



CHMUN 2026

## UNITED NATIONS HUMAN RIGHTS COUNCIL (UNHRC)

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### AGENDA

*Addressing the right to life and the use of the death penalty:  
Examining recent developments in capital punishment, addressing  
concerns regarding human rights, due process and discrimination,  
and strengthening international mechanisms for fair and rights  
based criminal justice*

## Letter from the Executive Board

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The Executive Board of The United Nations Human Rights Council (UNHRC) extends its warmest regards to all participants. As experienced delegates who have attended numerous Model United Nations conferences, we recognize the importance of the background guide as a valuable tool for research. We believe that the purpose of the background guide is to aid in research rather than provide all the answers on a silver platter. While we acknowledge that the background guide can serve as a starting point or reference for your study, we encourage delegates to conduct further research and delve deeper into the topic at hand. We believe that MUN conferences are not just about acquiring knowledge, but also about expressing ideas, gaining a broader perspective, and comprehending the complex issues that our world faces today. This comprehensive background guide aims to provide you with sufficient information to familiarise yourselves with the agenda "Addressing the right to life and the use of the death penalty: Examining recent developments in capital punishment, addressing concerns regarding human rights, due process and discrimination, and strengthening international mechanisms for fair and rights based criminal justice." However, it is crucial to understand that this guide is just the beginning of your research journey and should not be considered the final word on the subject. With that said, we emphasise the importance of conducting extensive research and preparing diligently to ensure meaningful discussions and productive debates during the conference. We encourage all delegates to approach the conference with an open mind, a spirit of diplomacy, and a commitment to finding viable solutions to the challenges faced by the religious and emerging communities.

Thank you,

The Executive Board

Chairperson: Atul Tharian

Vice-Chairperson: Mohammed Fouzan

## Nature and Proof of Evidence

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Documents from the following sources will be considered as credible proof for any allegations made in committee or statements that require verification:

Reuters: Appropriate documents and articles from the Reuters News agency will be used to corroborate or refute controversial statements made by the committee.

UN Documents: Documents by all UN agencies will be considered sufficient proof. Reports from all UN bodies, including treaty-based bodies, will also be accepted.

National Government Reports: Government Reports of a given country used to corroborate an allegation on the same aforementioned country will be accepted as proof.

The documents stated above will hold a binding nature of establishment.

NOTE: Other sources like Wikipedia, Amnesty International, or newspapers like the Guardian, and so on and so forth will not be accepted as credible proof, but may be used for a better understanding of any issue and even be brought up in debate, if the information given in such sources is in line with the beliefs of a government or a delegate. The background guide cannot be used or cited as a valid source for credible proof.

## **1. Introduction to the Agenda**

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The question of the death penalty sits at the intersection of state sovereignty, criminal justice, and the most fundamental human right, the right to life. For decades, the international community has grappled with the tension between the retentionist practices of a diminishing number of states and a clear global trend toward abolition, driven by mounting evidence of wrongful convictions, discriminatory application, and the inherent cruelty of capital punishment.

The Human Rights Council has repeatedly affirmed that the death penalty is incompatible with the full realization of human rights and that its imposition, particularly in proceedings that violate fair trial guarantees, renders the deprivation of life arbitrary in nature. The High Commissioner for Human Rights has urged retentionist States to "move irrevocably towards the complete eradication of the death penalty in the foreseeable future".

Recent developments, however, present a mixed and deeply concerning picture. While some States have made historic strides toward abolition, others have expanded the scope of capital offences and increased executions to levels not seen in years. The year 2025 alone saw 2,707 recorded executions worldwide, an increase of more than two-thirds compared to 2024 driven primarily by a sharp rise in executions in a small number of retentionist States. At the same time, 112 States have abolished the death penalty in law, and 31 are abolitionist in practice. This divergence underscores the urgent need for the Council to examine not only the legal and human rights implications of capital punishment but also the systemic failures discriminatory application, due process violations, and the risk of executing the innocent that make its use increasingly untenable.

## **2. Subtopics**

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### **2.1. The Global Trend Toward Abolition and the "Most Serious Crimes" Threshold**

International human rights law permits the death penalty only for the "most serious crimes," defined under the UN Safeguards as intentional crimes with lethal or other extremely grave consequences. The Human Rights Council has repeatedly called upon States to reduce the number of offences punishable by death and to limit them strictly to this threshold. Yet in

practice, many retentionist States continue to impose capital punishment for drug-related offences, adultery, blasphemy, and economic crimes categories that do not meet the "most serious crimes" standard and constitute arbitrary deprivation of life. The global trend, however, remains abolitionist: 112 States are abolitionist in law, 31 in practice, and only 55 remain retentionist.

## **2.2. Due Process Violations and the Risk of Executing the Innocent**

The most fundamental concern raised by the death penalty's application is the irreversible risk of executing innocent people. Empirical evidence from the United States demonstrates that the capital conviction process is profoundly unreliable: a comprehensive study found that for every 100 fully reviewed capital verdicts, an average of 68 were reversed by state or federal courts. The US Supreme Court has acknowledged that DNA testing has exposed "the remarkable degree of fallibility in the basic fact-finding processes" on which capital convictions rely, with at least 12 death row inmates exonerated by DNA evidence since 1993. Serious due process violations including reliance on false or coerced evidence, inadequate legal representation, and the suppression of exculpatory material continue to plague capital proceedings globally. The Human Rights Council has stressed that failure to respect fair trial guarantees in proceedings resulting in the death penalty constitutes a violation of the right to life itself.

## **2.3. Discriminatory and Arbitrary Application of the Death Penalty**

The death penalty is not applied equally. The Human Rights Council has expressed deep concern that persons from socioeconomically disadvantaged backgrounds, national, ethnic, religious, and linguistic minorities, and foreign nationals are disproportionately likely to face capital punishment. Racial bias is particularly well-documented in the United States: in the first six months of 2026, 56% of those executed were Black, while 64% of the victims in cases resulting in execution were white despite white people constituting only about 50% of murder victims nationwide. Since 1976, 75% of victims in cases resulting in an execution have been white. Discriminatory application also affects women, who face capital punishment under laws that disproportionately target them for offences such as adultery, and who may be sentenced to death based on gender stereotypes and bias.

## **2.4. Mandatory Death Sentences and the Erosion of Judicial Discretion**

Mandatory death sentences where capital punishment is automatically imposed upon conviction for certain offences deny the sentencing court its judicial discretion to consider the offender's personal circumstances and the particular circumstances of the offence. The Human Rights Council has recalled that mandatory death sentences render the penalty arbitrary and inconsistent with the right to a fair trial and the right to life. Such sentences were reportedly imposed in 2025 in Iran, Nigeria, Pakistan, Saudi Arabia, Singapore, Trinidad and Tobago, and Yemen.

## **2.5. The Death Row Phenomenon and Conditions of Confinement**

The conditions under which death row prisoners are held can themselves constitute cruel, inhuman, or degrading treatment. Prolonged confinement under restrictive conditions often characterized by solitary confinement, limited recreation, and inadequate access to sunlight and human contact raises serious concerns under international law. The Human Rights Council has stressed the need to examine "the death row phenomenon, the methods of execution, or the lack of transparency around executions or the location of burial sites" as potential violations of the prohibition of torture and other cruel, inhuman, or degrading treatment. In the United States, San Quentin's death row has been described as having "horrible" and "inhumane" conditions, with overcrowded recreation yards and Adjustment Center prisoners locked in their cells for all but nine hours a week.

## **2.6. Methods of Execution and the Prohibition of Cruel, Inhuman, or Degrading Treatment**

The methods by which executions are carried out have increasingly come under scrutiny. In 2026, a federal court held for the first time that Alabama's nitrogen gas protocol violated the Eighth Amendment's prohibition against cruel and unusual punishment, with witnesses observing signs of pain and distress in every execution using this method. Idaho has adopted the firing squad as its primary execution method, with executions to be carried out by volunteer law enforcement personnel. The Human Rights Council has reaffirmed that executions by certain methods, such as hanging, are irreconcilable with the absolute prohibition of torture and other cruel, inhuman, or degrading treatment.

## **2.7. International and Regional Mechanisms for Promoting Abolition**

A range of international and regional mechanisms exist to advance abolition and protect the rights of those facing the death penalty. The Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, has been ratified by a growing number of States, with the Human Rights Council calling upon all States that have not yet done so to consider acceding to or ratifying it. The Council of Europe has made abolition a condition of membership, and all 27 EU Member States have abolished the death penalty. The EU has also adopted regulations prohibiting the trade in goods used for capital punishment. The Human Rights Council holds biennial high-level panel discussions on the question of the death penalty, and the Universal Periodic Review process provides a mechanism for States to make recommendations related to abolition.

# **3. International Legal Framework**

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## **3.1. International Covenant on Civil and Political Rights (ICCPR)**

Article 6 guarantees the right to life and provides that the death penalty may be imposed only for the most serious crimes, pursuant to a final judgment by a competent court, with the right

to seek pardon or commutation. The Human Rights Committee's General Comment No. 36 confirms that States not yet totally abolitionist "should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future".

Article 14 guarantees the right to a fair trial, including equality before courts, the presumption of innocence, adequate time and facilities for defence, access to legal assistance, and the right to appeal. The Human Rights Committee has emphasized that the right to equality before courts ensures equality of arms, requiring that the same procedural rights be provided to all parties.

Article 15 prohibits retroactive criminal liability, ensuring that no one shall be guilty of an offence that did not constitute an offence at the time it was committed.

### **3.2. Second Optional Protocol to the ICCPR**

The Second Optional Protocol, which entered into force on 11 July 1991, requires States Parties to take all necessary measures to abolish the death penalty within their jurisdiction and prohibits any execution. No reservations are permitted except for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.

### **3.3. UN Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty**

Adopted by ECOSOC Resolution 1984/50, these Safeguards establish critical protections:

Capital punishment may be imposed only for the most serious crimes, understood as intentional crimes with lethal or other extremely grave consequences. It may only be imposed for a crime for which the death penalty was prescribed by law at the time of its commission. Persons below 18 years of age at the time of the crime shall not be sentenced to death, nor shall the death sentence be carried out on pregnant women, new mothers, or persons who have become insane. Capital punishment may be imposed only when guilt is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts. It may only be carried out pursuant to a final judgment rendered by a competent court after legal process giving all possible safeguards to ensure a fair trial, at least equal to those in Article 14 of the ICCPR, including the right to adequate legal assistance at all stages. Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure such appeals become mandatory. Anyone sentenced to death shall have the right to seek pardon or commutation. Capital punishment shall not be carried out pending any appeal or other recourse procedure. Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering.

### **3.4. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

Article 15 prohibits the use of evidence obtained through torture in any proceedings, a critical safeguard in capital cases where coerced confessions are a documented concern.

### **3.5. Vienna Convention on Consular Relations**

Article 36 requires that foreign nationals be informed without delay of their right to consular notification and access. The International Court of Justice has found that failure to provide consular notification breaches the Convention and can render a death sentence an arbitrary deprivation of life in violation of Articles 6 and 14 of the ICCPR.

### **3.6. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

States should eliminate gender stereotyping and bias in the justice system, and a gender perspective should be incorporated into all aspects of criminal justice. The Committee on the Elimination of Discrimination against Women has expressed alarm that official data on women on death row is absent in some States and that families are often unaware of the circumstances of their conviction and detention.

### **3.7. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)**

The Committee on the Elimination of Racial Discrimination has stated that death penalty legislation applicable solely to a particular racial or ethnic group constitutes grave retrogression and unlawful discrimination. The UN Special Rapporteur on torture has warned that "the selective application of capital punishment on ethnic or national grounds, or because of one's political views, constitutes a particularly stark form of discriminatory harm".

## **4. Case Studies**

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### **Case Study 1: The Resumption of Federal Executions in the United States**

The United States provides a critical case study in both the risks of capital punishment and the politicization of its application. In early 2025, the President ordered the end of the federal moratorium on executions and prioritized the use of the death penalty in eligible federal cases while encouraging its broader use at the state level. States executed 47 people in 2025, nearly double the rate of 2024, with Florida carrying out more executions than all other states combined. These executions were marked by stark racial disparities: nine of the 16 people executed in the first half of 2026 were Black, and 64% of the victims in cases resulting in execution were white. The case of Tony Carruthers, a Tennessee prisoner who survived a botched execution after an hour of failed attempts to set an IV line, exemplifies the systemic failures that plague capital proceedings. Mr. Carruthers had consistently maintained his

innocence for over 30 years, with DNA evidence from the crime scene never tested, and prosecutors relying almost entirely on the testimony of a paid jailhouse informant. Public opinion in the United States remains complex: while 66% of Americans support the death penalty for murder, 73% acknowledge the risk of executing innocent people.

### **Case Study 2: Iran's Escalating Use of the Death Penalty**

Iran recorded at least 2,159 executions in 2025 more than double its 2024 total representing the largest single driver of the global increase in executions. The surge was driven in particular by a growing number of executions for drug-related offences not involving intentional killing, which do not meet the "most serious crimes" threshold under international law. The High Commissioner for Human Rights has expressed alarm over the use of capital punishment as a tool of State intimidation and the disproportionate impact on ethnic minorities and migrants. Iran's practices underscore the dangers of expanding the scope of capital offences beyond international legal limits and the urgent need for international scrutiny and accountability.

### **Case Study 3: Israel's Discriminatory Death Penalty Legislation**

In March 2026, Israel adopted legislation effectively providing for the death penalty for offences that reportedly may be applicable in practice mostly to Palestinians, including provisions for capital punishment following military trials. The Committee on the Elimination of Racial Discrimination stated that this legislation constitutes a "grave retrogression of human rights" and creates or perpetuates racial discrimination against Palestinians living in the Occupied Palestinian Territory. The UN Special Rapporteur on torture, Alice Jill Edwards, warned that "the selective application of capital punishment on ethnic or national grounds, or because of one's political views, constitutes a particularly stark form of discriminatory harm," and that "any system that permits differential treatment in their justice system or by the imposition of the death penalty undermines the most basic guarantees of equality before the law". This case illustrates how the death penalty can be weaponized as an instrument of discriminatory oppression, violating both the right to life and the prohibition of racial discrimination.

### **Case Study 4: Progress Toward Abolition in Africa and the Middle East**

Despite the concerning trends in some regions, significant progress toward abolition has been made in others. Guinea adopted a new constitution in September 2025 that prohibits the death penalty. In Lebanon, the Parliamentary Human Rights Committee approved a draft law in February 2026 to replace the death penalty with life imprisonment under strict conditions, and the Justice Committee subsequently approved it in June; the bill now awaits a plenary session vote. Kenya established a parliamentary task force in February 2025 to review national legislation on the death penalty. Liberia finalized a draft bill to remove all remaining capital punishment provisions from its penal code. These developments demonstrate that political will

and sustained advocacy can achieve meaningful progress toward abolition, even in regions where retentionist practices have historically been entrenched.

### **Case Study 5: The Problem of Botched Executions and Cruel Methods**

The case of Tony Carruthers in Tennessee where executioners failed for over an hour to establish an IV line before the execution was called off represents the 64th botched execution in the modern US death penalty era. In Alabama, the first federal court ruling finding a method of execution unconstitutional under the current legal standard held that the state's nitrogen gas protocol violated the Eighth Amendment, with witnesses observing signs indicating that prisoners were experiencing pain and distress in every execution using this method. Idaho's adoption of the firing squad as its primary execution method, with executions carried out by volunteer law enforcement personnel, raises further concerns about the compatibility of such methods with the prohibition of cruel, inhuman, or degrading treatment. These cases demonstrate that the methods by which States carry out executions are not merely technical matters but raise profound human rights concerns.

### **Case Study 6: The Death Penalty as Torture – The 2026 UN Expert Report**

In June 2026, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, presented a report to the Human Rights Council unequivocally finding that the cumulative and prolonged death penalty process generates suffering so severe that it amounts to torture and violates international law. Based on testimonies from death row survivors, their relatives, forensic evidence, and academic research, the report examined all stages of capital punishment from arrest, interrogation, and pre-trial detention through trial, sentencing, imprisonment, execution, and its aftermath and found that each stage generates deep and lasting trauma extending to children, spouses, and other relatives. The report documented that the death penalty is "plagued by racial and other forms of discrimination and inequality, disproportionately impacting people of African-descent and foreign nationals, as well as those living in poverty and with disabilities". Exonerated death row prisoners described the continuous terror and uncertainty of a pending execution, combined with humiliating treatment, dire prison conditions, isolation, and coercion, as "psychological warfare". This landmark report provides authoritative forensic and testimonial evidence that capital punishment itself constitutes a violation of the prohibition of torture.

## **5. Conclusion**

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The death penalty remains one of the most contentious and consequential human rights issues before the Human Rights Council. The evidence presented in this background guide demonstrates that capital punishment is not merely a criminal justice policy choice but a practice that raises fundamental questions about the right to life, the prohibition of torture and

cruel treatment, the guarantee of fair trial and due process, and the principle of non-discrimination.

The global trend toward abolition is clear and irreversible: 112 States have abolished the death penalty in law, and 31 more are abolitionist in practice. Yet a small number of retentionist States continue to execute at alarming rates, often for offences that do not meet the "most serious crimes" threshold, and frequently in proceedings marred by due process violations and discriminatory application. The risk of executing innocent people is not hypothetical but empirically documented, with DNA exonerations revealing the profound fallibility of capital conviction processes. The death penalty is disproportionately imposed on racial and ethnic minorities, the poor, and the marginalized, perpetuating systemic inequalities rather than delivering equal justice.

The Human Rights Council has a vital role to play in advancing abolition, strengthening safeguards for those facing the death penalty, and promoting rights-based criminal justice systems. This requires not only normative clarity through resolutions, panel discussions, and the Universal Periodic Review but also sustained engagement with retentionist States, support for civil society and national human rights institutions, and international cooperation to ensure that no person is deprived of life arbitrarily or discriminatorily. As the High Commissioner for Human Rights has urged, States must "move irrevocably towards the complete eradication of the death penalty in the foreseeable future". The Council's deliberations on this agenda item will determine whether the international community accelerates that journey or permits the continuation of a practice that violates the most fundamental of all human rights.

## References

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OHCHR – High Commissioner Türk: Only justice systems that are humane and rights-based can truly deliver justice

OHCHR – Background to the ICCPR and Optional Protocols

OHCHR – Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty

OHCHR – New Israeli death penalty law risks violating absolute prohibition of torture, says UN expert

OHCHR – High Commissioner for Human Rights calls on United States Government to stay execution of Mexican national

OHCHR – Inputs for the Report of the Secretary-General on the question of the death penalty, Cornell Center on the Death Penalty Worldwide

OHCHR – Ratifying the International Covenants: ICCPR Ratification Toolkit

OHCHR – Second Optional Protocol to the ICCPR Ratification Toolkit

OHCHR – UN expert report finds death penalty is torture, calls for abolition of practice globally

OHCHR – Communication regarding Mr. Ramos Moreno and the Vienna Convention on Consular Relations

OHCHR – Report on the consequences arising at various stages of the death penalty, A/HRC/60/47

OHCHR – Joint Submission to the UN Special Rapporteur on Torture regarding death row phenomenon in Bahrain

OHCHR – UN experts urge US to halt Texas execution of Mexican Rubén Cárdenas Ramírez

## **QARMA**

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This section is intentionally left empty as the Executive Board believes the onus is on the delegates of the UNHRC to deem what is necessary and what isn't and hence the content of the Resolution will be solely decided upon by the delegates after debate has occurred.