



amnesty international australia

Model UN Debate: The Death Penalty

The United Nations Commission on Human Rights at Work

Introduction

This human rights education activity takes the form of a model debate of the United Nations Commission on Human Rights (UNCHR*) in action discussing the Death Penalty.

Time: 1 - 2 Hours

Participants: Age 15+

Numbers: 15-50

Aims

The purposes of this lively and interactive exercise are:

- To introduce participants to the UNCHR and to give some understanding as to how an intergovernmental organisation works.
- To explore the arguments and to develop an informed understanding of the issues surrounding the death penalty.
- To develop the participants' knowledge and understanding of democracy, legal and human rights and responsibilities and of systems of justice, enquiry skills in research and analysing information on a topical issue, and skills in communication and working with others.

* Not to be confused with the UNHCR or United Nations High Commissioner for Refugees

Teachers/Leaders Notes

Equipment needed:

(labels, briefing sheets, Italian resolution, & information provided under "materials for participants", page 5)

- Pins
- Country labels
- Ambassadors Briefing Sheets
- Copies of the Italian resolution
- Information on the death penalty; arguments for and against ("ammunition" for speeches)

Background Note:

This UNCHR role play, and the positions taken by different states and their representatives in the drama, is imaginary. However the exercise gives some flavour of how intergovernmental organisations work and what actually happens at the Human Rights Commission when it meets every autumn in Geneva. A real debate on the death penalty, initiated by Italy, did take place in the Human Rights Commission on 3 April 1997[#]. A significant shift against executions has taken place since then with Bulgaria, Poland, and Russia for example moving towards abolition and El Salvador towards re-introduction.

Instructions: Participants are to take part in a role play about the United Nations Human Rights Commission at work. They play the Ambassadors of member states of the Commission, with differing views on the death penalty. Each Ambassador is given an Ambassador's Briefing Sheet suggesting their role. Some may be designated as representative of a non-governmental organisation which can address the Commission, like Amnesty International or Human Rights Watch. Participants may have to represent views they may not believe in at all. But for the role play to work, everyone needs to present their case and their role as cleverly and convincingly as possible, and come up with strong arguments. The teacher/leader should try to get everyone to speak at least once. Make sure:

1. That effective people are chosen to represent Italy and Malaysia, who have key roles to play.
2. That there is an even balance between the instruction slips that are definitely for and against the Italian motion.

Roles: The teacher/leader acts as the Chair and presides over the Commission, keeping everyone to the point and introducing the debate, calling the speakers, announcing Caucus time, keeping order and calling and counting votes. From time to time the teacher/leader may want to freeze the action, moving out of role to explain the process, to comment on tactics, arguments and developments, or encourage participants. Ambassadors wear the name of the country they represent pinned prominently on their chests. They should not show anyone else their briefings. Ambassadors do not absolutely have to stick rigidly to the Briefing Instructions that they have been given. Throughout the Commission, some Ambassadors may pretend they are on one side but actually vote the other way. Strange alliances may need to be forged: in this case China, the USA, Cuba and Sudan - unlikely bedfellows - are all on the same side of the debate. The "don't knows" can allow themselves to be influenced by arguments in the debate, blandishments or threats by other states. Or they may simply not vote at all.

[#] Resolution 1997/12. For the actual wording of the resolution "Question of the Death Penalty" visit the UN Commission's website:

[http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.RES.2001.68.En?Opendocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.RES.2001.68.En?Opendocument)

Step 1: First Pre-Debate Caucus

Teacher's Note: Assign each student a role as an ambassador. Make sure everyone knows what his/her country's position on the death penalty is, and that they know which other countries think the same way.

Before the formal business starts, delegates "caucus". They get together in small confidential discussions with Ambassadors of other countries who think like them to work out plans and tactics, and to try and influence other delegates to support their point of view.

Step2: "No Action Debate"

1. First the Chair will call for a vote on whether this issue should be debated at all in the UN Human Rights Commission. Malaysia will propose there is "*no action*". Countries that are for the death penalty will vote for "*no action*" and will argue against any discussion taking place. They will say that the death penalty is not a human rights issue. It will be a waste of time and is a misuse of the Commission's time and responsibilities and an interference in the internal affairs of states.

2. The "don't knows" might not vote, or they might vote against the "*no action*" in order at least to hear the debate before they make up their minds. All countries that are against the death penalty obviously need to vote and campaign against the "*no action*" motion.

3. The majority will allow the debate to happen! (NB The teacher/organiser may have to rig the discussion here a bit - if the country roles have not been evenly distributed - to ensure there ARE enough votes for a debate! Calling in the votes of "invisible delegates" that s/he can clearly see but the students cannot, may be a useful strategy.)

Step 3: Second Pre-Debate Caucus

If and when the "*no action*" motion falls, delegates will need to caucus again on the main business of the session - the debate on the death penalty.

Delegates will want to look at the words of the draft motion that the Italians have prepared. Countries in favour of the motion and those against the motion now secretly plan their debating tactics. They decide which person on their side will put each of the different arguments that they can come up with to support their point of view, or to demolish the points of view of the other side. Lobbying should also take place. Both sides need to persuade the "don't knows" and waverers to take their position in order to be sure of winning.

Step 4: The Debate

Teacher's Note: Ensure that each student reviews and understands the viewpoint of their country, is aware of the views of the other countries, and is generally prepared and ready to speak as ambassador.

In the debate itself the Chair calls for the motion against the death penalty. Italy will move the motion in behalf of the EU.

Encourage as many delegates as possible to speak - best of all try and get everyone in the room to say something, calling on countries for their viewpoints. Try to take 'pro' and 'anti' speakers in turn.

Italy has final word - the right of reply - to key points raised during the debate

Step 5: The Vote

The Italian motion is then read out. Those in favour are asked to raise their hands. Then those opposing the motion raise their hands. Finally any abstainers raise their hands.

Post-Debate Discussion

Everyone comes out of role and the events are discussed:

- How did it feel to be a speaker at a world assembly?
- What was it like presenting opinions that you didn't agree with?
- Why did you vote/not vote in the way you did?
- What were the most convincing arguments presented?

Research

Excellent up to date information on current human rights issues including the death penalty is available from the Amnesty International Australia website at: www.amnesty.org.au.

The International Secretariat of Amnesty International has a death penalty website which can provide you with specific information at :

<http://web.amnesty.org/pages/deathpenalty-index-eng>.

Another website that may be of interest is that of the Office of the UN High Commissioner for Human Rights: www.unhcr.ch/

Amendments (Optional Extra)

If there is plenty of time, you can organise the debate with amendments being proposed to the Italian motion. If you do this, make sure that these are available for everyone to look at via a flipchart or on an Overhead Projector.

In the order of debate amendments should be debated first, after the opening speech by the Italians. If they are considered "friendly" amendments they will be incorporated into the Italian motion. If they are not considered "friendly" they must be discussed and voted on before the rest of the debate takes place.

Materials for the Participants

(Photocopy, cut up and hand out as appropriate)

The Italian Motion

Draft Resolution from Italy on behalf of the European Union

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights* which affirms the right of everyone to life,

Is convinced that the abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights;

Is deeply concerned that some countries impose the death penalty on juvenile offenders disregarding limits provided in treaties including the Convention on the Rights of the Child;

Welcoming the fact that several countries, while keeping the death penalty, are applying a moratorium[#] on executions;

Calls upon all states that have not yet done so to ratify the Protocol to the International Convention on Civil and Political Rights aiming at the abolition of the death penalty;

Urges all countries that still retain the death penalty:

- Not to impose the death penalty for any but the most serious crimes
- To progressively limit the number of offences for which the death penalty may be imposed
- To make information on the imposition of the death penalty available to the public
- To establish a moratorium on executions with a view to completely abolishing the death penalty

* Article 3 of the UDHR states: "Everyone has the right to life, liberty and security of person".

A *moratorium* means suspending or stopping doing something, in this case executions.

Country Labels

Countries Against Executions

Italy (for the EU)	Australia
Nepal	South Africa
Angola	Brazil
Guinea Bissau	Mexico
Canada	

Countries for Executions

Egypt	Sudan
Russian Federation	Cuba
Malaysia	India
China	USA
Indonesia	

Probably Undecided Countries

Malawi	Algeria
Bulgaria	Bhutan
El Salvador	Poland
Ethiopia	Chile
Benin	

Ambassador's Briefing Sheets

Angola	Angola has recently abolished the death penalty. Argue strongly against capital punishment which is cruel and does not stop crime. Vote against the NO ACTION motion and for the Italian motion. Try and persuade fellow African countries Benin and Malawi to support the Italian motion.
Algeria	Algeria has sentenced hundreds of Islamists to death for terrorism during the terrible civil war, but the death penalty has not actually been carried out for years. Probably vote against NO ACTION. Perhaps do not vote at all on the Italian motion as you think the death penalty should be used against the Islamist terrorists.
Australia	Australia ended the death penalty a long time ago. The Italian motion is not strong enough. Try and change the wording to be against the death penalty in war time as well. Vote against NO ACTION and for the Italian resolution.
Benin	Benin has not executed anyone for some time but still has the death penalty in law. Perhaps it is time to stop executions. Vote against NO ACTION then probably listen to the debate, listen to Angola and the USA and then make your mind up which way to vote.
Bhutan	Bhutan has the death penalty but has not executed anyone for years. Bhutan is a Buddhist country. You should talk about the importance of respect for life. But your country has not really made up its mind about this matter. Vote for the debate and oppose NO ACTION. Then listen to India and China, but then either abstain or vote the other way from Nepal.
Brazil	Brazil is strongly against execution, and thinks it is the cruellest form of torture. Vote against the NO ACTION motion. Vote for the Italian motion.

<h2 style="text-align: center;">Bulgaria</h2>	<p>Bulgaria still has the death penalty, but has not used it very often. Like other countries in Europe, it is likely to abolish it completely in the near future. Vote against NO ACTION. Talk with the Russians and the Italians. Listen to the debate. Perhaps vote for the Italian motion, or maybe do not vote at all.</p>
<h2 style="text-align: center;">Canada</h2>	<p>Canada is strongly against executions. Explain in your speech that when Canada got rid of executions recently, the murder rate did not go up. This shows that executing murderers does not stop murder. Say no to the NO ACTION move, support the Italians . Try and get Algeria to vote on your side.</p>
<h2 style="text-align: center;">Chile</h2>	<p>Chile still has the death penalty, but has not used it since the end of military rule. It was nearly abolished recently by the Chilean Parliament. Vote against NO ACTION, and possibly support the Italians or don't vote at all after the debate. See what El Salvador is going to do. Talk with the Cubans, and Brazil.</p>
<h2 style="text-align: center;">China</h2>	<p>China executes far more people than all the rest of the world put together. You strongly support capital punishment to punish all those criminals who do evil things: a bullet in the back of the head is the best way to stop hooligans, drug peddlers, murderers, robbers, people who make dirty films, and especially anybody who tries to split China into pieces. They should all be put on trial and shot. And if other countries did the same as China there would be much less crime in the world. Vote for the NO ACTION motion. Vote against the Italian motion which tries to interfere in China's own internal affairs. Work together with Malaysia, the USA and Cuba to see if you can get a motion together that says executions are a good thing.</p>

<p style="text-align: center;">Cuba</p>	<p>Vote for the NO ACTION motion. Probably vote against the Italian motion. Cuba still keeps the death penalty. Shooting is the best punishment for traitors who try to destroy Cuba. Try and persuade Chile and El Salvador to vote with you. But also keep an eye on how the USA are going to vote, and perhaps vote the other way from them.</p>
<p style="text-align: center;">Egypt</p>	<p>Egypt faces a very bad terrorist crisis from some Muslim groups. The death penalty must be used against killers like these. Vote for the NO ACTION motion. Vote against the Italian motion.</p>
<p style="text-align: center;">El Salvador</p>	<p>El Salvador is moving to re-instate the death penalty. Vote against NO ACTION and possibly don't vote at all after the debate. See what Canada is going to do. Talk with the Cubans and Brazil.</p>
<p style="text-align: center;">Ethiopia</p>	<p>Ethiopia still has the death penalty. A lot of war criminals and terrorists have been condemned to death recently and executions are set to resume soon. Ethiopia has not carried out any executions since 1991 when the civil war ended. Vote against NO ACTION and possibly don't vote at all after the debate or vote against the Italians. Talk with South Africa and Malawi. See what Sudan is going to do and perhaps do the opposite.</p>
<p style="text-align: center;">Guinea Bissau</p>	<p>Oppose the NO ACTION vote. Support the Italian motion. The Death penalty must go. Make the point in your speech that the courts can and do make terrible mistakes. Innocent people can be found guilty and killed by mistake. This has happened in England and America.</p>
<p style="text-align: center;">India</p>	<p>Probably do not vote on the NO ACTION motion. If there is a debate, probably vote against the Italian motion. India keeps the death penalty as the final punishment for some of the very worst murderers and terrorists.</p>

<p style="text-align: center;">Indonesia</p>	<p>Vote for the No ACTION motion, and let The Commission get on with real human rights questions like hunger and poverty. Vote against this Western motion from the Italians trying as usual to interfere in the internal affairs of Asian countries. What business is it of the West how Indonesia deals with its worst criminals, traitors, and a few Muslim fanatics?</p>
<p style="text-align: center;">Italy</p>	<p>You are the speaker for all the EU countries and you have an important job to play in this activity. Speak strongly against the efforts of some countries here to stop discussion on the death penalty. Vote against the NO ACTION motion - which is a gag on free speech about an important human rights matter. If and when this is defeated, get all your caucus together - you should be able to rely on countries like Angola, Nepal, Guinea Bissau, Canada, Australia, South Africa Brazil, Mexico. Work out the wording of your motion. See if anybody wants to add anything. Work out who is going to say what when the debate starts. Plan how to deal with what the other side will say. Then get your people to lobby the 'undecided' countries - countries like Malawi, Bhutan El Salvador, Chile and Poland - to join you.</p>
<p style="text-align: center;">Malaysia</p>	<p>Malaysia proposes NO ACTION. Why should the UN waste time on discussing the internal affairs of member countries' laws? This is not a human rights issue. In Caucus 1 get your pro-execution allies to vote with you against the issue being debated. They are a strange collection of bedfellows: USA China, Cuba, Egypt, Indonesia, India, Sudan. Vote for NO ACTION, and lobby the undecided countries to vote with you and against the Italian resolution. If you lose, get all your group together in CAUCUS 2 and decide who is going to put the different arguments in the debate.</p>

<p style="text-align: center;">Malawi</p>	<p>Malawi has not hanged anybody for some years. Indeed the Malawi hangman has gone on strike. However you still keep the death penalty. Public opinion is in favour of executing criminals. It is very expensive to keep condemned men on death row for years and years. Probably vote agasint the NO ACTION motion, but also against the Italian motion. Talk with South Africa, Angola and the USA.</p>
<p style="text-align: center;">Mexico</p>	<p>Mexico abolished executions years ago. Oppose the NO ACTION vote. Support the Italian motion. The death penalty must go. Make the point in your speech that the death penalty is discriminatory. Capital punishment in the USA means 'those who ain't got the Capital gets the Punishment' - those who get executed are the poor, and the blacks.</p>
<p style="text-align: center;">Nepal</p>	<p>Nepal abolished the death penalty, then reintroduced it, then abolished it again. Vote against NO ACTION and for the Italian resolution. Make the point that the death penalty doesn't work against terrorism. People who are terrorists are willing to die for their idea. Execution simply turns the terrorist into the martyr for the cause.</p> <p>Poland is thinking of ending executions. Vote against NO ACTION. Probably support the Italian motion. Talk with the Americans before you decide.</p>
<p style="text-align: center;">Poland</p>	<p>Poland is thinking of ending executions. Vote against NO ACTION. Probably support the Italian motion. Talk with the Americans before you decide.</p>
<p style="text-align: center;">Russian Federation</p>	<p>Russia is supposed to be stopping executions as part of its move to join the Council of Europe, but in 1997 more than 100 people were executed. Crime is very high in Russia. Public opinion is for executions. Vote against the NO MOTION action and probably don't vote at all on the Italian motion.</p>

<p style="text-align: center;">South Africa</p>	<p>South Africa has abolished hanging. It used to be one of the leading executing countries before Mandela became President. Vote against NO ACTION. Support the Italians. Say that killing somebody to show that killing is wrong doesn't make much sense.</p>
<p style="text-align: center;">Sudan</p>	<p>It is God's law that some crimes must be punished by execution - under Islamic law in Sudan hanging, shooting, crucifixion or stoning are punishments for murder, cursing God, embezzlement, smuggling, drug trafficking, war against the state, stealing camels, and rape. Support God. Vote for NO ACTION. Oppose the Italians.</p>
<p style="text-align: center;">USA</p>	<p>Most states in the USA have reintroduced the death penalty for first degree murder in the past few years. Last year more than 40 people were executed, especially in the South. There are about 3,000 people on death row who have been waiting to be executed, some for many years. the USA is one of the handful of countries which execute offenders who were legally considered to be children at the time of the crime. America is for the death penalty. Vote against the NO ACTION motion, but either don't vote or vote against the Italians.</p>

Arguments for and against the death penalty

Some arguments for the death penalty:

1. Capital punishment is the right punishment for those who take away life - murderers, terrorists, drug peddlers. Those who kill should be killed - a life for a life.
2. It is God's law, it is written down in the Bible and the Holy Koran.
3. The thought of execution will put off the criminal, who would surely will think twice before he kills if he knows he will get the death penalty if he is caught.
4. No executed person will ever kill again.
5. Public opinion wants executions.
6. The families of those killed need justice.
7. It costs a lot of money to keep people in prison during a life sentence.
8. Its the only way to deal with terrorists and people who kill policemen.

Some arguments against the death penalty:

1. Execution is a violation of the right to life as proclaimed in the Universal Declaration of Human Rights.
2. It is a cruel, inhuman and degrading punishment, whether by the hangman's rope (most common method), the firing squad (China, Nigeria, Iraq), poison gas (USA), lethal injection (USA), the executioner's sword (Saudi Arabia), stoning (Iran, Afghanistan) or the electric chair (USA).
3. Capital punishment does not deter crime. Studies by the UN show the death penalty does not stop crime any better than other punishments. Criminals do not usually take the punishment into account when they commit a crime; they only think about how likely it is that they'll be caught.
4. Courts can make mistakes and innocent people can be killed. In the USA a 1987 study showed that 350 innocent people had been condemned to death since 1900 and 23 of them were executed.
5. Poor people, black people and people who haven't got a good lawyer end up on death row far more often than white people & people who can afford expensive lawyers to defend them. Therefore, the system discriminates on the basis of race & wealth.
6. The idea of dying for their cause may actually encourage some terrorists to carry out attacks.
7. Public opinion does not simply call for the death penalty, but wants effective protection against crime. When people are told that the death penalty is not effective in preventing crime, they instead call for other measures such as life in prison.

The Executing States

At the time of the debate 100 countries did not carry out judicial executions. The death penalty was retained in 94 states.

In 1997 in China, by far the leading executing state, the death penalty was carried out by firing squad. It was widely used as the punishment for: murder, robbery and major crimes of violence; the activities of criminal gangs, corruption, embezzlement, financial crime and insurance fraud; and offences of undermining the social order, including habitual petty theft, looting ancestral cultural relics, hooliganism, the manufacture or trafficking of drugs, luring people into prostitution, and alleged separatist and counter-revolutionary activity in Xinjiang and Tibet.

Nepal reintroduced the death penalty and then abolished it again. The Philippines, Gambia and Papua New Guinea reintroduced it.

Almost all the world's judicial executions take place in a handful of countries. In 1996, the year before this actual debate took place in the UN Human Rights Commission, 7,107 people were sentenced to death in 76 countries, and 5,000 executions were known to have taken place in 39 countries (actual totals are likely to have been far higher). The top executing nations were China: 4,367; Ukraine: 167; Russian Federation: 140; Turkmenistan (unconfirmed): 123; Iran: 100. Other leading executing states were Iraq, Syria, Nigeria, Saudi Arabia, Egypt, Ghana, Algeria and the USA.

International law forbids the execution of anyone who was under 18 at the time of a crime. However, five countries executed juvenile offenders recently: Iran, Pakistan, Saudi Arabia, USA and Yemen.

The last execution in Australia was carried out in 1967, when Ronald Ryan was hanged in Victoria. With encouragement from Amnesty International, Australia played a strong role in the UN's work to develop a key international agreement to end the death penalty: the Second Optional Protocol to the International Covenant on Civil & Political Rights (ICCPR). Australia became a party to the Second Optional Protocol in October 1990.