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United Nations General Assembly

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United Nations General Assembly

Agenda item: Moratorium on the use of the death penalty

Sponsor: Bangladesh, Botswana, Chile, China, Egypt, Guatemala, Iran, Japan, Kenya, Malaysia, Pakistan, Republic of Korea, Russian Federation, Saudi Arabia, Singapore, Thailand, United States of America, Vietnam

The General Assembly,

Emphasizing that the reduction of crime contributes to the reduction of capital punishment,

Recalling Clause 37, and 40 in Convention on the Rights of the Child, and Clause 6, 14, and 15 in International Covenant on Civil and Political Rights,

Reaffirming the sovereign right of all countries to develop their own legal systems, including determining appropriate legal penalties, in accordance with international law,

Recognizing that in some countries the death penalty plays a role in deterrence of crimes because of their cultures and/or sense of value,

Recognizing that each country has its own unique cultures, religions, history, economic situations, and social situations including security and has the right to determine whether to use the death penalty based on these,

Emphasizing the necessity of respecting each country's own unique cultures, religions, history, economic situations, and social situations including security,

Emphasizing the necessity for each country to set various standards on the death penalty, paying attention to the standards shown in Convention on the Rights of the Child, in order to use the death penalty properly,

Taking note that moratorium on the use of the death penalty has various forms and has to be determined by each state's sovereignty,

Recognizing that there are some countries which are not able to use the death penalty properly because of the lack of the law know-how and fund,

Recognizing local and national debates on the death penalty and recognizing the role of government-recognized national human rights institutions in contributing to regional initiatives to encourage further debate,

Emphasizing that using the death penalty keeps the nation safe,

Recalling its A/RES/217A[III], which recognizes the basic universal human rights,

Recalling the Economic and Social Council's (ECOSOC) Resolution 1984/50 ANNEX, which outlines the minimum standards of protecting the rights of those facing the death penalty,

Taking into consideration that the death penalty is irreversible and irreparable,

Deploing that the death penalty is occasionally implemented by unfair, biased judgement and through cruel methods,

Concerned that the death penalty can potentially result in the wrongful execution of innocent individuals,

Noting with regret that information on the death penalty is generally withheld from and not properly provided to those facing the death penalty and those involved in them,

Emphasizing that the decrease in the number of crime contributes to the decrease in the number of capital punishments,

Reaffirming that the “most serious crimes” differ between states considering their economic, political and geographical positions,

Noting with concern that some states could suffer the increase in crimes with a sudden halt to the capital punishment,

Noting the importance of adding restrictions to capital punishment,

Reaffirming that capital punishment that involves cruel method would violate the perpetrator's right to life,

Stressing the sovereign right of all states to decide their own legal system, including the right to decide the state's “most serious crimes”,

1. *Urges* states to set the reduction of crime as a target to reduce the number of capital punishment;
2. *Stresses* that all states have the right to judge whether or not to use the death penalty, based on their sovereignty;

3. *Requests* all member states to hold periodic conferences to encourage mutual understandings and cooperation on the death penalty including cultural, religious, historical, economic and security backgrounds, and to gradually set the standards of the using existing frameworks;
4. *Requests* member states which use the death penalty to take following actions in order to protect human rights of prisoner on death row and to use the death penalty properly:
 - A) Paying attention to the followings:
 - i. the clause 37 and 40 in Convention on the Rights of the Child,
 - ii. the clause 6, 14, and 15 in International Covenant on Civil and Political Rights,
 - B) Carrying out followings for working out the death penalty:
 - i. gradually setting the definition of the most serious crimes,
 - ii. clearly showing objective of the death penalty based on the clause a and b in this article,
 - C) Implementing death sentence based on the clause b, following the proper process,
 - D) Fully paying attention to the right of pardon for reducing sentences,
 - E) Education and enlightenment for preventing crimes itself,
 - F) Giving appropriate support to foreign suspect during the trial;
5. *Emphasizes* the need to put an end to false charges of the death penalty through the following methods:
 - A) Improving the judicial process by:
 - i. ensuring that all defendants who request a psychiatric diagnosis receive proper psychiatry tests,
 - ii. ensuring that all judges professionally comprehend their defendants' psychiatry tests and reduce their defendants' sentences during the judicial court process, in accordance with the criminal law of the state,
 - iii. establishing investigative organizations within each nation that is separate from the government with the purpose of investigating and validating the legitimacy and fairness of the implementation of the death penalty in each case,
 - iv. urging all member states, within the state's sovereign rights, to construct a report on the situations of capital punishment annually, and submit the report to the third party organization within the United Nations, to increase the transparency of information;
6. *Condemns* some states putting extensive pressure on others to make the moratorium on the death penalty mandatory;
7. *Requests* member states with sufficient funds or know-how on laws to carry out the following aids to states which are unable to use the death penalty properly:
 - A) Providing funds and know-how for the maintenance of laws,
 - B) Giving financial aids and human resources for the preservation of the fairness of the trial,
 - C) Providing funds and know-how in order to ensure the right of pardon and appeal,

- D) Providing Aids for improving the situation that make some countries use the death penalty such as security;
8. *Requests* states to prevent arbitrary death penalties;
 9. *Encourages* states that have abolished the death penalty or are currently implementing a moratorium to provide insight concerning the process by sharing information;
 10. *Endorses* states to aim for the overall limitation of the death penalty, especially by improving the judicial process and decreasing the number of false, unfair charges;
 11. *Requests* all member states to consider the gradual transition to the various forms of moratorium based on each state's sovereignty, considering various national situations.