Is the Ultimate Cruel, Inhuman and Degrading Punishment.” Amnesty International, 9 July 2024, www.amnesty.org/en/what-we-do/death-penalty/. Accessed 31 Aug. 2024.

²⁴ “The Death Penalty Is the Ultimate Cruel, Inhuman and Degrading Punishment.” Amnesty International, 9 July 2024, www.amnesty.org/en/what-we-do/death-penalty/. Accessed 31 Aug. 2024.

²⁵ “Death Penalty Issues - the Advocates for Human Rights.” Theadvocatesforhumanrights.org, 2024, www.theadvocatesforhumanrights.org/Death_Penalty/Issues. Accessed 31 Aug. 2024.

Convention was the first international treaty implemented with the intention of limiting the use of the death penalty. This treaty only restricted the use of the death penalty on prisoners of war, but this treaty was replaced and improved upon by the third Geneva Convention of 1949. By the 1960s, only 10 countries had abolished the death penalty. However, major progress was made, with the drafting and creation of the International Covenant on Civil and Political Rights in 1966, and the establishment of Article 6, rights related to the death penalty were established in international law. These rights include the inherent right to life, the death penalty may only be imposed for the most serious of crimes, the right to seek amnesty, pardon, or commutation for anyone sentenced to death, and that the death penalty shall not be carried out on a person below 18 years of age or pregnant women, and that these established rights should not be used against the abolition of capital punishment. After this, in the 1980s, three international instruments completely abolishing the death penalty were drafted: Protocol No. 6, to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty, the Second Optional Protocol to the International Covenant on Civil and political Rights Aiming at Abolition of the Death Penalty, and the Additional Protocol to the American Convention on Human Rights to Abolish the Death Penalty.²⁶ These measures place strict limits on the use of the death penalty in countries that have not abolished the practice. In even more recent years, resolutions have been adopted to urge states to respect international standards and protect the rights of those facing the death penalty.²⁷ Even without the prohibition of the death penalty under international law, a rapid growth in the abolition movement has caused a total of 137 countries to abolish the death penalty in law or in practice.²⁸ Some of the countries that have completely abolished the death penalty are all of the countries in the EU, Kazakhstan, Argentina, Columbia, Canada, Australia, and South Africa.

²⁶ “The Death Penalty under International Law.” International Bar Association, May 2008.

²⁷ “Death Penalty: The International Framework.” OHCHR, 2014, www.ohchr.org/en/topic/death-penalty/international-framework. Accessed 1 Sept. 2024.

²⁸ “The Death Penalty Is the Ultimate Cruel, Inhuman and Degrading Punishment.” Amnesty International, 9 July 2024, www.amnesty.org/en/what-we-do/death-penalty/. Accessed 1 Sept. 2024.

Abolitionists argue that there are many issues with the use of the death penalty, and that it is an unjust form of criminal justice. The most prevalent of these issues is the human rights violations that can take place with the use of capital punishment. Some examples of potential human rights violations include, the psychological and physical trauma often associated with death row, physical punishment associated with trauma, the use of the death penalty for crimes other than those considered 'most serious,' the use of the death sentence on juveniles, due process violations for those with disabilities, the sentencing of innocent people to death, discrimination within legal systems, and legal disparities.²⁹ There is also the risk that innocent people could be sentenced to death, as even the best criminal justice systems are prone to flaws and human error. The death penalty is often used disproportionately against certain demographics such as the poor, minorities, racial, ethnic, political, and religious groups, which along with the effects of inadequate legal counsel, exacerbates these issues with capital punishment.³⁰ For example, in the US Blacks are overrepresented on death row, making up 40% of death row inmates. Blacks are also 3.1 times more likely that their capital trial would result in a death sentence. In addition to this, two-thirds of juveniles that were sentenced to the death penalty in the USA before 2005 were people of color, more than half black. These are just a few of the statistics showing how one factor, racial bias, affects criminal justice systems and their use of the death penalty.³¹ These issues are not confined just to the USA, and racial bias is present in criminal justice systems in many nations around the world. The use of the death penalty is also biased on the basis of socio-economic group, so much so that people living in poverty are majorly disproportionately affected. In many regards,

²⁹ "Death Penalty Issues - the Advocates for Human Rights." Theadvocatesforhumanrights.org, 2024, www.theadvocatesforhumanrights.org/Death_Penalty/Issues. Accessed 31 Aug. 2024.

³⁰ "Why the Death Penalty Should Be Abolished – International Commission against the Death Penalty." Icomdp.org, 2017, icomdp.org/why-the-death-penalty-should-be-abolished/. Accessed 31 Aug. 2024.

³¹ "Race, Human Rights, and the U.S. Death Penalty." Death Penalty Information Center, 21 Mar. 2023, deathpenaltyinfo.org/policy-issues/human-rights/race-human-rights-and-the-u-s-death-penalty. Accessed 21 Sept. 2024.

the death penalty is in effect a penalty reserved for people of lower socio-economic standing. A significant factor in this situation is the access to adequate counsel. Those that are disadvantaged by their socio-economic status do not have the resources to acquire adequate quality legal assistance, and they are unable to acquire expert evidence, trace witnesses, afford bail, or afford extra counsel to appeal. These issues are visible all around the globe, but some examples are in India, where 74.15% of death row inmates are from disadvantaged backgrounds and that number is 95% in the USA.³² Along with the economic disadvantages in the criminal justice system, there is also the major problem of judicial misconduct, where in many cases people don't receive their legal right to counsel. In the USA, 14% of death row inmates have not been given counsel. This is comparable in India, where 89% did not have legal counsel when they first went before the judge.³³ All in all, race and socio-economic status are major indicators as to whether or not a person is sentenced to death, and this shows a major flaw in the criminal justice systems of many nations.

Retentionists argue that the use of the death penalty poses a deterrent to further crime through the logic that the threat of capital punishment would prevent some individuals from committing severe crimes, as they would not want to face the consequences. There are some studies that also show that capital punishment is a significant factor in lowering murder rates; however, these results are disputed, as other studies show no significance, but it is often still argued that the potential for deterrent effect justifies the death penalty. Retentionists continue to argue that the greater public supports the use of the death penalty, and therefore, it is morally appropriate for severe offenses.³⁴ Those who focus on retribution argue that the punishment needs to be proportional and that for murder, death is the proportional punishment. Those who argue the utilitarian view argue that the death penalty is helpful in the future

³² DEATH PENALTY and POVERTY Detailed Factsheet 15th World Day against the Death Penalty. worldcoalition.org/wp-content/uploads/2020/09/EN_WD2017_FactSheet-1.pdf.

³³ Ibid.

³⁴ Cassell, Paul. "In Defense of the Death Penalty." Ndaa.Org, Dec. 2008, ndaa.org/wp-content/uploads/death_penalty_oct_nov_dec_08_Prospdf.

stopping recidivism and acting as a deterrence. Another argument for capital punishment is that the punishment communicates the ideals and attitudes of the community towards the crime that was committed and stands as a form of moral education on what is acceptable and not³⁵. Points of debate most likely will be on the effectiveness of the death penalty or lack thereof in defeated respective countries, as well as the ethics of its use, and possible solutions or other options. Debate on the ethics of abolition when it is majorly popular in some counties may also be a point of discussion.

Even as more countries abolish the use of the death penalty, the overall number of executions annually hasn't decreased, and this is partially because the remaining countries have increased their numbers of executions. Iran, a retentionist country, is an important example of this as in 2023, there was a 48% increase from 2022 and a 172% increase from 2021 in executions. Even with Iran signing the ICCPR, which calls for the use of the death penalty only on the "most serious" crimes, it continues to violate this with its lethal anti-narcotic policies that deeply affect poor and marginalized communities. The trials are grossly unfair and unjust as they are carried out by revolutionary courts lacking due process and are being used to target residents such as protesters and social media users on arbitrary charges, breaking international human rights laws. Iran has also used the death penalty on children, violating international law which states that capital punishment shall not be used on people under 18.³⁶ This increase in the use of the death penalty in Iran comes as the Iranian regime cracks down on drug use, as well as protests across the nation, and uses the death penalty to make an example of dissidents.

Another major retentionist country is China, which is estimated to be the world's leading executioner, executing thousands each year. China, like many other retentionist countries, keeps criminal statistics,

like that of the death penalty, classified as state secrets.³⁷ China currently has 46 crimes which the death penalty can be imposed for, including 24 violent and 22 non-violent crimes.³⁸ Since China does not have an independent judicial body, the Chinese Communist Party is in charge of sentencing and the courts, this means that occasionally there are politically motivated death sentences. For example, Canadian Robert Schellenberg was sentenced to death a month after Meng Wanzhou, CFO of telecommunications company Huawei was arrested, in an act by China to create a diplomatic hostage.³⁹ Cases such as these show how the death penalty can be used for political gain by certain governments. The Chinese government has also cracked down on non-governmental NGOs, kicking many of them out of the country and even raiding and arresting human rights lawyers involved in the campaign against the death penalty.⁴⁰ China has also used the death sentence in the Xinjiang region against the Uyghur population to enforce control and put out separatist movements. In addition, due to strict deadlines and targets on cases, there are many unfair, false, and wrongful convictions, with police often having similar power to a judge. China has also not signed the ICCPR along with the second optional protocol to the ICCPR. Furthermore, the nation has not responded to other countries' calls for many other protocols for human rights.⁴¹ Countries can incentivize other countries to join in the abolition of capital punishment through UN resolutions that condemn and call for specific actions such as sanctions against a country, use of international bodies such as the ICC or ICJ, diplomatic action and treaties, or diplomatic expulsion.

³⁵ "Capital Punishment | Internet Encyclopedia of Philosophy." Utm.edu, 2016, iep.utm.edu/death-penalty-capital-punishment/. Accessed 1 Sept. 2024.

³⁶ "Iran Executes 853 People in Eight-Year High amid Repression, 'War on Drugs.'" Amnesty International, 3 Apr. 2024, www.amnesty.org/en/latest/news/2024/04/iran-executes-853-people-in-eight-year-high-amid-relentless-repression-and-renewed-war-on-drugs/. Accessed 1 Sept. 2024.

³⁷ Mid-Term Report. The Rights Practice. 2021, www.ohchr.org/sites/default/files/2021-11/TheRightsPractice_UPR_of_China_Mid-term_Report_November2021.pdf.

³⁸ Hedia Zaalouni. "China Death Penalty 2022 - WCADP." WCADP, 15 Feb. 2022, worldcoalition.org/2022/02/15/china-death-penalty-2022/. Accessed 22 Sept. 2024.

³⁹ Mid-Term Report. The Rights Practice. 2021, www.ohchr.org/sites/default/files/2021-11/TheRightsPractice_UPR_of_China_Mid-term_Report_November2021.pdf.

⁴⁰ Hedia Zaalouni. "China Death Penalty 2022 - WCADP." WCADP, 15 Feb. 2022, worldcoalition.org/2022/02/15/china-death-penalty-2022/. Accessed 22 Sept. 2024.

⁴¹ Mid-Term Report. The Rights Practice. 2021, www.ohchr.org/sites/default/files/2021-11/TheRightsPractice_UPR_of_China_Mid-term_Report_November2021.pdf.

On the contrary, many countries that have abolished the use of the death penalty have made changes to their criminal justice systems to make them more humane. In Europe, particularly where capital punishment is completely abolished, their criminal justice systems have become less strict and authoritarian and more based on rehabilitation rather than incarceration. For most countries that have abolished capital punishment, the sentencing for capital offenses has become shorter and at maximum life without parole.⁴² A model example of how a country has reformed its criminal justice system and abolished capital punishment is the Netherlands. The Netherlands was one of the first countries to abolish the death penalty for ordinary crimes in 1870⁴³ and abolished the death penalty for all crimes in 1982.⁴⁴ The Netherlands continued to create a more humane criminal justice system and has some of the lowest incarceration rates in the world at 82 per 100,000 people. The main goal of the criminal justice system in the Netherlands is to resocialize offenders and help them to lead independent and productive lives after their release, in contrast to the goals of the criminal justice system of many other nations, which is to punish criminals for their crimes. This is done by allowing inmates to have more control over their daily lives, such as work, education, and meal times, and retain much of their rights that they would normally have. This more humane legal system has proven to be successful and shows the stark contrast between brutal systems and more humane ones.⁴⁵

Although there has been significant progress in the effort towards the abolition of capital punishment globally, the work is not yet done. In order to complete the work that has already been done, all nations, abolitionists, retentionists, and everything in between must come together in order to ratify the

⁴² Alternatives to the Death Penalty Information Pack. cdn.penalreform.org/wp-content/uploads/2015/03/PRI_Alternatives_to_death_penalty_info_pack_WEB.pdf.

⁴³ "Criminal Justice System - Netherlands | Office of Justice Programs." Ojp.gov, 2024. www.ojp.gov/ncjrs/virtual-library/abstracts/criminal-justice-system-netherlands. Accessed 22 Sept. 2024;

<https://www.ojp.gov/pdffiles1/Digitization/76676NCJRS.pdf>
⁴⁴ <https://deathpenaltyinfo.org/policy-issues/international/countries-that-have-abolished-the-death-penalty-since-1976>

⁴⁵ Subramanian, Ram, and Alison Shames. "Sentencing and Prison Practices in Germany and the Netherlands." *Federal Sentencing Reporter*, vol. 27, no. 1, 2014, pp. 33–45. <https://doi.org/10.1525/fsr.2014.27.1.33>.

international abolition of capital punishment, once and for all completing the goals of the ICCPR that were made over 60 years earlier. However, not all nations will be open to abolition of the death penalty, and there will be major divisions between abolitionist and retentionist nations. Through organizations such as the United Nations, nations can push for a more just and humane criminal justice system internationally, through the abolition of capital punishment. Some potential resolutions for this issue could be a resolution calling for the complete global abolition of capital punishment or defining international norms for what is a capital offense and what are acceptable forms of punishment. Other resolutions could include condemnation of countries that do not follow suit and resolutions for criminal justice reform.

QUESTIONS TO CONSIDER

1. What crimes would necessitate the use of capital punishment?
2. Is capital punishment a successful method to reduce crime?
3. What are possible alternatives to capital punishment and what is their effectiveness?
4. Is the use of capital punishment a violation of human rights?

HELPFUL RESOURCES

Database — Cornell Center on the Death Penalty Worldwide

<https://deathpenaltyworldwide.org/database/>

Amnesty International

<https://www.amnesty.org/en/>

OHCHR Dashboard

<https://indicators.ohchr.org/>

News - The Advocates for Human Rights

https://www.theadvocatesforhumanrights.org/News?page=&year=&title=&newstype=&country=&landingPage=Death_Penalty

Prisoner Rehabilitation

<https://www.unodc.org/dohadeclaration/topics/prisoner-rehabilitation.html>