

# NHSMUN50

National High School Model United Nations



UNHRC

BACKGROUND GUIDE



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**Nicole Pilliod**  
**Anyas Prasad**  
**Joseph Rojek**  
**Amira Samih**  
**Zaheer Sooliman**  
**Terry Wang**  
**Ellie White**

Dear Delegates,

Greetings and a warm welcome to NHSMUN 2024! My name is Tara Roos, and it is my immense pleasure to serve as this year's Director for Session I of the United Nations Human Rights Council (UNHRC). I am thrilled to embark on this Model UN journey with all of you.

This is my first year on NHSMUN staff, and I am excited to share this remarkable experience with you. I am from Cape Town, South Africa. Outside of Model UN, I am a massive fan of Taylor Swift, I dedicate most weekends to watching Formula One races, and I am an avid lover of books. Jane Austen, George Orwell, and Margaret Atwood are my favorite authors. In my free time, you'll likely find me by the beach.

My co-director, Maria José (Majo), and I have worked hard to create this comprehensive Background Guide that lays the framework for this year's committee. We have written about two compelling topics for this year's conference: "Promotion and Protection of Human Rights in Nicaragua" and "The Impact of the Death Penalty on Human Rights." It is essential that you grasp your country's stance on both subjects prior to the conference. We trust that our Background Guides will not only capture your interest but also prove instrumental in shaping your pre-conference preparations.

As we approach the conference, I encourage you to engage critically with the content, ask questions, probe for deeper insights, and form well-educated opinions. Let your curiosity be your guiding force as you prepare to embark on this rewarding journey. So, embrace the challenge before you, welcome the opportunity to learn from your missteps, and lean on the collective expertise and our support. Together, we will foster an environment that nurtures your growth as debaters, thinkers, and leaders while contributing to the overall excellence of your position papers and the conference as a whole. Your dedication to this process will undoubtedly yield not only tangible outcomes, but also a profound sense of personal accomplishment.

May your pre-conference preparations unfold smoothly. Should any obstacles arise, please feel free to reach out via email; we are more than eager to assist. Anticipation fills the air as we look forward to welcoming you to New York!

With warm regards,

Tara Roos

United Nations Human Rights Council

Session I

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**Terry Wang**  
**Ellie White**

Dear Delegates,

Hello and welcome to NHSMUN 2024! My name is María José Martínez (Majo), and I am really excited to be this year's director of the United Nations Human Rights Council for Session II. To start your research, Tara Roos and I created an extensive Background Guide on two different topics that showcases the framework for this year's conference. As directors, we carefully selected each topic to create an engaging debate around human rights violations. We hope our Background Guide is interesting and useful for your pre-conference investigations.

During my first year on staff, I served as an Assistant Director for UNICEF. Being part of the dais was such an impactful experience for me. I learned so much from myself and those surrounding me. I saw delegates grow immensely in a single week. Those who I first perceived as timid and fearful, transitioned into great speakers. And as for me, I gained a better understanding of my abilities and grew confident in them.

This year, we aim to create a safe and educational environment for every delegate in UNHRC's committee room. Providing students with quality research and personal feedback is our top priority. Teamwork, diplomacy, and kindness are the values we strive to maintain during every committee session.

I live and study in Mexico City. I currently major in Languages and Cultural Management at Universidad Anáhuac, where I get to learn about different cultures and their public policies through extensive analysis. Some of my hobbies include reading and painting. My favorite book is *The Broken Wings* by Khalil Gibran, and my favorite artist is Claude Monet. After researching and writing so much, I can undoubtedly claim my passion. I long to become an author and to inspire others to follow their dreams and ambitions.

We chose the topics of "Promotion and Protection of Human Rights in Nicaragua" and "The Impact of the Death Penalty on Human Rights" for this year's conference. These topics were carefully selected based on their current impact and their potential to foster diplomatic negotiations. I advise you to carefully review this material before the conference. While it may feel overwhelming to read such an extensive document, it will undoubtedly help you start a well-established research paper. Please keep in mind that the purpose of this conference is to learn. Acknowledging mistakes is the greatest sign of improvement. Directors and Assistant Directors alike encourage you to ask questions if needed, consequently creating confident debaters and outstanding position papers.

I hope your pre-conference research goes smoothly, but if you stumble upon any problems, don't hesitate to email me! I am more than happy to help! I look forward to meeting you in New York!

Sincerely,

María José Martínez  
United Nations Human Rights Council  
Session II  
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## A Note on the NHSMUN Difference

Esteemed Faculty and Delegates,

Welcome to NHSMUN 2024! We are Dennis Zhang and Christian Hernandez, and we are this year's Secretary-General and Director-General. Thank you for choosing to attend NHSMUN, the world's largest and most diverse Model United Nations conference for secondary school students. This year is particularly special as NHSMUN celebrates its **50th Anniversary**, and we are thrilled to welcome you to our hometown, New York City, this March for this landmark year!

As a space for collaboration, consensus, and compromise, NHSMUN strives to transform today's brightest thinkers, speakers, and collaborators into tomorrow's leaders. Our organization provides a uniquely tailored experience for all through innovative and accessible programming. We believe that an emphasis on education through simulation is paramount to the Model UN experience, and this idea permeates throughout numerous aspects of the conference:

**Realism and accuracy:** Although a perfect simulation of the UN is never possible, we believe that one of the core educational responsibilities of MUN conferences is to educate students about how the UN System works. Each NHSMUN committee is a simulation of a real deliberative body so that delegates can research what their country has said in the committee. Our topics are chosen from the issues currently on the agenda of that committee (except historical committees, which take topics from the appropriate time period). We also strive to invite real UN, NGO, and field experts into each committee through our committee speakers program. Moreover, we arrange meetings between students and the actual UN Permanent Mission of the country they are representing. Our delegates have the incredible opportunity to conduct first-hand research, asking thought-provoking questions to current UN representatives and experts in their respective fields of study. These exclusive resources are only available due to IMUNA's formal association with the United Nations Department of Global Communications and consultative status with the Economic and Social Council. No other conference goes so far to deeply immerse students into the UN System.

**Educational emphasis, even for awards:** At the heart of NHSMUN lies education and compromise. Part of what makes NHSMUN so special is its diverse delegate base. As such, when NHSMUN distributes awards, we strongly de-emphasize their importance in comparison to the educational value of Model UN as an activity. NHSMUN seeks to reward students who excel in the arts of compromise and diplomacy. More importantly, we seek to develop an environment in which delegates can employ their critical thought processes and share ideas with their counterparts from around the world. Given our delegates' plurality of perspectives and experiences, we center our programming around the values of diplomacy and teamwork. In particular, our daises look for and promote constructive leadership that strives towards consensus, as real ambassadors do in the United Nations.

**Debate founded on strong knowledge and accessibility:** With knowledgeable staff members and delegates from over 70 countries, NHSMUN can facilitate an enriching experience reliant on substantively rigorous debate. To ensure this high quality of debate, our staff members produce detailed, accessible, and comprehensive topic guides (like the one below) to prepare delegates for the nuances inherent in each global issue. This process takes over six months, during which the Directors who lead our committees develop their topics with the valuable input of expert contributors. Because these topics are always changing and evolving, NHSMUN also produces update papers intended to bridge the gap of time between when the background guides are published and when committee starts in March. As such, this guide is designed to be a launching point from which delegates should delve further into their topics. The detailed knowledge that our Directors provide in this background guide through diligent research aims to increase critical thinking within delegates at NHSMUN.

**Extremely engaged staff:** At NHSMUN, our staffers care deeply about delegates' experiences and what they take away from

their time at NHSMUN. Before the conference, our Directors and Assistant Directors are trained rigorously through hours of workshops and exercises both virtual and in-person to provide the best conference experience possible. At the conference, delegates will have the opportunity to meet their dais members prior to the first committee session, where they may engage one-on-one to discuss their committees and topics. Our Directors and Assistant Directors are trained and empowered to be experts on their topics and they are always available to rapidly answer any questions delegates may have prior to the conference. Our Directors and Assistant Directors read every position paper submitted to NHSMUN and provide thoughtful comments on those submitted by the feedback deadline. Our staff aims not only to tailor the committee experience to delegates' reflections and research but also to facilitate an environment where all delegates' thoughts can be heard.

**Empowering participation:** The UN relies on the voices of all of its member states to create resolutions most likely to make a meaningful impact on the world. That is our philosophy at NHSMUN too. We believe that to properly delve into an issue and produce fruitful debate, it is crucial to focus the entire energy and attention of the room on the topic at hand. Our Rules of Procedure and our staff focus on making every voice in the committee heard, regardless of each delegate's country assignment or skill level. Additionally, unlike many other conferences, we also emphasize delegate participation after the conference. MUN delegates are well researched and aware of the UN's priorities, and they can serve as the vanguard for action on the Sustainable Development Goals (SDGs). Therefore, we are proud to connect students with other action-oriented organizations to encourage further work on the topics.

**Focused committee time:** We feel strongly that face-to-face interpersonal connections during debate are critical to producing superior committee experiences and allow for the free flow of ideas. Ensuring policies based on equality and inclusion is one way in which NHSMUN guarantees that every delegate has an equal opportunity to succeed in committee. In order to allow communication and collaboration to be maximized during committee, we have a very dedicated administrative team who work throughout the conference to type up, format, and print draft resolutions and working papers.

As always, we welcome any questions or concerns about the substantive program at NHSMUN 2024 and would be happy to discuss NHSMUN pedagogy with faculty or delegates.

Delegates, it is our sincerest hope that your time at NHSMUN will be thought-provoking and stimulating. NHSMUN is an incredible time to learn, grow, and embrace new opportunities. We look forward to seeing you work both as students and global citizens at the conference.

Best,

Dennis Zhang  
Secretary-General

Christian Hernandez  
Director-General

## A Note on Research and Preparation

Delegate research and preparation is a critical element of attending NHSMUN and enjoying the debate experience. We have provided this Background Guide to introduce the topics that will be discussed in your committee. We encourage and expect each of you to critically explore the selected topics and be able to identify and analyze their intricacies upon arrival to NHSMUN in March.

The task of preparing for the conference can be challenging, but to assist delegates, we have updated our [Beginner Delegate Guide](#) and [Advanced Delegate Guide](#). In particular, these guides contain more detailed instructions on how to prepare a position paper and excellent sources that delegates can use for research. Use these resources to your advantage. They can help transform a sometimes overwhelming task into what it should be: an engaging, interesting, and rewarding experience.

To accurately represent a country, delegates must be able to articulate its policies. Accordingly, NHSMUN requires each delegation (the one or two delegates representing a country in a committee) to write a position paper for each topic on the committee's agenda. In delegations with two students, we strongly encourage each student to research each topic to ensure that they are prepared to debate no matter which topic is selected first. More information about how to write and format position papers can be found in the NHSMUN Research Guide. To summarize, position papers should be structured into three sections:

**I: Topic Background** – This section should describe the history of the topic as it would be described by the delegate's country. Delegates do not need to give an exhaustive account of the topic, but rather focus on the details that are most important to the delegation's policy and proposed solutions.

**II: Country Policy** – This section should discuss the delegation's policy regarding the topic. Each paper should state the policy in plain terms and include the relevant statements, statistics, and research that support the effectiveness of the policy. Comparisons with other global issues are also appropriate here.

**III. Proposed Solutions** – This section should detail the delegation's proposed solutions to address the topic. Descriptions of each solution should be thorough. Each idea should clearly connect to the specific problem it aims to solve and identify potential obstacles to implementation and how they can be avoided. The solution should be a natural extension of the country's policy.

Each topic's position paper should be **no more than 10 pages** long double-spaced with standard margins and font size. **We recommend 3–5 pages per topic as a suitable length.** The paper must be written from the perspective of your assigned country and should articulate the policies you will espouse at the conference.

Each delegation is responsible for sending a copy of its papers to their committee Directors via [myDais](#) on or before **February 23, 2024**. If a delegate wishes to receive detailed feedback from the committee's dais, a position must be submitted on or before **February 2, 2024**. The papers received by this earlier deadline will be reviewed by the dais of each committee and returned prior to your arrival at the conference.

Complete instructions for how to submit position papers will be sent to faculty advisers via email. If delegations are unable to submit their position papers on time, please contact us at [info@imuna.org](mailto:info@imuna.org).

**Delegations that do not submit position papers will be ineligible for awards.**



## Committee History

The United Nations Human Rights Council (UNHRC) was founded on March 15, 2006. It was established through the passage of Resolution A/RES/60/251 and replaced the Commission of Human Rights.<sup>1</sup> It was created to uphold the legal fabric that protects an individual's fundamental rights and freedom.<sup>2</sup> It additionally acted as a meeting where not only countries, but also non-governmental organizations and human rights defenders, could come together and express their concerns.<sup>3</sup> Its first session took place in June 2006. During this session, the Human Rights Council presented the "Universal Periodic Review," which calls on each member state of the United Nations to undergo a review of its human rights records every 4.5 years.<sup>4</sup> This review process allows states to provide updates on the status of their human rights situation and come up with ideas to improve them.<sup>5</sup> The UNHRC has the mission to promote and protect human rights around the globe.<sup>6</sup> Primarily based at the United Nations Office in Geneva, their duties include advocacy and prevention measures.<sup>7</sup> To ensure their commitment to "uphold the highest standards in the promotion and protection of human rights," the UNHRC monitors the cooperation of its member states.<sup>8</sup> The Council has 47 member states, which are elected by the members of the General Assembly.<sup>9</sup> The seats are based on equitable geographical distribution. Currently, there are 13 seats for African States, 13 for Asia-Pacific States, eight for Latin American and Caribbean States, seven for Western European states, and six seats for Eastern European States.<sup>10</sup>

The UNHRC operates within a set of well-defined guidelines and procedures. These guidelines encompass a wide range of principles and standards aimed at ensuring the effectiveness and fairness of the UNHRC's activities. This includes the Universal Periodic Review, as well as other procedures such as the Advisory Committee that plays a role in directing UNHRC's work. The committee consists of 18 members and replaces the former Sub-Commission on the Promotion and Protection of Human Rights.<sup>11</sup> The committee held its first meeting in August 2008. It currently meets twice a year during the months of February and August. During these meetings, the committee provides research-based advice to the UNHRC.<sup>12</sup> Any advice given to the Council must be limited to the promotion and protection of human rights.<sup>13</sup> The Complaint procedure also allows individuals and groups to update the UNHRC on human rights violations that have arisen.<sup>14</sup>

UNHRC has worked with many organizations, institutions, and groups throughout history. Since 1994, UNHRC has launched a Partnership in Action initiative that focuses on improving working conditions both locally, regionally, and on a national level. A similar approach was implemented to achieve the same goal on different scales. The High Commissioner's Structured Dialogue with NGOs and the International Federation of Red Cross (IFRC) are other examples of partnerships between UNHRC and other organizations. This committee has continually proposed strategies to strengthen partnerships. As a result, it collaborates with approximately 900 independent partners to help accomplish their goals, ultimately improving their overall impact and

1 "Welcome to the Human Rights Council," United Nations Human Rights Council, accessed September 18, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/about-council>.

2 "Introduction," United Nations Human Rights Council, accessed September 29, 2023, <https://www.ohchr.org/en/hr-bodies/chr/commission-on-human-rights>.

3 United Nations Human Rights Council, "Introduction."

4 United Nations Human Rights Council, "Welcome to the Human Rights Council."

5 "Global issues: Human Rights," United Nations, accessed September 22, 2023, <https://www.un.org/en/global-issues/human-rights>.

6 "UN Human Rights Council," International Service for Human Rights, accessed September 21, 2023, <https://ishr.ch/about-human-rights/who-protects-human-rights/the-united-nations/un-human-rights-council/>.

7 United Nations Human Rights Council, "Welcome to the Human Rights Council."

8 International Service for Human Rights, "UN Human Rights Council."

9 "Membership of the Human Rights Council," United Nations Human Rights Council, accessed September 22, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/membership>.

10 United Nations Human Rights Council, "Membership of the Human Rights Council."

11 "Advisory Committee," United Nations Human Rights Council, accessed September 26, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/advisory-committee/hrcac-index>.

12 "Advisory Committee," United Nations Human Rights Council.

13 "Advisory Committee," United Nations Human Rights Council.

14 United Nations Human Rights Council, "Welcome to the Human Rights Council."



results.<sup>15</sup>

The UNHRC has made significant progress in several key areas. These include addressing issues related to freedom of expression, freedom of assembly, preventing discrimination against women, protecting the rights of the LGBTQ+ community, and promoting religious tolerance.<sup>16</sup> The Council also works closely with many countries, such as Sudan, Libya, Yemen, and Syria, to address specific challenges they face. These efforts aim to foster tolerance, reduce violence, and uphold human rights.<sup>17</sup> However, it is important to note that the Council does not have high powers regarding the implementation of these solutions and policies. Its primary function is to provide recommendations to the United Nations General Assembly, which then decides on further actions and measures. This underscores the collaborative nature of international efforts to address human rights issues, with the General Assembly holding the ultimate decision-making power in this regard.<sup>18</sup>

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15 “Additional partnerships,” United Nations Human Rights Council, accessed September 29, 2023, <https://www.unhcr.org/about-unhcr/our-partners/additional-partnerships>.

16 “Key U.S. Accomplishments at the UN Human Rights Council 18th Session,” U.S. Mission to International Organizations in Geneva, accessed September 22, 2023, <https://geneva.usmission.gov/2011/10/03/accomplishments-unhrc18/>.

17 U.S. Mission Geneva, “Key U.S. Accomplishments.”

18 U.S. Mission Geneva, “Key U.S. Accomplishments.”



UNHRC

NHSMUN 2024



**TOPIC A:**

**PROMOTION AND PROTECTION OF HUMAN RIGHTS IN NICARAGUA**

Photo Credit: Jorge Mejía Peralta

## Introduction

This year is the 75th year since the establishment of the Universal Declaration of Human Rights (UDHR). The UDHR is the fundamental document for the protection of basic human rights. Its articles set a standard for human rights across the world, including the need to close the gender pay gap and ensure that everyone has access to education.<sup>1</sup> However, human rights violations still occur across the world.

The promotion and protection of human rights in Nicaragua is of vital concern.<sup>2</sup> Citizens of Nicaragua have been battling a severe human rights crisis since April 2018. This period has included five years of arbitrary arrests, forced removals, political discrimination, and limitations on free speech.<sup>3</sup> This has stemmed from the protests against current President Daniel Ortega's regime. What started as protests against social security reforms quickly turned into a larger movement opposing autocratic practices and corruption within the government. Since then, the Ortega Administration has cracked down on these protestors, resulting in many human rights violations.<sup>4</sup>

Located in Central America, Nicaragua has a rich history of political turmoil and societal change. Since gaining its independence in 1821, the country has experienced many political and societal transformations.<sup>5</sup> Nicaragua's history has been marked by dictatorship, civil war, and political instability. The human rights crisis in Nicaragua has resulted in thousands of citizens fleeing to neighboring countries.<sup>6</sup> In February 2023, over 200 individuals were forcibly deported to the United States.<sup>7</sup> These repressive actions have generated

fear in the hearts of all those across the country. The constant threats to Nicaraguans' basic freedoms and human rights has kept the population restless and anxious.

This alarming situation led to the United Nations Human Rights Council (UNHRC) passing Resolution 49/3 in 2022. The resolution established a group of three human rights experts to investigate the alleged human rights violations in Nicaragua.<sup>8</sup> They aim to identify those responsible for the excessive use of violence and repression against protesters. Furthermore, the investigation aims to find the underlying causes that have led to these violations. The information gathered from these investigations will be crucial in holding perpetrators accountable and for ensuring the protection of human rights in Nicaragua.<sup>9</sup>

All countries have a duty to support efforts that encourage the upholding of basic freedoms. The situation in Nicaragua serves as a reminder of the ongoing difficulties that many countries face in their fight for human rights and democratic governance. Defending those who have been deprived of their basic rights is important everywhere and requires global participation.

1 "Human Rights 75: Activities Update," Office of the High Commissioner for Human Rights, last modified May 24, 2023, <https://www.ohchr.org/en/updates/2023/05/human-rights-75-activities-update-24-may-2023>.

2 "The Human Rights Situation in Nicaragua Continues to Erode, United Nations Assistant Secretary-General for Human Rights Tells the Human Rights Council," *United Nations Human Rights Council*, March 3, 2023, <https://www.ohchr.org/en/news/2023/03/human-rights-situation-nicaragua-continues-erode-united-nations-assistant-secretary>.

3 Human Rights Watch, *World Report 2022: Nicaragua*, (New York: Human Rights Watch, 2022), <https://www.hrw.org/world-report/2022/country-chapters/nicaragua>.

4 Human Rights Watch, *World Report 2022*.

5 "Nicaragua Profile - Timeline," *BBC News*, May 31, 2018, <https://www.bbc.com/news/world-latin-america-19909695>.

6 Charles G Ripley, "Crisis Prompts Record Emigration from Nicaragua, Surpassing Cold War Era," *Migration Policy*, last modified March 7, 2023, <https://www.migrationpolicy.org/article/record-emigration-nicaragua-crisis>.

7 "Nicaragua: 222 People Forcibly Expelled from Nicaragua," *Amnesty International*, February 9, 2023, <https://www.amnesty.org/en/latest/news/2023/02/222-people-forcibly-expelled-from-nicaragua/>.

8 United Nations General Assembly, Resolution 49/3, Promotion and protection of human rights in Nicaragua, A/HRC/RES/52/2, (April 6, 2023), <https://undocs.org/A/HRC/RES/52/2>.

9 Raphaël Viana David, Eleanor Openshaw, and Javier Urizar, "Nicaragua: Evaluation Benchmark of Resolution 49/3," *International Service for Human Rights*, last modified December 15, 2022, <https://ishr.ch/defenders-toolbox/resources/nicaragua-evaluation-benchmark-of-resolution-49-3/>.

## History and Description of the Issue

### Human Rights and Political Protests in Nicaragua

Political protests are one of the most powerful ways people exercise their freedom of speech and express their political views. These collective actions serve as a means for citizens to come together, united by shared concerns, and demand change from their government.<sup>10</sup> Political protests are crucial in raising awareness about pressing social or political issues and advocating for reforms. By participating in protests, individuals seek to shape the future of their society and promote positive transformations. Political protests allow marginalized groups, disadvantaged communities, and civil society organizations to be heard on a local, regional, national, or even international platform. These protests can draw attention to systemic inequalities, human rights violations, and pressing issues that demand immediate attention and action. Furthermore, political protests are a manifestation of citizens' desire for accountability from their government and elected representatives. Protecting human rights in political protests is of utmost importance as it safeguards the civil liberties of individuals and allows for continued open dialogue. When human rights are respected during political protests, it ensures that participants can freely express their views and grievances without fear of punishment. Such an environment can lead to positive societal transformation and progress.

In Nicaragua, the issue of human rights and political protests has been a matter of concern. The country has witnessed large-scale demonstrations and civil unrest, with people taking to the streets to voice their grievances and demand accountability from their government. Since 2018, political tensions between the Nicaraguan government and the political

opposition have escalated, leading to multiple episodes of large-scale civil unrest and forced detentions.<sup>11</sup> Both sides have resorted to political and criminal violence, creating a hostile environment that has driven many Nicaraguans to seek refuge in neighboring countries, particularly Costa Rica and the United States of America.<sup>12</sup> By 2022, the mass migration of Nicaraguans had reached approximately 10 percent of the total population, totaling around 680,000 individuals.<sup>13</sup>

The government's response to the political tensions has been characterized by increased control over national and international non-governmental organizations (NGOs), resulting in restricted humanitarian access, such as attacks on humanitarian personnel and facilities. From 2018 to 2022, the Nicaraguan government closed down around 3,000 organizations, including 100 NGOs, and several social, religious, and political groups.<sup>14</sup> This crackdown has further limited the assistance available to vulnerable populations and exacerbated the challenges faced by those affected by the sociopolitical crisis.

The country has witnessed large-scale demonstrations and civil unrest, with reports of excessive use of force by security forces, arbitrary detentions, and the suppression of peaceful assembly. The protests in Nicaragua peaked in April 2018 when the government introduced social security reforms that triggered nationwide demonstrations. The government's response to these protests involved riot police, paramilitary groups, and state-sponsored violence, resulting in numerous casualties and human rights violations.<sup>15</sup> The protests were triggered on April 18, 2018, in response to the Ortega administration's announcement of social security reforms that increased income and payroll taxes while reducing pension benefits by five percent. Demonstrations erupted

10 D Chong, "Political Protest and Civil Disobedience," *International Encyclopedia of the Social & Behavioral Sciences*, (January 2001): 11693-11696, <https://doi.org/10.1016/b0-08-043076-7/01203-1>.

11 Skip Mark, Ashlea Rundlett, and Rebecca Lister, "Nicaragua on the Brink: Protests, Elections, and Mass Atrocity," *Georgetown Journal of International Affairs*, last modified March 17, 2023, <https://gia.georgetown.edu/2023/03/17/nicaragua-on-the-brink-protests-elections-and-mass-atrocity/>.

12 Ripley, "Crisis Prompts Record Emigration from Nicaragua, Surpassing Cold War Era."

13 Cindy Regidor, "Year of the Exodus: 328,000 Nicaraguans Left in 2022," *Confidencial*, January 6, 2023, <https://confidencial.digital/english/year-of-the-exodus-328000-nicaraguans-left-in-2022/>.

14 "Nicaragua Cancels Nearly 200 NGOs in Sweeping Purge of Civil Society," *The Guardian*, June 2, 2022, <https://www.theguardian.com/world/2022/jun/02/nicaragua-cancels-non-governmental-organizations-civil-society>.

15 "The Human Rights Situation in Nicaragua Continues to Erode," *Office of the United Nations High Commissioner for Human Rights*, March 3, 2023, <https://www.ohchr.org/en/news/2023/03/human-rights-situation-nicaragua-continues-erode-united-nations-assistant-secretary>.





Protesters fleeing during the May 2018 protests following the election of President, Daniel Ortega

Credit: Jorge Mejía Peralta

in Nicaragua's capital, Managua, and six other cities. All of these demonstrations were repressed by authorities reporting to President Ortega.<sup>16</sup> The initial protests were met with excessive force by the authorities, leading to the death of at least 26 people, including journalist Ángel Gahona, who was fatally shot while reporting on the events through Facebook Live.<sup>17</sup> Independent media outlets were also censored during the protests, further restricting the flow of information. As the protests intensified, violent outbreaks spread across Nicaragua to multiple cities. In an attempt to control the narrative, the government suspended transmissions of four independent TV channels and the Catholic Episcopal Conference's TV channel, further undermining media freedom.<sup>18</sup>

Amidst the escalating crisis, a "national dialogue" was initiated on May 16, 2018, with the Inter-American Commission on Human Rights (IACHR). The IACHR was observing the country's human rights situation.<sup>19</sup> However, the dialogue

faced challenges and was eventually suspended due to the lack of agreement on the issues to be discussed. The protests continued, and on Mother's Day in Nicaragua, a march was held to honor the victims killed during the demonstrations. However, the march was violently repressed by the national police, resulting in approximately 15 deaths.<sup>20</sup> The death toll from the protests rose significantly, with at least 38 people killed on July 8, 2018, during an anti-government protest. This was the deadliest day in the country since the protests began.<sup>21</sup> Much of this is due to pro-Sandinista military groups, who have been accused of carrying out much of the repression of protesters on behalf of President Ortega and the Sandinista National Liberation Front (FSLN) party. They have also brought the total number of deaths to more than 300 since the beginning of the protests.<sup>22</sup> The international community responded to the crisis, pressuring the Nicaraguan government to end the repression and disarm paramilitary groups. The United States, 13 Latin American countries, and

16 "Nicaragua: Ortega Scraps Pension Reforms after Deadly Protests," *Al Jazeera*, April 23, 2018, <https://www.aljazeera.com/news/2018/4/23/nicaragua-ortega-scraps-pension-reforms-after-deadly-protests>.

17 Carl David Goette-Luciak, "How a Journalist's Death Live on Air Became a Symbol of Nicaragua's Crisis," *The Guardian*, May 29, 2018, <https://www.theguardian.com/world/2018/may/29/nicaragua-journalist-killed-live-on-air-angel-gahona>.

18 "Crackdown in Nicaragua," Human Rights Watch, June 19, 2019, <https://www.hrw.org/report/2019/06/19/crackdown-nicaragua/torture-ill-treatment-and-prosecutions-protesters-and>.

19 *The Risks of a Rigged Election in Nicaragua* (Brussels: International Crisis Group, May 2021), <https://icg-prod.s3.amazonaws.com/088-risks-of-a-rigged-election-nicaragua.pdf>.

20 Oswaldo Rivas, "Fifteen Killed in Nicaragua Protests, Including Mother's Day March Attack," *Reuters*, May 31, 2018, <https://www.reuters.com/article/us-nicaragua-protests-idUSKCN1IW27E>.

21 "Nicaragua crisis: '38 killed in bloodiest day' - NGO," *BBC News*, July 10, 2018, <https://www.bbc.com/news/world-latin-america-44779257>.

22 Rivas, "Fifteen Killed in Nicaragua Protests;" Loes Witschge, "Las Turbas: Who Are Nicaragua's Pro-Government Armed Groups?" *Al Jazeera*, August 13, 2018, <https://www.aljazeera.com/features/2018/8/13/las-turbas-who-are-nicaraguas-pro-government-armed-groups>.

the UN Secretary-General demanded an end to the violence and repression. The Office of the United Nations High Commissioner for Human Rights also expressed concern over a recently approved Law on Terrorism, warning that it could be used to criminalize peaceful protests.<sup>23</sup>

Political protests in Nicaragua have historically played a crucial role in expressing citizens' concerns and advocating for social and political change. These protests serve as a means for individuals to come together and call for government responsiveness and transparency. In Nicaragua, however, there have been troubling violations of protesters' rights. Reports of excessive use of force, arbitrary arrests, and restrictions on freedom of speech have raised serious concerns about the government's commitment to protecting human rights and respecting democratic values. On March 16, 2019, police arrested 107 protesters during a march in Managua.<sup>24</sup> The suppression of dissenting voices continued, as reports emerged about the death of a 57-year-old political prisoner, Eddy Antonio Montes Praslin. The Nicaraguan Ministry of the Interior reported that a prison guard shot Montes Praslin during an alleged riot while the International Red Cross was visiting. This incident sparked further outrage and protests, particularly from the relatives of political prisoners held by the Sandinista government, who demanded information about the physical condition of the detainees.<sup>25</sup>

In response to mounting pressure and public outcry, the government released several political prisoners on June 11, 2019. This included journalists Miguel Mora Barberena and Lucía Pineda Ubau, rural movement leader Medardo Mairena, and student leader Edwin Carcache.<sup>26</sup> While this release was seen as a positive step, tensions persisted, and protests continued. On June 16, 2019, a Thanksgiving Mass

for releasing political prisoners was held at the Managua Cathedral, followed by a protest on the cathedral grounds.<sup>27</sup> However, the police responded with tear gas and rubber bullets, dispersing the protesters. In response to the police's actions, the demonstrators sought refuge behind the cathedral's perimeter wall. These incidents highlight the ongoing tension between the government and protesters in Nicaragua. While some political prisoners have been released, concerns remain about the treatment of detainees and the overall suppression of dissent. The use of force against peaceful protesters raises significant human rights concerns and further exacerbates the existing political tensions in the country. Such violations undermine the essence of political protests as a platform for open dialogue and peaceful expression, leading to a climate of fear and intimidation that hinders citizens' ability to exercise their rights freely.

## Freedom of Expression and Media Independence

Freedom of expression is a person's right to express their ideas without fear of censorship.<sup>28</sup> This right is recognized by international law and is outlined in the UDHR as a basic human right.<sup>29</sup> Media independence refers to the ability of media bodies to freely report news without influence or control from outside actors. These principles protect every individual's right to express their opinions and ideas freely. In turn, it creates an informed public that is capable of actively participating in civic matters. An educated public can also hold those in power accountable, and contribute to the overall betterment of society.<sup>30</sup> Promoting transparency, accountability, and informed decision-making is vital in a democratic society. Freedom of expression also encourages individual autonomy and self-expression while fostering

23 United Nations Geneva, "The Human Rights Situation in Nicaragua Continues to Erode, United Nations Assistant Secretary-General for Human Rights Tells the Human Rights Council," news release, March 3, 2023, <https://www.ungeneva.org/en/news-media/meeting-summary/2023/03/la-situation-des-droits-de-lhomme-au-nicaragua-continue-de-se>.

24 "Man Arrested during Nicaragua's Massive Protests Killed in Prison," *NBC News*, May 17, 2019, <https://www.nbcnews.com/news/latino/man-arrested-during-nicaragua-s-massive-protests-killed-prison-n1006946>.

25 *NBC News*, "Man Arrested during Nicaragua's Massive Protests."

26 Gabriela Selser, "Excarcelan a principales líderes opositores en Nicaragua," *Associated Press*, June 11, 2019, <https://apnews.com/article/871b5128a0bc4a91882b9248046deda0>.

27 Toby Hill, "Cathedral Protests Highlight Ortega's Broken Alliance with Nicaraguan Church," *The Guardian*, November 8, 2018, <https://www.theguardian.com/world/2018/nov/08/nicaragua-catholic-church-protest-repression-daniel-ortega>.

28 "What Is Freedom of Expression?" Article 19, accessed September 18, 2023, <https://www.article19.org/what-is-freedom-of-expression/>.

29 UN General Assembly, Resolution 217 (III) A, Universal Declaration of Human Rights (UDHR), A/RES/3/217 A, (December 12, 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

30 "Human Rights Guide," Human Rights Guide, accessed July 29, 2023, <https://www.cilvektiesibugids.lv/>.

societal growth and positive change.

Despite its importance, freedom of expression has been challenged in Nicaragua.<sup>31</sup> Nicaragua is currently ranked 158 out of 180 countries in media independence. It has seen increased acts of harassment, intimidation, and violence against journalists.<sup>32</sup> The current political climate has led to greater restrictions on opposing political beliefs. The government faces accusations of suppressing critical voices and curbing free expression through legal maneuvers, intimidation, and violence. The case of Lucia Pineda Ubau exemplifies the lack of freedom of the press. Ubau was an editor for *100% Noticias*, a prominent independent news outlet in Nicaragua. Her dedication to journalism led to her arrest, harsh imprisonment, and the loss of her Nicaraguan citizenship.<sup>33</sup> Ubau claims that she was mistreated while imprisoned in 2019. She suspects prison guards drugged her food and isolated her in solitary confinement to break her spirit. Moreover, Ubau says she was denied access to a toilet. This inhumane treatment was seemingly intended to stifle her determination and silence her journalistic efforts.<sup>34</sup> Following her release after six months in prison, the government revoked Ubau's Nicaraguan citizenship and exiled her to Costa Rica, where she continues her work as a journalist. The Nicaraguan government holds significant power over the media landscape. As a result, media outlets are forcibly shut down, journalists encounter threats and harassment, and state-controlled media dominates the information space. This lack of media diversity prevents access to unbiased and independent information. Furthermore, the repression of opposition has created an environment of fear and intimidation. It discourages open discussions and stifles freedom of expression, leading individuals to self-censor to avoid consequences.<sup>35</sup>

Nicaragua has a history of media censorship that has been ongoing for decades. The original media law in Nicaragua was

initially drafted by the revolutionary government shortly after the triumph of the Sandinista revolution. This law outlined Nicaraguan media's responsibilities and rights at the time. However, the law did not account for the possibility of war. As the war intensified, the government implemented restrictions on military and economic news. A section of the Ministry of the Interior was put in charge of administering these regulations during the war.<sup>36</sup> However, the State of Emergency from 1982 to 1988 prevented the government from executing many aspects of the media laws. During this period, the constitutional right to free expression was also suspended. In 1988, President Ortega lifted the State of Emergency and restored the constitutional right to free expression. The 1987 Constitution guaranteed the right to true information and information in the majority's interests, prohibited monopolies of media sources, and prohibited censorship.<sup>37</sup>

On April 21, 1989, the Nicaraguan government passed a new media law to replace the original one. The new media law, unlike the previous one, addresses three key aspects of social communication. First, it outlines the theoretical basis of social communications. Second, it details potential offenses and associated punishments. Lastly, the new legislation establishes licensing procedures. This law creates two bodies to address concerns related to media and social communication. The first is the National Communications Commission (NCC), a body made up of representatives from several media fields. These people include representatives of the government as well as owners, employees, and users of the media. It advises authorities on how to apply the law, promotes media-related education and culture, and increases access to information. The second entity, the Communications Directorate, is in charge of new media licensing, registration, and authorization, as well as dealing with violations and fines.<sup>38</sup>

Critics argued that this law gave the government influence

31 Sofia Corzo, "Freedom of Expression and Elections in Nicaragua," *The Dialogue*, last modified April 23, 2021, <https://www.thedialogue.org/analysis/freedom-of-expression-and-elections-in-nicaragua/>.

32 "Nicaragua," *Reporters Without Borders*, accessed July 24, 2023, <https://rsf.org/en/country/nicaragua>.

33 Graham Keeley, "Nicaraguan Dictatorship Tried to Silence the Media," *Says Journalist*, *VOA News*, March 15, 2023, <https://www.voanews.com/a/nicaraguan-dictatorship-tried-to-silence-the-media-says-journalist/7006843.html>.

34 Karen Pineda Ubau, "Nicaragua: The Suffering of News Anchor Lucia Pineda," *Confidencial*, April 20, 2019, <https://confidencial.digital/english/nicaragua-the-suffering-of-news-anchor-lucia-pineda/>.

35 "Nicaragua: Freedom in the World 2022 Country Report," *Freedom House*, accessed July 18, 2023, <https://freedomhouse.org/country/nicaragua/freedom-world/2022>.

36 "Nicaragua's New Media Law: Freedom and Social Responsibility," *Envio*, July 1989, <https://www.envio.org.ni/articulo/2721>.

37 Envio, "Nicaragua's New Media Law: Freedom and Social Responsibility."

38 Envio, "Nicaragua's New Media Law: Freedom and Social Responsibility."



over media outlets. The vague language used to define offenses and punishments in the law raised concerns regarding its interpretation and enforcement. They also worried that the law had the potential to discourage investigative and critical reporting. The establishment of the NCC and the government's jurisdiction over media impacts media freedom and the diversity of perspectives exchanged. Furthermore, the government's prolonged monopoly on television poses serious challenges to the values of a free and open press. The Nicaraguan Independent Journalists Association challenged the validity of the bill, stating that freedom of expression should not be restricted.<sup>39</sup>

Media independence ensures that news organizations can investigate and report on issues of public interest without bias or undue influence. It plays a critical role in informing the public, exposing corruption, and providing a check on power. By protecting and upholding freedom of expression and media independence, societies create an environment that values transparency and inclusion. These principles empower individuals, promote social inclusion, and safeguard the right to access information. They foster a healthy democracy where citizens are well-informed, engaged, and able to participate actively in the decision-making processes that affect their lives.<sup>40</sup> In Nicaragua, however, there have been recent reports of limitations on freedom of expression and attacks on media independence. On January 9, 2023, Voces del Sur, a prominent freedom of expression network, released its annual report on press freedom in Nicaragua, shedding light on the state of media freedom in the country.<sup>41</sup> The report highlighted a concerning trend of escalating self-censorship, attacks on women journalists, and stigmatization from the government throughout 2022.<sup>42</sup> The data collected by Voces del Sur painted a grim picture, revealing the reality faced by journalists and media outlets in Nicaragua. According to the

report, 2022 witnessed a significant number of journalists forced into exile, with 93 Nicaraguan journalists seeking refuge abroad due to threats and intimidation.<sup>43</sup> This forced evacuation from the country not only prevents journalists from freely carrying out their work but also creates a void in the publication of critical information within Nicaragua. The report further documented the closure of 31 media outlets, indicating a climate of increasing restrictions on press freedom. The shutdown of media platforms suppresses independent journalism and limits the public's access to diverse and objective news sources.<sup>44</sup>

Additionally, the report highlighted nine journalists who were convicted during the year, raising concerns about the use of legal mechanisms to silence the media. Such convictions have a chilling effect on journalists and undermine the foundations of democracy by impeding the flow of information and accountability. The report also documented 703 cases of press freedom violations.<sup>45</sup> Most of these were highlighted as abuses of power by authorities, urging the need for safeguards to protect journalists from political interference and harassment. Additionally, the report pointed out the prevalence of physical attacks on journalists and their stigmatization, indicating a hostile environment in which media professionals face risks to their safety and reputation while carrying out their duties. The implications of these findings reveal a deteriorating freedom of the press in Nicaragua. The escalation of self-censorship, attacks on women journalists, and government-led stigmatization harm the free flow of information. This, in turn, reduces public discourse and hinders the country's democratic progress.

In addition to legal limitations, there have been reports of physical attacks and threats against journalists and media outlets who are critical of the government.<sup>46</sup> Through its content, the state media portrays the government in a positive

39 Envio, "Nicaragua's New Media Law: Freedom and Social Responsibility."

40 Sarah Repucci, "Media Freedom: A Downward Spiral," Freedom House, accessed September 18, 2023, <https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral>.

41 Katherine Pennacchio and André Duchiade, "2022 Was the Most Violent Year for the Press in Latin America, according to Reports by Red Voces Del Sur and Reporters without Borders," *Knight Center*, May 4, 2023, <https://latamjournalismreview.org/articles/2022-was-the-most-violent-year-for-the-press-in-latin-america-according-to-reports-by-red-vores-del-sur-and-reporters-without-borders/>.

42 Civicus Monitor, "Political Prisoners in Nicaragua under Serious Risk."

43 Pennacchio and Duchiade, "2022 Was the Most Violent Year."

44 Pennacchio and Duchiade, "2022 Was the Most Violent Year."

45 Pennacchio and Duchiade, "2022 Was the Most Violent Year."

46 Houston Castillo, "The Worst Year for Independent Media in Nicaragua," *VOA News*, December 26, 2022, <https://www.voanews.com/a/the-worst-year-for-independent-media-in-nicaragua/6873829.html>.



light, highlighting its achievements and initiatives while downplaying opposing perspectives. Coverage of official government events, speeches, and international relations is extensive, often framed to align with the government's foreign policy goals.<sup>47</sup> Criticism and opposition are often framed as destabilizing influences or products of foreign interference, diminishing their credibility. The Nicaraguan state media also tends to omit negative news that could reflect poorly on the government, resulting in a one-sided portrayal of national affairs. As a result, state-owned media limits the range of perspectives available to the public and undermines the objectivity of journalism. This reflects the administration's control over information dissemination. This control over the media landscape limits the public's ability to access unbiased and critical reports, depriving citizens of essential information for making informed decisions.

## Access to Justice and Judicial Independence

The judiciary refers to the system in a country's government that settles legal disputes and interprets the law on a case-by-case basis. Common terms used in the judiciary are justice and judicial independence. Justice is the concept of being treated fairly and equally under the law.<sup>48</sup> Additionally, judicial independence is when the judiciary of a country is independent and cannot be influenced by other parts of the government. Access to justice and judicial independence is essential for the protection of human rights. These concepts allow a person to seek and obtain a fair outcome to their legal issues, regardless of their socioeconomic status. Combined, justice and judicial independence establish the rule of law, which is the principle that no one is above the law. To operate effectively, justice and judicial independence require affordable and effective legal services. Access to justice and effective judicial independence

serve as a powerful defense against the government's abuse of power.

Concerns have been raised in Nicaragua about the justice system's impartiality, transparency, and efficiency.<sup>49</sup> This is a result of the November 2021 elections, where six presidential candidates were detained. This caused mass protests in the country, which were all shut down by the government. These shutdowns raised concerns about the Nicaraguan government's respect for the rule of law.<sup>50</sup> Furthermore, there are reports of impartiality within the legal system.<sup>51</sup> Being impartial means being unbiased and neutral in judgments without favoring any particular side or interest.<sup>52</sup> Impartiality is crucial for ensuring fair outcomes in legal proceedings. Judges, jurors, and other legal decision-makers must be impartial to guarantee that cases are decided solely based on the evidence, rather than personal preferences. Therefore, upholding impartiality is essential for maintaining public trust and confidence in the judiciary.

There have been allegations of political interference in Nicaragua's judiciary, raising doubts on the fairness of judicial decisions. On January 10, 2023, the Inter-American Court on Human Rights granted urgent protection to 11 Nicaraguan political prisoners and their families.<sup>53</sup> Political prisoners are people who are imprisoned due to their political beliefs. The Inter-American Court outlined the risks that political prisoners face, including ill-treatment within the prison system. Moreover, the Court urged the Nicaraguan government to respect the rights of all people in light of political disagreement and to release those that had been detained due to their political standings.<sup>54</sup> The intervention by the Inter-American Court on Human Rights marked a significant step in addressing the human rights crisis in Nicaragua.

The presidential elections in November 2021 and the

47 Chris Kenning, "Not a Single Independent Media Outlet Nicaragua Lost Press Freedom. Other Countries Are Too," *USA TODAY*, August 1, 2023, <https://www.usatoday.com/story/news/investigations/2023/07/27/freedom-of-press-at-risk-central-america/70384699007/>.

48 "Justice," Legal Information Institute, last modified June 2023, <https://www.law.cornell.edu/wex/justice>.

49 Jerry Pyle, "The Law in Nicaragua—Seeing Justice Done," Envio Digital, accessed August 20, 2023, <https://www.envio.org.ni/articulo/3065>.

50 "The Rule of Law in Nicaragua," World Justice Project, accessed July 21, 2023, <https://worldjusticeproject.org/rule-of-law-index>.

51 "Judicial Independence in Central America: Problems and Proposals," Due Process of Law Foundation, accessed August 12, 2023, [https://www.dplf.org/sites/default/files/dplf\\_-\\_judicial\\_independence\\_in\\_central\\_america\\_-\\_problems\\_and\\_proposals.pdf](https://www.dplf.org/sites/default/files/dplf_-_judicial_independence_in_central_america_-_problems_and_proposals.pdf).

52 "Impartial definition," Law Insider, accessed July 21, 2023, <https://www.lawinsider.com/dictionary/impartial>.

53 "Political Prisoners in Nicaragua under Serious Risk," Civicus Monitor, last modified February 7, 2023, <https://monitor.civicus.org/explore/political-prisoners-nicaragua-under-serious-risk/>.

54 Francisco O. Mora, "Inter-American Court of Human Rights Reports on the State of Contempt by the Nicaraguan Government," *U.S. Mission to the Organization of American States*, March 29, 2023, <https://usoas.usmission.gov/inter-american-court-of-human-rights-reports-on-the-state-of-contempt-by-the-nicaraguan-government/>.

following government crackdown on those who protested against it highlight the issue of impartiality.<sup>55</sup> On January 20, 2023, the civil society organization known as the Centro Nicaragüense de Derechos Humanos (Nicaraguan Centre of Human Rights), released its yearly report on the state of human rights in Nicaragua.<sup>56</sup> The report revealed that in 2022, state authorities increased various forms of repression. This led to a “permanent state of terror” created by fraudulent elections. The report also documented cruel treatment towards political prisoners and allegations of torture used to continue the repression. Additionally, approximately 3,018 civil society organizations had their legal status revoked in 2022, further illustrating the extent of the human rights crisis in Nicaragua. This created a great mistrust in the Nicaraguan judiciary.<sup>57</sup>

There is much uncertainty surrounding the fairness of Nicaragua’s judicial system. This concern arose after signs of links between the judicial system and the Sandinista National Liberation Front (FSLN) party, led by President Ortega,

were discovered.<sup>58</sup> The political pressure on judges to rule in favor of the FSLN or to target political opponents can compromise the integrity of the judicial process. When judges are pressured by external forces, they are less likely to make impartial judgments.<sup>59</sup> One of the most striking indications of the judiciary’s compromised independence is their response to the April 2018 social protests.<sup>60</sup> During this period, hundreds of trials lacked legal basis and proper evidence. As such, many wrongful convictions were reported in the Nicaraguan courts during the time.<sup>61</sup> This highlights the judiciary’s tendency to cater to the ruling regime’s interests rather than uphold the rule of law.

Furthermore, the lack of transparency in appointing and removing judges can impact impartiality. Judicial appointments in Nicaragua based on political allegiance rather than merit raise concerns about the judiciary’s impartiality. FSLN’s influence over the Nicaraguan judiciary resulted from the positioning of loyalists within the judiciary.<sup>62</sup> Loyalists are those who are

55 Carmen Sesin, “‘Rigged’: Criticism Mounts of Nicaragua’s ‘Sham’ Elections under Ortega,” *NBC News*, November 8, 2021, <https://www.nbcnews.com/news/latino/rigged-criticism-mounts-nicaraguas-sham-elections-ortega-rcna4820>.

56 Civicus Monitor, “Political Prisoners in Nicaragua under Serious Risk.”

57 Civicus Monitor, “Political Prisoners in Nicaragua under Serious Risk.”

58 Pyle, “The Law in Nicaragua—Seeing Justice Done.”

59 “Nicaragua - United States Department of State,” United States Department of State, last modified March 20, 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/nicaragua>.

60 “Five Reasons Why the Elections in Nicaragua Do Not Guarantee Human Rights,” Human Rights Watch, last modified November 3, 2021, <https://www.hrw.org/news/2021/11/03/five-reasons-why-elections-nicaragua-do-not-guarantee-human-rights>.

61 “Nicaragua’s Judiciary: Subordinate to the Ortega-Murillo Regime,” *Expediente Público*, last modified January 8, 2021, <https://www.expedientepublico.org/nicaraguas-judiciary-subordinate-to-the-ortega-murillo-regime/>.

62 Antony J. Blinken, “Sanctioning Three Nicaraguan Judges Involved in Depriving Nicaraguans of Their Basic Right to Citizenship,”



Protesters in Trafalgar Square (United Kingdom) attempt to mobilize support in Britain for opposition to Daniel Ortega

Credit: Justice and Democracy for Nicaragua

tied very closely to the FSLN and will carry out their goals. Loyalists were inserted into the judiciary by painting a false image of who they were across the courts. The recruitment of loyalists has expanded FSLN's influence within the judiciary, which has compromised its ability to operate independently.<sup>63</sup>

Furthermore, there are allegations of corruption and drug trafficking by judicial officials. The apparent lack of accountability for such serious allegations further reduces confidence in the judiciary's ability to act impartially.<sup>64</sup> Decisions in Nicaragua are not made fairly, and the judiciary shows favor towards the leading political party. This has severe repercussions for cases of human rights violations. For example, if a case is made against the government, it could easily be dismissed. It is important to consider how impartiality is linked to human rights in Nicaragua.

## Women's Rights and Gender Equality

Women's rights and gender equality must be considered when striving for equal opportunity and treatment for all individuals. Gender equality and women's rights refer to the support for women's social, political, and economic rights. Gender equality is based on the recognition that gender should not influence one's opportunities or treatment. Women's rights and gender equality are critical because they promote fairness, justice, and dignity.

In Nicaragua, women face various challenges, such as gender-based violence and limited access to education, healthcare, and political participation. Women's rights in Nicaragua have been a subject of concern amidst the ongoing human rights violations in the country.<sup>65</sup> Despite having legal frameworks in place to protect women's rights, such as the Law Against

Violence Towards Women, implementation and enforcement remain inconsistent.<sup>66</sup> Women in Nicaragua continue to face domestic violence and sexual assault. Human rights organizations have reported a lack of accountability for perpetrators of violence against women, with limited access to justice for survivors.<sup>67</sup>

Violence against women in Nicaragua is a pervasive and deeply concerning issue, affecting women of all ages, social backgrounds, and geographic locations. Domestic violence is a particularly prevalent form of violence that women endure in the country. Many women suffer in silence due to societal pressure, fear of retaliation, and lack of support services. The patriarchal norms and gender stereotypes perpetuated in Nicaraguan society contribute to this issue, often leaving women trapped in abusive relationships with limited options for escape. Despite the existence of the Law Against Violence Towards Women, implementation and enforcement remain inconsistent, leaving many women without the protection and justice they deserve.<sup>68</sup>

Child marriages in Nicaragua remain a concerning issue, reflecting deep cultural norms and socioeconomic challenges. Approximately 35 percent of girls in Nicaragua are married or in a union before the age of 18.<sup>69</sup> This is particularly alarming, considering that child marriage violates human rights and can have devastating consequences for the girls involved. The practice often perpetuates a cycle of poverty, limiting girls' access to education and economic opportunities. Early marriages can lead to early pregnancies, which can be risky for young girls' health, as they are not physically mature enough to bear children safely. Moreover, child brides are more susceptible to domestic violence and face a higher likelihood of

news release, April 19, 2023, <https://www.state.gov/sanctioning-three-nicaraguan-judges-depriving-nicaraguans-of-their-basic-right-to-citizenship/>.

63 Blinken, "Sanctioning Three Nicaraguan Judges."

64 "Nicaragua," Human Rights Watch, accessed September 18, 2023, <https://www.hrw.org/world-report/2022/country-chapters/nicaragua>.

65 Andra Fofuca, "Women's Rights in Nicaragua - the Borgen Project," The Borgen Project, November 19, 2021, <https://borgenproject.org/womens-rights-in-nicaragua/>.

66 Azahálea Solís, "Revista Envío - the Reform of Law 779 Sends Society a Very Negative Message," Envío, accessed September 18, 2023, <https://www.envio.org.ni/articulo/4783>.

67 "Committee on the Elimination of Discrimination against Women Considers the Report of Nicaragua in the Absence of a Delegation," OHCHR, October 23, 2023, <https://www.ohchr.org/en/news/2023/10/committee-elimination-discrimination-against-women-considers-report-nicaragua-absence>.

68 Pratha Purushottam, "Political Bodies: Women's (Lack Of) Rights in Nicaragua," The Organization for World Peace, July 20, 2022, <https://theowp.org/reports/political-bodies-womens-lack-of-rights-in-nicaragua/>.

69 "Nicaragua," Girls Not Brides, accessed October 24, 2023, <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/nicaragua/>.





Nicaraguan women wait at Juan Comenius High School to be seen by medical personnel

Credit: U.S. Navy photo by Mass Communication Specialist Seaman Apprentice Joshua Adam Nuzzo

experiencing abuse from their husbands or in-laws.<sup>70</sup> Various factors contribute to the persistence of child marriages in Nicaragua. Poverty plays a significant role in child marriages in Nicaragua. Families might marry off their daughters so that they no longer carry the burden of caring for them. In this way, some families can achieve financial security. Traditional beliefs and cultural norms that prioritize early marriage for girls also contribute to the prevalence of this practice. Child marriages are more common in rural areas, where poverty is more pronounced. Additionally, limited access to reproductive health services hinder efforts to address the issue effectively.<sup>71</sup>

Despite significant limitations on women's freedoms, their representation in politics and decision-making in Nicaragua has experienced significant progress over the years. However, it is still behind the desired level of global gender equity. As of September 2021, women's participation in the National Assembly of Nicaragua had increased largely due to the implementation of gender quotas. According to the Inter-Parliamentary Union (IPU), the global organization of national parliaments data from 2021, women held around 41.7

percent of the seats in the National Assembly, reflecting a substantial improvement from previous years.<sup>72</sup> These quotas have played a pivotal role in increasing women's political presence and providing them with opportunities to have a say in the country's governance. Despite these advancements, challenges persist regarding women's access to leadership positions and having their voices heard on equal footing with their male counterparts. One of the primary challenges to women's political representation in Nicaragua is deeply rooted in societal norms and stereotypes that perpetuate gender inequality. Traditional gender roles often dictate women's primary responsibilities as caregivers and homemakers, which can hinder their ability to participate fully in political life.<sup>73</sup> Moreover, women in Nicaragua face persistent barriers to accessing political education, political party financing, and networking opportunities. Additionally, women often encounter prejudice and discrimination when engaging in political discourse, facing dismissive attitudes.<sup>74</sup> Efforts should be made to ensure that gender quotas are effectively implemented, and that women's representation is not limited

<sup>70</sup> "Child Marriage," United Nations Children's Fund, accessed September 18, 2023, <https://data.unicef.org/topic/child-protection/child-marriage/>.

<sup>71</sup> Girls Not Brides, "Nicaragua."

<sup>72</sup> "Inter-Parliamentary Union," Inter-Parliamentary Union, accessed August 22, 2023, <https://www.ipu.org/>.

<sup>73</sup> "Women Are Protagonists of Change in Nicaragua's Rural Areas," International Fund for Agricultural Development, last modified October 19, 2021, [https://www.ifad.org/en/web/latest/-/women-are-protagonists-of-change-in-nicaragua-s-rural-areas?p\\_1\\_back\\_url=%2Fen%2Fweb%2Flatest%2Fvideos](https://www.ifad.org/en/web/latest/-/women-are-protagonists-of-change-in-nicaragua-s-rural-areas?p_1_back_url=%2Fen%2Fweb%2Flatest%2Fvideos).

<sup>74</sup> 2022 *Country Reports on Human Rights Practices: Nicaragua* (Washington, D.C.: U.S. Department of State, 2022), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/nicaragua>.



to symbolic roles but extends to meaningful participation in shaping the country's future. By advancing women's political representation, Nicaragua can take significant steps toward achieving true gender equality and building a more inclusive society.

Sexual assault and femicide are also distressing forms of violence that impact women in Nicaragua. Women continue to face sexual violence, including rape and harassment, which leaves deep physical and emotional scars.<sup>75</sup> Femicide, the killing of women because of their gender, is also a grave concern. The National Police reported alarming statistics on violence against women, with 22.5 percent of Nicaraguan women experiencing lifetime physical and/or sexual intimate partner violence.<sup>76</sup> Addressing violence against women requires a comprehensive approach that challenges the deeply ingrained cultural attitudes towards gender roles and reinforces the importance of respecting women's rights and dignity. Women in Nicaragua continue to face disparities in education, employment, and decision-making positions, hindering their full participation in society. These issues must be addressed to overcome violence against women. Adequate funding and support for women's shelters and support services are crucial in ensuring survivors have safe spaces to seek refuge and rebuild their lives. Additionally, comprehensive public awareness campaigns and educational programs must be implemented to promote gender equality and raise awareness about the detrimental impacts of violence against women on society. Gender-based violence remains a significant concern. In 2020 alone, there were approximately 57,000 reported cases of domestic violence.<sup>77</sup> This highlights the urgent need for comprehensive measures to protect women and girls.

## Indigenous Rights and Land Disputes

The history of Indigenous peoples in Nicaragua dates back thousands of years. The presence of Indigenous peoples in the region can be traced to pre-Columbian times, long before the arrival of European colonizers. Archaeological evidence suggests that various Indigenous groups inhabited the area for thousands of years, each with distinct cultures, languages, and ways of life.<sup>78</sup> One notable Indigenous group with a rich history in Nicaragua is the Miskito, who are believed to have lived in the region for over a thousand years. The Miskito people are known for their resilience and unique cultural practices, and they have maintained a strong presence in the eastern coastal regions of Nicaragua.<sup>79</sup> The arrival of Spanish explorers in the early 16th century marked the first encounter between European colonizers and the Indigenous communities of Nicaragua. These native populations were composed of distinct ethnic groups, including the Miskito, Sumo, Rama, and Mayagna (also known as Miskitu, Ulwa, Rama, and Mayangna, respectively). The Spanish colonization brought about profound changes for the Indigenous people, with forced labor and the introduction of foreign diseases leading to a significant decline in their population.<sup>80</sup>

Throughout the colonial period, Spanish authorities forced the Indigenous people of Nicaragua to assimilate to Spanish culture. The colonizers sought to impose European customs, religion, and language upon the Indigenous communities. This systematic imposition eroded the traditional practices and beliefs of the Indigenous populations, leading to the loss of their cultural heritage. Moreover, seizing their land and enslavement further disrupted their way of life, contributing to social disintegration and continued marginalization. Following Nicaragua's independence from Spain in 1821, the struggles for Indigenous communities persisted.<sup>81</sup> Despite achieving

75 "Sexual Violence against Girls in Nicaragua Widespread," Amnesty International USA, accessed September 18, 2023, <https://www.amnestyusa.org/updates/sexual-violence-against-girls-in-nicaragua-widespread/>.

76 "Global Database on Violence against Women - Nicaragua," UN Women, accessed October 24, 2023, <https://evaw-global-database.unwomen.org/en/countries/americas/nicaragua>.

77 "Unpunished Rapists in Nicaragua," Connectas, accessed September 18, 2023, <https://www.connectas.org/unpunished-rapists-an-unavenged-crime-nicaragua/>.

78 "Nicaragua," National Geographic Kids, accessed September 18, 2023, <https://kids.nationalgeographic.com/geography/countries/article/nicaragua>.

79 "Nicaragua - World Directory of Minorities & Indigenous Peoples," Minority Rights Group, accessed September 18, 2023, <https://minorityrights.org/country/nicaragua/>.

80 "History in Nicaragua," Frommers, accessed July 21, 2023, <https://www.frommers.com/destinations/nicaragua/in-depth/history>.

81 "Nicaragua," iExplore, accessed July 21, 2023, <https://www.iexplore.com/articles/travel-guides/central-and-south-america/nicaragua/history-and-culture>.

nation-state status, Nicaragua's Indigenous citizens were often overlooked and excluded from meaningful political processes. This exclusion extended to land seizures, where ancestral territories were at risk of being taken away, causing further marginalization and discrimination. Even in the post-colonial period, Indigenous communities faced immense challenges in asserting their rights and preserving their cultural identity.<sup>82</sup>

Land disputes have been a recurring theme throughout the history of Indigenous people in Nicaragua. The dispossession of ancestral lands during the colonial period and subsequent post-colonial eras has had a lasting impact on these communities' well-being and culture.<sup>83</sup> Today, land disputes persist, with Indigenous groups facing challenges securing their land ownership, usage, and access. Addressing these historical and current land disputes is crucial for honoring the resilience and rights of Nicaragua's Indigenous populations and fostering a more equitable and just society.

Indigenous rights and land disputes encompass a wide range of issues surrounding the recognition, preservation, and fair treatment of Indigenous peoples' cultural, territorial, and legal entitlements. Indigenous rights are deeply rooted in Indigenous communities' historical and ongoing connections to their lands, resources, and traditional ways of life.<sup>84</sup> These rights are recognized and protected under various international agreements and domestic legislation, emphasizing the importance of safeguarding Indigenous populations' cultural heritage and self-determination. According to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted in 2007, Indigenous peoples have the right to maintain and protect their cultural, religious, and social practices, as well as their lands, territories, and resources. Additionally, UNDRIP emphasizes the importance of obtaining informed consent from Indigenous communities

before undertaking any development projects or resource extractions on their lands.<sup>85</sup>

Historical colonization, resource extraction, urbanization, and conflicting legal frameworks are some of the key contributors to land disputes.<sup>86</sup> As a result, Indigenous communities often find themselves at odds with governments, corporations, and other external actors seeking to use their lands and resources for economic gain. According to the NGO Cultural Survival, a global nonprofit advocating for Indigenous peoples' rights, land disputes in Nicaragua affect approximately 36 Indigenous communities.<sup>87</sup> Recognizing and addressing these land disputes is not only a matter of upholding justice, equality, and human rights but is also a crucial step towards preserving the overall well-being of Indigenous peoples. By respecting their rights and allowing them to participate meaningfully in decisions affecting their territories, Indigenous peoples can preserve their cultures and sustainable land management for future generations.

In recent decades, Indigenous people in Nicaragua have continued to fight for their rights and recognition. They have demanded land rights, cultural preservation, and greater political representation. However, their efforts have often been met with resistance and violence. Disputes over land and natural resources have been a significant point of contention, with Indigenous communities facing encroachment from external actors, including logging and mining companies. As of 2023, Indigenous people make up about five percent of Nicaragua's population.<sup>88</sup> They reside mainly in the eastern regions, such as the North Atlantic Autonomous Region (RAAN) and the South Atlantic Autonomous Region (RAAS). Despite some progress in recognizing their rights, Indigenous communities still face significant challenges in accessing education, healthcare, and economic opportunities.<sup>89</sup>

82 iExplore, "Nicaragua."

83 Peter N. Jones, "Nicaraguan Indigenous Groups Face Violent, Ongoing Settler Raids," Harvard International Review, last modified December 29, 2021, <https://hir.harvard.edu/nicaraguan-indigenous-groups-face-violent-ongoing-settler-raids/>.

84 Ashoka Mukpo, "Nicaragua Failing to Protect Indigenous Groups from Land Grabs: Report," *Mongabay Environmental News*, May 4, 2020, <https://news.mongabay.com/2020/05/nicaragua-failing-to-protect-indigenous-groups-from-land-grabs-report/>.

85 "UN Declaration on the Rights of Indigenous Peoples," Australian Human Rights Commission, accessed July 21, 2023, <https://humanrights.gov.au/our-work/un-declaration-rights-indigenous-peoples-1>.

86 "Securing Land Rights for the Poor: Nicaragua's Land Administration, Regularization, and Titling Experience," World Bank Group, last modified October 19, 2020, <https://www.worldbank.org/en/results/2020/10/16/securing-land-rights-for-the-poor-nicaragua-land-administration-regularization-and-titling-experience>.

87 "Cultural Survival," Cultural Survival, accessed August 18, 2023, <https://www.culturalsurvival.org/>.

88 "Nicaragua," International Work Group for Indigenous Affairs, accessed July 25, 2023, <https://www.iwgia.org/en/nicaragua.html>.

89 International Work Group for Indigenous Affairs, "Nicaragua."

Additionally, inadequate legal frameworks and limited access to justice heighten the issues surrounding land disputes and Indigenous rights in Nicaragua. Indigenous communities frequently find themselves at a disadvantage within the judicial system, facing hurdles in obtaining timely and equitable resolutions to land-related grievances. The lack of accessible legal aid and support continues the marginalization of Indigenous populations, leaving them with insufficient means to defend their rights and territories effectively. This uneven playing field continues the cycle of disputes concerning Indigenous land, undermining Nicaragua's Indigenous communities' overall well-being and cultural preservation.<sup>90</sup>

The history of Indigenous people in Nicaragua is one of resilience in the face of colonization and marginalization. From the arrival of European colonizers to the present day, Indigenous communities have fought to maintain their culture, land, and rights. While progress has been made in acknowledging their presence and heritage, significant work remains to ensure their full inclusion and empowerment in Nicaraguan society. Recognizing and respecting the rights of Indigenous people is crucial for fostering a more just and equitable nation, where all its citizens' diverse cultures and

identities are valued and celebrated.

## Criminalization of Human Rights Defenders

Human rights defenders are individuals or groups who courageously stand up against violations of fundamental rights, often at great personal risk.<sup>91</sup> They advocate for the rights of marginalized and vulnerable communities, including women, children, ethnic minorities, LGBTQ+ individuals, and those facing political repression. Human rights defenders use various peaceful means, such as advocacy, documentation, protests, and legal actions to shed light on human rights abuses and advocate for change. Their work is vital for creating more inclusive societies where every individual's dignity and rights are respected. Human rights defenders play a crucial role in holding those in power accountable, contributing to the advancement of human rights as a whole.

The criminalization of human rights defenders is a deeply troubling practice involving the unjust punishment of individuals who peacefully advocate for human rights. Instead of being praised for their brave actions, these defenders are called criminals and face legal troubles. 331 cases of criminalization against human rights defenders were

<sup>90</sup> "As democracy continues to deteriorate in Nicaragua, Indigenous peoples pay the price," Global Witness, March 4, 2022, <https://www.globalwitness.org/en/blog/democracy-continues-deteriorate-nicaragua-indigenous-peoples-pay-price/>.

<sup>91</sup> "Who Are Human Rights Defenders?" International Service for Human Rights, accessed July 21, 2023, <https://ishr.ch/about-human-rights/who-are-human-rights-defenders/>.

formal housing near the South Caribbean Coast  
Autonomous Region of Nicaragua

Credit: Susan Ruggles





documented in 2020.<sup>92</sup> This alarming number highlights the scale of the issue and the urgent need to address this violation of fundamental human rights. The criminalization of human rights defenders poses a severe threat to the principles of free expression, association, and assembly, which are cornerstones of any democratic society. By shutting down the voices of those advocating for justice and equality, governments and powerful entities limit the ability of civil society to hold them accountable.<sup>93</sup> This practice also creates fear and intimidation, deterring others from engaging in human rights activism and hindering progress toward social justice. It is crucial to recognize that the criminalization of human rights defenders not only violates their individual rights but also impacts the most vulnerable and marginalized communities they seek to protect.

Human rights defenders in Nicaragua have faced criminalization due to their courageous efforts to challenge oppressive systems and advocate for change. The government's actions to label human rights defenders as criminals and subject them to legal harassment have created a hostile environment for activism and advocacy in the country. The criminalization of human rights defenders in Nicaragua increased significantly after the government's crackdown on protests in 2018. Many defenders have been falsely accused of crimes and subjected to arbitrary arrests, detentions, and judicial harassment. This is done in an effort to silence their voices and discourage others from engaging in human rights activism.<sup>94</sup>

Furthermore, the criminalization of human rights defenders in Nicaragua has significantly narrowed the scope of human rights work in the country. With many activists facing legal and physical threats, human rights organizations have been forced to scale back their activities or operate underground. According to data from the Inter-American Commission on

Human Rights (IACHR), the closure and dissolution of several human rights organizations in Nicaragua were reported in the wake of the 2018 protests.<sup>95</sup> This crackdown on civil society has severely limited the opportunities for dialogue, advocacy, and engagement in human rights issues, making it more difficult for civil society to hold the government accountable. The international community has raised concerns about the situation in Nicaragua and the criminalization of human rights defenders. Human rights organizations, diplomatic missions, and international institutions have called for the respect and protection of human rights defenders as guaranteed under international human rights standards. Despite these calls, the situation remains concerning, and the criminalization of human rights defenders continues to hinder progress toward a more just society in Nicaragua.<sup>96</sup> Addressing this issue is crucial for safeguarding human rights and promoting a culture of respect for civil society and advocacy in the country.

In Nicaragua, human rights defenders have faced persecution and criminalization. The Nicaraguan Center for Human Rights (CENIDH) is a prominent organization at the forefront of documenting and denouncing human rights violations in the country. Unfortunately, their advocacy efforts have been met with severe government crackdowns, particularly during the 2018 protests, where they were accused of supporting "terrorist acts."<sup>97</sup> The Nicaraguan government took drastic measures by revoking CENIDH's legal status, effectively limiting the organization's ability to carry out essential human rights work.<sup>98</sup> Moreover, many members of these organizations have endured harassment and threats, leading some to flee in search of safety. In 2018, the organization's office was raided by the police, and its staff members were subjected to surveillance and intimidation. To address the threats they faced, several members of CENIDH sought precautionary measures from

92 "About Human Rights Defenders," Office of the United Nations High Commissioner for Human Rights, accessed July 21, 2023, <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders>.

93 Human Rights Watch, "Nicaragua."

94 "Human Rights in Nicaragua," Amnesty International, accessed July 21, 2023, <https://www.amnesty.org/en/location/americas/central-america-and-the-caribbean/nicaragua/>.

95 *Gross Human Rights Violations in the Context of Social Protests in Nicaragua* (Inter-American Commission on Human Rights, June 2018), <http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf>.

96 *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*.

97 CEJIL, "IACHR Asks the State of Nicaragua to Comment on the CENIDH Case," news release, February 19, 2021, <https://cejil.org/en/press-releases/iachr-asks-the-state-of-nicaragua-to-comment-on-the-cenidh-case/>.

98 "Nicaragua: Destruction of the CENIDH Headquarters," International Federation for Human Rights, last modified February 4, 2021, <https://www.fidh.org/en/issues/human-rights-defenders/nicaragua-destruction-of-the-cenidh-headquarters>.



the Inter-American Commission on Human Rights (IACHR) in 2019.<sup>99</sup> Precautionary measures refers to when the IACHR requests that a government protects a certain person or group of people that are “in a serious and urgent situation from suffering irreparable harm.”<sup>100</sup> This illustrates the dangers they encountered as they pursued their human rights work.<sup>101</sup>

Beyond these organizations, women human rights defenders have been particularly vulnerable to persecution and criminalization in Nicaragua. Those advocating for an end to gender-based violence, reproductive rights, and women’s rights have been subjected to threats, harassment, and stigmatization. The government’s crackdown on civil society has had a disproportionate impact on women’s rights organizations and feminist groups, significantly limiting their capacity to address the pressing human rights issues faced by women in the country.<sup>102</sup>

These examples highlight the significant challenges faced by human rights defenders in Nicaragua. The government’s criminalization and persecution of them has created a hostile environment for human rights activism and advocacy. Despite the grave risks and obstacles they confront, these human rights defenders continue to demonstrate extraordinary courage and resilience in their commitment to defending human rights and seeking justice for those whose rights have been violated. As the international community acknowledges and condemns these violations, supporting the efforts of these defenders becomes even more crucial to safeguarding human rights in Nicaragua.

## Current Status

### Illegal Executions and Impunity

Despite international outcry and calls for justice, Nicaragua’s unfolding human rights crisis is a distressing narrative of illegal executions, discrimination, and continuous violations. Illegal executions are intentional killings without legal permission from an official court process.<sup>103</sup> These acts occur outside the boundary of legal procedures, denying individuals their right to a fair trial. These killings violate the right to life, an essential human right. Illegal executions leave no room for due process and threaten justice, equality, and the principles that define a democratic society. These acts are often driven by political motives, personal biases, or social unrest, causing ripple effects that affect society at large.<sup>104</sup>

Impunity, on the other hand, is when state officials or government workers are excluded from regular punishment and legal proceedings that an ordinary civilian would face. When perpetrators evade consequences, a culture of lawlessness thrives, which promotes further violence and abuse. Impunity decreases the public’s trust in institutions, impacting the foundation of the rule of law. When individuals believe they can escape punishment, it encourages them to commit further violations, deepening the human rights crisis.<sup>105</sup> Impunity for government officials is prevalent in Nicaragua. The Group of Human Rights Experts in Nicaragua have shared their first report with the Human Rights Council. They are asking the global community to apply sanctions on those responsible for human rights violations in Nicaragua. The experts found that President Daniel Ortega and Vice President Rosario Murillo are actively involved in these crimes, which are still

<sup>99</sup> Organization of American States, “IACHR Asks IA Court to Adopt Provisional Measures in Favor of Members of the Nicaraguan Center for Human Rights (CENIDH) and the Permanent Commission on Human Rights (CPDH) in Response to the Extreme Risk They Are Facing in Nicaragua,” news release, June 27, 2019, [https://www.oas.org/en/iachr/media\\_center/preleases/2019/162.asp](https://www.oas.org/en/iachr/media_center/preleases/2019/162.asp).

<sup>100</sup> “About Precautionary Measures,” OAS, accessed October 24, 2023, <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/decisions/mc/about-precautionary.asp>.

<sup>101</sup> Amnesty International, “Attack on CENIDH Is a Blow for Human Rights,” news release, December 12, 2018, <https://www.amnesty.org/en/latest/press-release/2018/12/nicaragua-attack-on-cenidh-is-a-blow-for-human-rights/>.

<sup>102</sup> *Defending Women’s Right to Life and Health* (Amnesty International, October 2008), <https://www.amnesty.org/en/wp-content/uploads/2021/06/amr430012008eng.pdf>.

<sup>103</sup> “Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions,” Office of the United Nations High Commissioner for Human Rights, accessed August 12, 2023, <https://www.ohchr.org/en/special-procedures/sr-executions>.

<sup>104</sup> “Nicaragua - March 2023,” Global Democracy Initiative, accessed August 12, 2023, <https://idea.int/democracytracker/report/nicaragua/march-2023>.

<sup>105</sup> *Impunity and the rule of law* (Geneva: Office of the High Commissioner for Human Rights, 2011), [https://www2.ohchr.org/english/ohchrreport2011/web\\_version/ohchr\\_report2011\\_web/allegati/10\\_Impunity.pdf](https://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/10_Impunity.pdf).

occurring.<sup>106</sup>

According to Jan Simon, the leader of the group, the Nicaraguan government has been committing widespread and systematic human rights violations that are considered crimes against humanity. Political motives drive these violations and have been happening since 2018.<sup>107</sup> The government has been using the justice system, legislative power, and executive authority to harm the people. The experts' report shows a pattern of unfair executions carried out by the National Police and pro-government armed groups. These actions were coordinated during protests against the government from April to September 2018. The violations have continued since then, leaving Nicaraguans afraid of the government.<sup>108</sup>

The investigation found that more than 100 executions have occurred in Nicaragua, and there have been several hundred cases of torture and forced imprisonments. The violations also include political persecution, which refers to the targeted mistreatment, harassment, or discrimination of individuals or groups. This involves using power to harm or suppress those who disagree with the government or ruling party. This can be seen in the report, which mentions that the National Police, the National Penitentiary System, and pro-government armed groups have used physical and psychological torture. This includes sexual and gender-based violence targeted toward those who oppose the current regime.<sup>109</sup>

The experts emphasize that these actions are not isolated incidents but result from purposefully weakened democratic institutions and the removal of spaces for civic participation. These violations and abuses are widespread and systematic. They include crimes such as murder, imprisonment, torture, sexual violence, deportation, and political persecution. In

Nicaragua, the alarming occurrence of illegal executions and impunity is tightly interwoven with the treatment of political prisoners, highlighting a disturbing pattern of human rights violations. The recent release of 222 political prisoners in February 2023, orchestrated through diplomatic negotiations led by the United States government, revealed the shocking mistreatment these individuals endured during their time in captivity.<sup>110</sup> This diverse group of detainees included political opponents, activists, and journalists, all of whom suffered under the oppressive weight of Ortega's regime.<sup>111</sup>

The United States Department of State's Country Report on Human Rights Practices in Nicaragua highlights the extent of these violations. The report highlighted arbitrary arrests and forced disappearances. It also showed the harsh prison conditions and the suppression of freedom of expression in the country.<sup>112</sup> The release of political prisoners has provided an unprecedented look into the extent of their mistreatment at the hands of the Nicaraguan government. These detainees were often subjected to arbitrary imprisonment and inhumane conditions within state-run facilities, including infamous centers such as La Modelo prison and El Chipote detention center.<sup>113</sup>

Reports from family members, legal representatives, and other reliable sources have shed light on the severity of the abuse inflicted upon political prisoners. Their mistreatment ranged from forced starvation and sleep deprivation to extended periods of isolation and sensory denial. The lack of access to proper medical care exasperated these punishments. The alarming accounts of these horrific experiences have been legitimized by the Inter-American Commission on Human Rights, which echoed the distressing conditions prevailing at the El Chipote detention center. The use of tactics such

106 "Group of Human Rights Experts on Nicaragua," United Nations Human Rights Council, accessed August 10, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/ghre-nicaragua/index>.

107 United Nations Human Rights Council, "Group of Human Rights Experts on Nicaragua."

108 United Nations Human Rights Council, "Group of Human Rights Experts on Nicaragua."

109 United Nations Human Rights Council, "Group of Human Rights Experts on Nicaragua."

110 "Nicaragua Frees 222 Political Prisoners, Sends Them to US," *Al Jazeera*, February 9, 2023, <https://www.aljazeera.com/news/2023/2/9/nicaragua-frees-222-political-prisoners-now-heading-to-us>.

111 Allison Griner, "Imprisoned and Exiled, a Nicaraguan Activist Rebuilds Her Life in the US," *Al Jazeera*, August 9, 2023, <https://www.aljazeera.com/news/2023/8/9/imprisoned-and-exiled-a-nicaraguan-activist-rebuilds-her-life-in-the-us>.

112 "Nicaragua - United States Department of State," United States Department of State, accessed August 10, 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/nicaragua>.

113 Maëva Poulet, "From Drugs to Pet Iguanas: Snapshots from a Nicaraguan Prison," *The Observers*, January 5, 2016, <https://observers.france24.com/en/20160105-drugs-prison-nicaragua-facebook-photos>; "El Chipote: The Torture Prison Where the Nicaraguan Dictatorship Is Holding Priests," *Catholic News Agency*, August 25, 2022, <https://www.catholicnewsagency.com/news/252115/el-chipote-torture-prison-where-nicaraguan-dictatorship-is-holding-priests>.



Various NGOs and civil organizations protesting for justice for the victims who died during the May 2018 protests

Credit: Jorge Mejía Peralta

as sensory deprivation, isolation, and sleep deprivation have resulted in severe psychological and physical harm to the prisoners.<sup>114</sup>

The lasting impact of the torture endured by these political prisoners is extensive, with far-reaching consequences for both their mental and physical well-being. The effects of their suffering may manifest as depression, anxiety, hallucinations, and even cardiovascular disorders. Initial observations following the release of these prisoners upon their arrival in the United States have revealed clear signs of post-traumatic stress, including nightmares, hypervigilance, and emotional turmoil. Moreover, survivors have recounted experiencing physical ailments such as body pain, headaches, and wounds directly attributed to their abusive incarceration.<sup>115</sup>

The issue of illegal executions and the prevailing culture of impunity in Nicaragua have had profound and far-reaching effects on the country's society. These issues have created fear and insecurity, impacting citizens' trust in the judicial system and the government's ability to protect basic rights. The lack

of accountability for illegal executions undermines the rule of law, lowering public confidence in the justice system's ability to deliver fair and impartial verdicts. This, in turn, reduces open dialogue and civic engagement, as individuals are hesitant to voice their opinions or advocate for change due to fear of the consequences.<sup>116</sup>

Moreover, the prevailing impunity creates a cycle of violence and abuse, as perpetrators are encouraged, knowing they are unlikely to face consequences for their actions. This is troublesome not only for the victims and their families but also for society as a whole. The normalization of illegal executions and impunity pushes people to conform and self-censor to avoid being targeted. This self-censorship stifles democratic participation and hampers the growth of civil society, impacting the country's potential for development and progress.<sup>117</sup>

The impact of illegal executions and impunity extends beyond immediate security concerns. It also harms Nicaragua's international reputation, deterring foreign investment,

114 *Presumptive Eligibility Determination for Former Nicaraguan Political Prisoners* (Administration for Children & Families, February 2023), <https://www.acf.hhs.gov/sites/default/files/documents/orr/memo-cvt-on-sot-eligibility-determination.pdf>.

115 Stacey Willis, Shihning Chou, and Nigel Hunt, "A Systematic Review on the Effect of Political Imprisonment on Mental Health," *Aggression and Violent Behavior* 25, (November-December 2015): 173-183, <https://doi.org/10.1016/j.avb.2015.08.001>.

116 "Nicaragua: A continuum of repression and systematic human rights violations under the Ortega-Murillo government," Amnesty International, April 18, 2023, <https://www.amnesty.org/en/latest/news/2023/04/nicaragua-systematic-human-rights-violations-ortega-murillo/>.

117 "Anonymous sources: Repression installs unprecedented self-censorship in Nicaragua," *LatAm Journalism Review*, September 10, 2021, <https://latamjournalismreview.org/news/anonymous-sources-repression-installs-unprecedented-self-censorship-in-nicaragua/>.



cooperation, and tourism. Additionally, it obstructs the path toward sustainable development. This is because human rights abuses and a lack of accountability for those responsible hinder economic growth, social advancement, and the establishment of strong institutions.<sup>118</sup> To reverse these negative trends, addressing illegal executions and impunity is critical. This calls for comprehensive reforms that generate respect for human rights and strengthen the independence of the justice system. By tackling these issues head-on, Nicaragua can work towards restoring trust in its institutions, fostering a sense of security, and creating an environment of progress and prosperity.

## Freedom of Association and Civil Society Restrictions

The human rights crisis in Nicaragua has deeply affected civil society organizations (CSOs), which have historically played a vital role in responding to the country's evolving political landscape.<sup>119</sup> CSOs are community-based organizations driven by the people for purposes of humanitarian aid, outreach, and comradery. Despite the ongoing crisis, Nicaraguan CSOs have still found ways to actively participate in their communities. They have orchestrated protests, led domestic and international advocacy efforts, and have worked to address social, economic, and environmental challenges that the government itself struggles to tackle. These organizations have also been instrumental in empowering citizens and protecting human rights. However, their operational sustainability relies largely on international funding, spanning from humanitarian activities to more politically charged advocacy endeavors.<sup>120</sup>

Freedom of association is the right to be able to choose who you associate with and which groups you belong to. While Nicaraguan law formally recognizes the rights of assembly

and association, the reality differs significantly. Despite the law, the government has actively restricted these rights since 2018. Authorities have employed measures to diminish the civic space, preventing CSOs' activities and functions. Although Article 49 of Nicaragua's Constitution establishes the right to organize based on collective will, certain laws have introduced restrictions. One of these laws is Law 1115 (the General Law of Regulation and Control of Non-Profit Organizations). This law grants government regulators the wide-ranging authority to deny legal recognition to non-profit organizations (NPOs). The law also imposes prerequisites for accessing resources and donations and empowers the state to meddle in NPOs' internal matters, seize assets, and even forcibly dissolve them.<sup>121</sup>

The government's tactics to suppress autonomous civil society have been forceful. Laws such as the Foreign Agents Law have been used to silence dissenting voices and reduce opposition.<sup>122</sup> The Foreign Agents Law imposes regulations on civil society organizations and restricts their ability to operate freely. The law requires organizations that receive foreign funding to register as "foreign agents," and disclose information about their funding sources and activities, making them vulnerable to government interference.<sup>123</sup> The Foreign Agents Law has a negative effect on civil society organizations. They often fear potential backlash from the government when engaging in activities deemed undesirable or critical of the current government. This environment of fear and intimidation pushes many organizations to self-censor. As a result, they avoid activities that could attract attention from authorities, limiting their ability to advocate for human rights, social justice, and democratic principles.<sup>124</sup>

118 "Nicaragua," ACAPS, accessed September 18, 2023, <https://www.acaps.org/en/countries/nicaragua>.

119 "Nicaragua: Government Dismantles Civil Society," *Human Rights Watch*, July 19, 2022, <https://www.hrw.org/news/2022/07/19/nicaragua-government-dismantles-civil-society>.

120 "Closure of 45 Civil Society Organisations within One Month in Nicaragua," Civicus Monitor, accessed August 15, 2023, <https://monitor.civicus.org/explore/closure-45-civil-society-organisations-within-one-month-nicaragua/>.

121 *General Law on Regulation and Control of Non-Profit Organizations* (International Center for Not-For-Profit Law, August 2022), <https://www.icnl.org/resources/library/general-law-on-regulation-and-control-of-non-profit-organizations-law-no-1115-la-gaceta-66-april-6-2022-and-its-reform-law-no-1127-la-gaceta-152-august-6-2022>.

122 Ned Price, "Nicaragua's Foreign Agents Law Drives Nicaragua toward Dictatorship, Silencing Independent Voices - United States Department of State," news release, February 8, 2021, <https://www.state.gov/nicaraguas-foreign-agents-law-drives-nicaragua-toward-dictatorship-silencing-independent-voices/>; Ana Barquero, "General Law for the Regulation and Control of Non-Profit Organizations Amendment Enters into Force," *Latin Alliance*, February 22, 2023, <https://latinalliance.co/en/2023/02/22/the-amendment-to-the-general-law-for-the-regulation-and-control-of-non-profit-organizations-enters-into-force-nicaragua>.

123 "Nicaragua Passes Controversial 'Foreign Agent' Law," *Deutsche Welle*, October 16, 2020, <https://www.dw.com/en/nicaragua-passes-controversial-foreign-agent-law/a-55291712>.

124 "European Parliament, Resolution 2020/2814 (RSP), The 'Foreign Agents' Law in Nicaragua, RES/2020/2814(RSP)," European

Furthermore, the law's vague provisions allow authorities to label organizations as "foreign agents" based on their activities, allowing them to target dissenting voices and undermine civil society's crucial role in promoting transparency and accountability. By branding organizations as "foreign agents," the government aims to discredit them and erode public trust in their work, further restricting their ability to advocate for human rights effectively. Implementing the Foreign Agents Law is part of a broader pattern of increasing restrictions on CSOs in Nicaragua.<sup>125</sup>

In 2022, President Ortega's government in Nicaragua removed the legal status of 287 international nonprofit organizations.<sup>126</sup> These NGOs were involved in various areas such as development, health, education, religion, and social progress. The government dissolved most of these organizations between June and October of 2022.<sup>127</sup> The Director General of the Directorate of Registration and Control of Non-Profit Organizations, Franya Urey Blandon, was responsible for these actions.<sup>128</sup> These actions affected NGOs from 34 countries. A significant number were dissolved for allegedly failing to meet their obligations, such as not providing details of donations or sources of funds. This harms programs that benefit over one million Nicaraguans and has caused job losses for thousands. This situation has led to a loss of opportunities for many Nicaraguans and a potential loss of over USD 200 million annually for the country.<sup>129</sup>

Some of the dissolved NGOs were from the United States, Spain, Italy, Germany, and Costa Rica. These organizations were engaged in various activities, such as democracy,

education, social development, and humanitarian assistance. Human rights organizations have raised concerns about the violation of freedom of association and human rights in Nicaragua to the IACHR.<sup>130</sup> The organizations raising these concerns include the Nicaraguan Center on Human Rights, the Center for Legal Assistance to Indigenous People, the Center for Health Information and Counseling Services, and others. They point out that the country is experiencing a "regime of terror" that restricts citizens' rights to organize and defend themselves. Nicaragua passed a new law on May 10, 2023, that will shut down the country's Red Cross.<sup>131</sup> The decision to close the Nicaraguan Red Cross came from the National Assembly, which is controlled by President Ortega's political party. They accused the Red Cross of causing trouble during protests against the government in 2018. However, the local Red Cross says they were only helping injured people during those protests. The National Assembly also ordered the Health Department to create a new Red Cross for Nicaragua, but it is unclear where the money for this will come from, especially since the current Red Cross is funded mainly by donations from people within the country. The new law will also seize properties owned by the Red Cross and give them to the government.<sup>132</sup>

The widespread shutdown of CSOs in Nicaragua has detrimentally impacted various aspects of society. Their forced closure disrupts the support systems they provide to vulnerable populations, leaving many without access to essential services. Furthermore, the absence of CSOs creates a void in democratic participation, as these entities often act as intermediaries between citizens and the government. The

Parliament, last modified October 8, 2020, [https://www.europarl.europa.eu/doceo/document/TA-9-2020-0259\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2020-0259_EN.html).

125 Ned Price, "Nicaragua's Foreign Agents Law Drives Nicaragua toward Dictatorship, Silencing Independent Voices," news release, February 7, 2021, <https://www.state.gov/nicaraguas-foreign-agents-law-drives-nicaragua-toward-dictatorship-silencing-independent-voices/>.

126 "Ortega Closes NGOs in Nicaragua, Cutting off Essential Services," *Share.America*, August 1, 2022, <https://share.america.gov/ortega-closes-ngos-nicaragua-cutting-off-essential-services/>.

127 "Worst Year for NGOs: Ortega Regime Closed 3,108 Organizations in 2022," Redacción Confidencial, last modified January 11, 2023, <https://confidencial.digital/english/worst-year-for-ngos-ortega-regime-closed-3108-organizations-in-2022/>.

128 "National Assembly liquidated almost 100 NGOs this Thursday," *Nicaragua Investiga*, June 16, 2022, <https://nicaraguainvestiga.com/politica/85741-asamblea-nacional-liquida-ong/>.

129 "More than a Million Nicaraguans Affected by Mass Closures of NGOs," Redacción Confidencial, last modified October 12, 2022, <https://confidencial.digital/english/more-than-a-million-nicaraguans-affected-by-mass-closures-of-ngos/>.

130 United Nations Human Rights Office of the High Commissioner, "Nicaragua Must Restore Full Enjoyment of Civil and Political Rights, Particularly Freedom of Expression, Peaceful Assembly and Association, Media and Civic Assembly: UN and IACHR Experts," news release, October 3, 2022, <https://www.ohchr.org/en/press-releases/2022/10/nicaragua-must-restore-full-enjoyment-civil-and-political-rights>.

131 "Nicaragua Orders Closure of Red Cross in Continuing Crackdown," *Al Jazeera*, May 11, 2023, <https://www.aljazeera.com/news/2023/5/11/nicaragua-orders-closure-of-red-cross-in-continuing-crackdown>.

132 "Nicaragua Orders Red Cross to Close, in Ortega Government's Latest Crackdown on Civic Groups," *El País English*, May 11, 2023, <https://english.elpais.com/international/2023-05-11/nicaragua-orders-red-cross-to-close-in-ortega-governments-latest-crackdown-on-civic-groups.html>.

shutdowns stifle voices of dissent, limit civic engagement, and hamper the diversity of perspectives needed for a thriving society. The loss of these organizations deprives Nicaraguans of much-needed assistance and weakens the foundation of a vibrant and inclusive civic society.

## Sustainable Development Goals

In 2015, the United Nations adopted the 2030 Agenda for Sustainable Development. The 2030 Agenda for Sustainable Development is an agreement between all 193 member states that aims to achieve a more peaceful future. This agreement also established the 17 Sustainable Development Goals (SDGs). The SDGs cover a variety of issues that the UN aims to resolve by 2030, such as poverty, inequality, and climate change.<sup>133</sup> The human rights crisis in Nicaragua is deeply intertwined with the SDGs, specifically SDG 10: Reduced Inequalities and Goal 16: Peace, Justice, and Strong Institutions.<sup>134</sup> The crisis in Nicaragua highlights the urgent need to address these goals to restore stability, ensure human rights, and promote sustainable development in the country.

There are significant obstacles to achieving SDG 10 in Nicaragua due to the human rights crisis. This crisis worsens inequalities across various aspects of society.<sup>135</sup> The government's actions have far-reaching consequences that perpetuate inequality. The government's arbitrary decisions, such as revoking the legal status of numerous CSOs, disproportionately affect marginalized groups. These groups often rely on these CSOs for support and advocacy. As a result, their already limited access to resources is further restricted, which worsens existing inequalities. The crisis unfolding in Nicaragua highlights the urgent need for an environment that empowers all individuals, regardless of their backgrounds. By stifling dissent and targeting CSOs, the government is violating basic human rights and preventing marginalized voices from being heard. This reinforces power imbalances and inequalities that already exist.

To address this crisis and promote SDG 10, Nicaragua must commit to tackling all forms of inequality comprehensively. This includes not only economic inequality but also addressing social and political disparities. Inclusive policies and actions must be implemented to ensure that all individuals' rights are respected and upheld. An open and participatory political environment is crucial for reducing inequalities. When marginalized communities have the opportunity to participate in making decisions, policies are more likely to reflect their needs and aspirations.<sup>136</sup> Moreover, Nicaragua must prioritize creating mechanisms to hold the government accountable for its actions. This involves strengthening judicial independence, ensuring that human rights defenders can operate without fear of retaliation, and promoting transparency in governance. Only through these measures can the country truly address the deep-rooted inequalities exacerbated by the human rights crisis.

Achieving sustainable development, as outlined in United Nations SDG 16 relies on establishing peace, justice, and strong institutions within a society.<sup>137</sup> The ongoing human rights challenges in Nicaragua highlight the absence of this crucial foundation. Government actions targeting civil society, alongside arbitrary detentions and limitations on basic rights, have led to a fracture within the country's social fabric. The erosion of the rule of law has introduced an atmosphere of uncertainty and insecurity for the people of Nicaragua. This disruption of societal cohesion exacerbates existing tensions and threatens peaceful coexistence.<sup>138</sup> Central to SDG 16 is the notion of justice. A functional justice system, characterized by impartiality and accessibility, is essential for upholding human rights and ensuring accountability.

The strength of institutions is a cornerstone of SDG 16, serving as the foundation for peace, justice, and stability. The ongoing crisis in Nicaragua highlights the importance of strengthening their institutions. The loss of their integrity and independence has contributed to human rights violations.

133 "Transforming our world: the 2030 Agenda for Sustainable Development," United Nations Department of Economic and Social Affairs, accessed September 15, 2023, <https://sdgs.un.org/2030agenda>.

134 "The 17 Goals," United Nations Department of Economic and Social Affairs, accessed September 15, 2023, <https://sdgs.un.org/goals>.

135 "Goal 10," United Nations Department of Economic and Social Affairs, accessed August 20, 2023, <https://sdgs.un.org/goals/goal10>.

136 *Productive Cultural Recovery on the Caribbean Coast of Nicaragua* (Sustainable Development Goals Fund, 2017), <https://www.sdgfund.org/sites/default/files/Case%20Study%20-%20NICARAGUA%20-%20EN.pdf>.

137 "Goal 16," United Nations Department of Economic and Social Affairs, accessed August 20, 2023, <https://sdgs.un.org/goals/goal16>.

138 Al-Nashif, "Oral Update on Promotion and Protection of Human Rights in Nicaragua."



Reforms are needed to ensure these institutions can operate impartially, transparently, and in accordance with international human rights standards.

## Bloc Analysis

### Points of Division

People across the globe lack basic human rights. These include affordable healthcare, legal services, reliant infrastructure, accessible education, and much more. Countries are well aware of this, but these issues are not easily fixed. The implementation and execution of this is where countries are divided. Certain governments claim to protect their citizens through censorship, or sometimes much harsher methods, and it becomes difficult for international bodies like the UN to step in without authority. The bloc guidelines outlined below shape how countries provide different human rights freedoms. Some countries may not experience human rights abuses as much as others. Consequently, their priorities and capacity to effectively address these violations may differ from those of less stable and more vulnerable nations. As a result, every country's priorities and capacity to enact meaningful action to provide and fulfill basic human rights differs. To better clarify this, an independent organization called Varieties of Democracy (V-Dem) developed a human rights index that takes into account the freedoms of each country. Then, the index ranks countries based on their access to different human rights freedoms, including speech, religion, movement, education, and equality. That said, the V-Dem Index will be used as a basis for this committee's blocs.<sup>139</sup> It is important to note that no country has a flawless human rights record. Instead, we must look at countries that, on average, score higher in the freedoms they offer to their citizens.

### Countries with Strong Access to Human Rights Freedoms

Countries within this bloc are known for their strong human rights frameworks and active advocacy for the protection of human rights. They strongly support transparency, accountability, and immediate responses to human rights violations. They score between 0.7 and 1 on the V-Dem index. These countries have well-established institutions that respect freedom of expression, media freedom, and individual rights. They actively engage with international organizations and advocate for the presence of independent observers to investigate and document human rights violations globally. Their commitment to human rights is often reflected in their foreign policies, aid programs, and diplomatic efforts to promote democratic values and respect for human rights. Examples of these countries include Germany, the United Kingdom, the United States, Norway, and Sweden.<sup>140</sup>

Sweden currently has the highest V-Dem human rights index with a score of 0.97.<sup>141</sup> Sweden has a history of strong commitment to human rights and protects many basic freedoms, both in law and in practice.<sup>142</sup> Sweden is also committed to protecting human rights globally. UN experts have recognized Sweden for its advocacy efforts and its financial support for international human rights. In fact, Sweden is one of only a few countries to exceed UN targets for Official Development Assistance.<sup>143</sup> New Zealand also falls into this bloc with a similarly high score of 0.96.<sup>144</sup> In addition to its commitment to human rights domestically, New Zealand has publicly called on other countries, such as China, to stop human rights violations in their countries.<sup>145</sup> Several countries in this bloc have also worked together to promote human rights through international agreements. For example, over 20 countries in this bloc recently adopted a

<sup>139</sup> Bastian Herre, "The 'Varieties of Democracy' data: how do researchers measure human rights?" Our World in Data, last modified December 16, 2022, <https://ourworldindata.org/vdem-human-rights-data>.

<sup>140</sup> "Human Rights Index," Our World in Data, accessed September 18, 2023, <https://ourworldindata.org/grapher/human-rights-index-vdem>.

<sup>141</sup> Herre, "The 'Varieties of Democracy' data."

<sup>142</sup> "Sweden," Human Rights Watch, accessed September 15, 2023, <https://www.hrw.org/about/get-local/sweden>.

<sup>143</sup> Office of the High Commissioner for Human Rights, "UN expert hails Sweden as role model for human-rights based international aid and solidarity," news release, May 1, 2018, <https://www.ohchr.org/en/press-releases/2018/05/un-expert-hails-sweden-role-model-human-rights-based-international-aid-and>.

<sup>144</sup> Herre, "The 'Varieties of Democracy' data."

<sup>145</sup> Agence France-Presse, "New Zealand foreign minister tells China of 'deep concerns' over rights abuses and Taiwan," *The Guardian*, March 25, 2023, <https://www.theguardian.com/world/2023/mar/25/new-zealand-foreign-minister-tells-china-of-deep-concerns-over-rights-abuses-and-taiwan>.

code of conduct on controlling exports that could be used to commit human rights abuses.<sup>146</sup>

Countries in this bloc might collaborate on initiatives to strengthen global human rights protections, promote transparency, and hold violators accountable. Furthermore, with increased wealth per capita, better access to legal services, and maintained infrastructure, they are able to provide for their citizens in more ways than one. The populations of these countries are generally guaranteed equal access to multiple freedoms. It is worth noting that every individual's circumstances differ, but this bloc has the necessary safety nets to protect their population from extreme and severe violations. With regards to Nicaragua, countries in this bloc will likely call for the elimination of any form of abuse, discrimination, or corruption. They will also aim to restore peace within the region, with or without direct action. This can include funds, peacekeeping forces, sanctions, cash injections, or trade deals.

### **Countries with Moderate Access to Human Rights Freedoms**

This bloc consists of countries that are gradually recognizing the importance of human rights and are beginning to establish systems to protect them. While they may have faced challenges in the past, these countries are showing a growing commitment to promoting human rights within their borders. They have improved their legal frameworks and institutions to better safeguard individual freedoms, promote the rule of law, and uphold human rights principles. These countries score between 0.3 and 0.7 on the V-Dem index. Countries in this bloc include Brazil, Mexico, India, and Nigeria.

Mexico, which has a V-Dem Index score of 0.68, has been working to effectively implement its National Human Rights Plan through the EnfoqueDH project.<sup>147</sup> Alongside the United States Agency for International Development (USAID) and civil society organizations, the Mexican government is

working to create legal frameworks that prevent human rights violations. The EnfoqueDH project also aims to build the Mexican government's capacity to meet international human rights standards.<sup>148</sup> Likewise, Brazil, which has a score of 0.64, made some improvements to human rights in 2022.<sup>149</sup> For example, killings by Brazilian police decreased in 2022 after the implementation of body cameras. Brazil also established working groups in 2022 to create policies to address discrimination against women, Black youth, the LGBTQ+ community, and Indigenous peoples.<sup>150</sup> While these countries still fail to meet several international human rights standards, they are making significant progress on human rights.

These countries offer unique insight into the situation in Nicaragua, as they have seen what is necessary to maintain a balance of human rights and freedom while maintaining traditional or conservative practices. Unlike the previous bloc, countries in this bloc may not have the financial resources to support Nicaragua in meeting international human rights standards. However, they can serve as an example for Nicaragua and provide insight into steps Nicaragua can take to improve its human rights situation. They might also encourage the implementation of stronger legal frameworks for human rights in Nicaragua.

### **Countries with Minimal Access to Human Rights Freedoms**

Finally, countries within this bloc have limited protections for human rights and often oppose international efforts to protect these rights. They frequently suppress freedom of expression, freedom of the media, and other fundamental rights. The governments in these nations are known for their lack of transparency, accountability, and cooperation with independent international observers. Human rights violations are prevalent, and documented cases point to systemic abuses against their citizens. These countries score between 0 and 0.3

146 "U.S. and International Partners Adopt New Code of Conduct for Export Controls and Human Rights," Gibson Dunn, last modified April 7, 2023, <https://www.gibsondunn.com/us-and-international-partners-adopt-new-code-of-conduct-for-export-controls-and-human-rights/>.

147 Herre, "The 'Varieties of Democracy' data."

148 "Supporting Mexico's Approach to Protecting Human Rights," Chemonics, accessed September 15, 2023, <https://chemonics.com/projects/supporting-mexicos-approach-protecting-human-rights/>.

149 Herre, "The 'Varieties of Democracy' data."

150 "In Dialogue with Brazil; Experts of the Human Rights Committee Commend Progress on Addressing Human Rights Violations in Prisons, Raise Issues Concerning Police Violence and Hate Speech," *Office of the High Commissioner for Human Rights*, June 27, 2023, <https://www.ohchr.org/en/news/2023/06/dialogue-brazil-experts-human-rights-committee-commend-progress-addressing-human>.

on the V-Dem Index. These countries are often criticized for their lack of commitment to universal human rights standards and their disregard for international human rights norms. Examples of countries in this bloc include North Korea, China, Syria, Iraq, and Saudi Arabia. They might resist efforts from countries in the other two blocs to impose universal standards and advocate for more state-centric approaches to human rights matters.<sup>151</sup>

Nicaragua is a member of this bloc, with a V-Dem Index score of 0.19.<sup>152</sup> However, Nicaragua, along with other countries in this bloc, should work towards a more inclusive and constructive approach to addressing human rights concerns on the international stage. While these nations have faced criticism for their limited respect for human rights and resistance to global efforts in this regard, it is essential that they recognize the importance of universal human rights standards.

modern society. It is essential to employ in-depth research and critical thinking to address the negative aspects of the human rights situation in Nicaragua and propose sustainable and culturally sensitive solutions.

Furthermore, UNHRC values the spirit of diplomacy and collaboration, even amongst nations with different viewpoints. Recognizing bloc divisions and finding ways to work through these differences to reach diplomatic agreements is crucial. The overarching goal of the committee is to develop solutions that adhere to the UNHRC's mandate and can be applied to the real world. Delegates will learn to approach problems holistically and maintain a pragmatic perspective, all while striving to uphold the mission of the United Nations. By participating in UNHRC, delegates will cultivate diplomacy, critical thinking, and global problem-solving skills. In doing so, delegates will enrich their understanding of the dynamics of human rights advocacy in Nicaragua and beyond.

## Committee Mission

The United Nations Human Rights Council (UNHRC) is an intergovernmental entity operating within the UN framework. It consists of 47 member states dedicated to advancing and safeguarding universal human rights.<sup>153</sup> Established through UN Resolution A/RES/60/251, the Council assumes the pivotal role of confronting specific human rights violations and formulating recommendations in light of these.<sup>154</sup> The UNHRC's mandate is to promote the protection of human rights worldwide. The Council aims to explore Nicaragua's multifaceted human rights challenges and recommend innovative resolutions that align with the UN's objectives.<sup>155</sup>

All countries are encouraged to actively contribute to the implementation of human rights and work to safeguard them within Nicaragua. It is important to delve into the complex issues surrounding human rights, specifically focusing on understanding the broader impacts of these challenges within

<sup>151</sup> Herre, "The 'Varieties of Democracy' data."

<sup>152</sup> Herre, "The 'Varieties of Democracy' data."

<sup>153</sup> "Welcome to the Human Rights Council," Office of the United Nations High Commissioner for Human Rights, accessed August 12, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/about-council>.

<sup>154</sup> United Nations General Assembly, Resolution 60/251, A/RES/60/251, (April 3, 2006), <https://undocs.org/A/RES/60/251>.

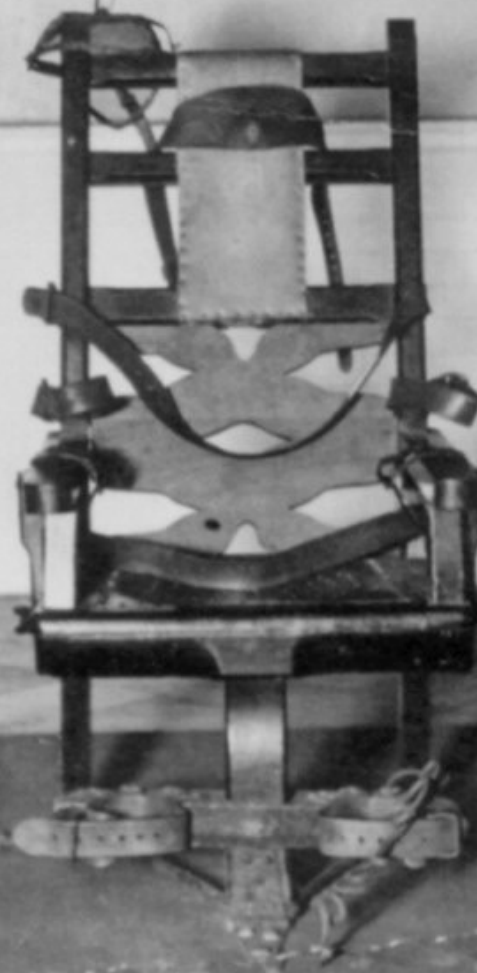
<sup>155</sup> "The Economic and Social Council of the UN (ECOSOC)," Doctors Without Borders, accessed August 12, 2023, <https://guide-humanitarian-law.org/content/article/3/the-economic-and-social-council-of-the-un-ecosoc/>.





UNHRC

NHSMUN 2024



## TOPIC B:

# THE IMPACT OF THE DEATH PENALTY ON HUMAN RIGHTS

Photo Credit: Library of Congress

## Introduction

The Human Rights Council is a body within the United Nations focused on the promotion and protection of human rights. The Council's mandate is to promote the universal protection of human rights and liberties for all. However, with that comes the use of punishment methods to address and deter crimes and criminals. One of these methods is the death penalty, where an individual is sentenced to be killed in a legal manner. The use of the death penalty is widely touched upon during the Council's sessions.<sup>1</sup> The use of the death penalty is inconsistent with the universal right to live free from torture or inhumane treatment or punishment. There is a growing consensus against this punishment, but what does this entail? Around 170 states have abolished or introduced a moratorium on the death penalty.<sup>2</sup> A moratorium is a temporary suspension of an activity, in this case the death penalty.<sup>3</sup> Despite this trend, this sentence is retained in some countries, where it is believed that it will deter crime. Some countries might also permit the use of this sentence for extreme crimes such as intentional killing. Nevertheless, the United Nations remains strong in that the worldwide abolition of the death penalty is necessary for the progressive development of human rights.<sup>4</sup>

Many countries justify the death penalty claiming that it deters crime. However, current studies suggest that the death penalty does not actually deter crime and questions this justification.<sup>5</sup> Additionally, some countries argue that the death penalty is a fair consequence of a criminal's actions. They claim that the death penalty is a form of justice. However, unnecessary executions for absurd crimes have raised doubts about the legitimacy of this argument. Other countries argue that taking a human life is wrong under any circumstance.<sup>6</sup> Different views on the morality of the death penalty and different justifications for its use leads to an interesting debate amongst the international community.

When the death penalty is in use, wrongful convictions are a concern. There have been numerous cases of doubts on the fairness and reliability of this punishment. Human error, systemic flaws, and forms of misconduct are only some factors that could lead to wrongful convictions.<sup>7</sup> The

possibility of error can never be fully eliminated, and some argue that the pure nature of the death sentence creates wrongful convictions.<sup>8</sup> Furthermore, many advocates against the death penalty point to the fact that it is an irreversible punishment.<sup>9</sup> This makes wrongful convictions even more worrisome, as innocent people could be killed for crimes they did not even commit.

Different councils, commissions, and organizations have debated the use of the death penalty to no avail. However, it remains a relevant topic as the United Nations works towards a sustainable and equal future where the basic human rights of everyone are guaranteed. The world is still fighting for the abolishment of the death penalty. Use of the death penalty and death sentence rates increased in 2022. Specifically, the number of executions in 2022 increased by 53 percent from 2021.<sup>10</sup> Through collective efforts, however, abolishment of the death penalty can be achieved. If efforts towards the

1 "UN Human Rights Council," International Justice Resource Center, accessed August 13, 2023, <https://ijrcenter.org/un-human-rights-council/>.

2 "Death Penalty," United Nations Office of the High Commissioner for Human Rights, accessed August 13, 2023, <https://www.ohchr.org/en/topic/death-penalty>.

3 Adam Hayes, "Moratorium: Definition: How It Works, Examples," Investopedia, last modified December 30, 2022, <https://www.investopedia.com/terms/m/moratorium.asp>.

4 OHCHR, "Death Penalty."

5 Jacob Stump, *Deterrence and the Death Penalty: A Study of the Effects of Capital Punishment on Homicide* (Akron: University of Akron William Honors College, 2022), [https://ideaexchange.uakron.edu/honors\\_research\\_projects/1628/](https://ideaexchange.uakron.edu/honors_research_projects/1628/).

6 Nchidzi Smarts, "The UN urges the Government of Botswana to abolish the capital punishment," news release, February 9, 2021, <https://botswana.un.org/en/111129-un-urges-government-botswana-abolish-capital-punishment>.

7 "Executed But Possibly Innocent," Death Penalty Information Center, accessed July 3, 2023, <https://deathpenaltyinfo.org/policy-issues/innocence/executed-but-possibly-innocent>.

8 Death Penalty Information Center, "Executed But Possibly Innocent."

9 "Death Penalty," Amnesty International, accessed September 23, 2023, <https://www.amnesty.org/en/what-we-do/death-penalty/>.

10 Amnesty International, "Death Penalty."

universal abolition of the death penalty continue, a death penalty-free world could be the future.<sup>11</sup>

In this committee, delegates are not expected to dive into the morality of the death penalty, which differs across cultures and belief systems. Instead, should look at the impact of the death penalty on human rights worldwide. In 2023, as the United Nations celebrates 75 years since the Universal Declaration of Human Rights, the committee must look towards an equal and fair world where everyone deserves the chance to prove their innocence, live peaceful lives, and be saved from harmful or inhumane treatment.

## History and Description of the Issue

### The Death Penalty Through the Years

The death penalty is not a new concept. In fact, it has a deep-rooted history intertwined with the evolution of human rights. In the early 18th century, there was a peak in death sentencing before massive reform began to take place. In Britain and the United States, a “Bloody Code” was rife where death sentences were used for even the smallest of infractions. For example, people could be executed for simply stealing a handkerchief.<sup>12</sup> It was reported that the Bloody Code was in place for more than 200 infractions, some of them being the small and trivial. Since there was no professional police force in the 18th century, many historians have argued that the Bloody Code of capital offenses was a means of keeping order through the fearsome suppression of the population.<sup>13</sup> After years of this inhumane regime across the British and American Colonies, in 1776, Thomas Jefferson proposed the first reform of the death penalty laws. Alongside four authors, Jefferson called for this form of punishment to be implemented only in the case of murder or treason. Decades later, through the works of many death-penalty abolitionists,

Britain also removed the death penalty for a wide range of crimes, including pickpocketing and forgery, ending the Bloody Code. By 1861, the number of capital crimes had been reduced to five, including murder, treason, espionage, arson in royal dockyards, and piracy with violence. Other reforms included the banning of public executions in 1868, and the abolition of beheading and quartering in 1870. The minimum age at which a person could be executed was also raised first to 16 and then 18 in 1933. Similarly, in 1917, several states in the United States banned the death penalty for any crimes.<sup>14</sup>

Despite multiple successful attempts at eliminating the death penalty for small crimes, this punishment continued to be widely used for serious crimes in the 20th century. During World War II in the 1940s, for example, the death penalty played a significant role in various contexts. One prominent aspect was the use of the death penalty by both Axis and Allied powers against individuals accused of war crimes and atrocities. The Nuremberg Trials, for instance, saw the prosecution of top Nazi officials, many of whom were sentenced to death for their roles in the Holocaust and other war crimes.<sup>15</sup> Similarly, Japan executed several high-ranking military leaders after the Tokyo Trials for their involvement in crimes against humanity.<sup>16</sup> While the war heightened the focus on justice and accountability, it also showcased the challenges and controversies surrounding the application of the death penalty in times of conflict.

Later in the 20th century in China, the Chinese Penal Code of 1979 codified 74 crimes punishable by death. This code was revised in 2015, and the number of crimes punishable by death was reduced to 46, 24 of which are considered violent crimes. Some of the crimes that are punishable by death today in China include treason, armed rebellions, spying, and selling state secrets. Although these numbers have decreased, sentences and executions remain high. While China is the

11 “Recorded Executions Skyrocket to Highest Figure in Five Years,” Amnesty International, May 16, 2023, <https://www.amnesty.org/en/latest/news/2023/05/death-penalty-2022-executions-skyrocket/>.

12 Robert Shoemaker, “Punishments, 1780-1925,” The Digital Panopticon, 2017, [https://www.digitalpanopticon.org/Punishments\\_1780-1925](https://www.digitalpanopticon.org/Punishments_1780-1925).

13 Lizzie Seal, “Criminalisation and the eighteenth-century’s ‘Bloody Code,’” Centre for Crime and Justice Studies, 2019, <https://www.crimeandjustice.org.uk/publications/cjm/article/criminalisation-and-eighteenth-centurys-bloody-code>.

14 “Early History of the Death Penalty,” Death Penalty Information Center, accessed September 27, 2023, <https://deathpenaltyinfo.org/facts-and-research/history-of-the-death-penalty/early-history-of-the-death-penalty>.

15 “The Nuremberg Trials,” The National WWII Museum, 2023, <https://www.nationalww2museum.org/war/topics/nuremberg-trials>.

16 “War Crimes on Trial: The Nuremberg and Tokyo Trials,” The National WWII Museum, November 24, 2020, <https://www.nationalww2museum.org/war/articles/nuremberg-and-tokyo-war-crimes-trials>.



country with the most executions, the state media only reports a small number of the total cases.<sup>17</sup>

In 1948, the United Nations drafted the Universal Declaration of Human Rights (UDHR) and proclaimed the right to life. This set a new standard for human rights and questioned the legitimacy of the death penalty. Similarly, the International Covenant on Civil and Political Rights (ICCPR) declared that no one should be deprived of this right.<sup>18</sup> It was then that the death penalty was targeted for contradicting the right to live free from torture or unusual treatment.<sup>19</sup> However, the death penalty does not only undermine the right to life. Many other universal freedoms are impacted, such as the right to a fair trial and freedom from discrimination or prosecution. Certain other concerns also arise, where the use of the death penalty may involve cruel, inhumane, or degrading treatment due to certain execution methods and prolonged periods on death row. The death penalty's arbitrary and discriminatory application also disproportionately affects marginalized groups and people of color, challenging the principle of equal protection under the law.<sup>20</sup> Experts from the OHCHR even note that "if you are poor, the chances of being sentenced to death are immensely higher than if you are rich. There could be no greater indictment of the death penalty than the fact that in practice it is really a penalty reserved for people from lower socio-economic groups. This turns it into a class-based form of discrimination in most countries, thus making it the equivalent of an arbitrary killing."<sup>21</sup> This is a stark quote, highlighting the brutal impacts that can occur when the death penalty is in practice. People of color and other marginalized groups could be sentenced to death quicker, placed on death

row for short amounts of time, or face discrimination and bias due to systemic racism.

The creators of the UDHR debated including the eventual abolition of the death penalty in this treaty, but ultimately decided against it. However, the Second Optional Protocol to the ICCPR, which was adopted in 1991, did call for the eventual abolition of the death penalty worldwide.<sup>22</sup> During the last two centuries, the use of the death penalty worldwide has started to decline. For example, in 1988, 58 percent of all countries used the death penalty. 30 years later in 2018, this rate lowered to 28 percent.<sup>23</sup> Today, more than 70 percent of all countries have abolished the death penalty.<sup>24</sup> Despite the decline, many populations around the world still have mixed opinions on the death penalty, finding reasons to either justify it or abolish it. The debate remains active in many judicial systems around the world.<sup>25</sup>

The Pew Research Center conducted a study to gain a better understanding of this situation in the United States. The Pew Research Center is a nonpartisan think tank that educates people about issues that affect the world.<sup>26</sup> Pew conducted a survey in April 2021 that examined the public opinion of the death penalty in the United States. The study showed that 6 in 10 adults favor the death penalty for convicted murderers. Around 64 percent of the adults interviewed collectively agreed that death sentences are morally justified for the crime of murder. The survey also received concerns surrounding the fairness of the punishment, as many feared that innocent people might be at risk of execution.<sup>27</sup> The results of this survey showed that even within countries, there can be mixed opinions on the death penalty.

17 China Against the Death Penalty, "The Status Quo of China's Death Penalty and the Civil Society Abolitionist Movement," World Coalition Against the Death Penalty, February 15, 2022, <https://worldcoalition.org/2022/02/15/china-death-penalty-2022/>.

18 William A. Schabas, *The Abolition of the Death Penalty in International Law*, 3rd ed. (Cambridge: Cambridge University Press, 2002), 92, <https://doi.org/10.1017/CBO9780511494109>.

19 OHCHR, "Death Penalty."

20 United Nations Office of the High Commissioner for Human Rights, "Death penalty disproportionately affects the poor, UN rights experts warn," news release, October 6, 2017, <https://www.ohchr.org/en/press-releases/2017/10/death-penalty-disproportionately-affects-poor-un-rights-experts-warn>.

21 OHCHR, "Death penalty disproportionately affects the poor."

22 "Human Rights and the Death Penalty," ACLU, accessed September 24, 2023, <https://www.aclu.org/issues/human-rights/human-rights-and-death-penalty>.

23 David T. Johnson and Franklin E. Zimring, "The Death Penalty's Continued Decline," *Current History* 118, no. 811 (November 2019): 316-321, <https://doi.org/10.1525/curh.2019.118.811.316>.

24 "International," Death Penalty Information Center, accessed September 14, 2023, <https://deathpenaltyinfo.org/policy-issues/international>.

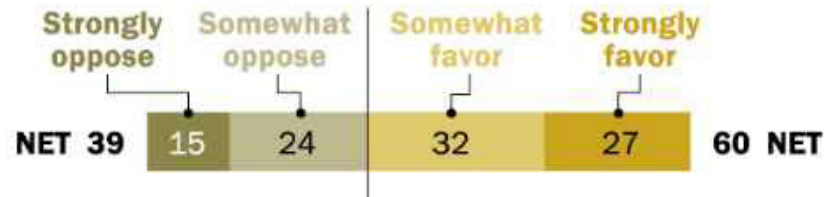
25 Johnson and Zimring, "The Death Penalty's Continued Decline."

26 "About Pew Research Center," Pew Research Center, accessed September 24, 2023, <https://www.pewresearch.org/about/>.

27 John Gramlich, "10 facts about the death penalty in the U.S.," Pew Research Center, July 19, 2021, <https://www.pewresearch.org/short-reads/2021/07/19/10-facts-about-the-death-penalty-in-the-u-s/>.

## Majority of Americans favor death penalty, but nearly eight-in-ten see 'some risk' of executing the innocent

% who \_\_\_\_ the death penalty for persons convicted of murder



% who say ...

The death penalty is morally wrong, even when someone commits a crime like murder

33

When someone commits a crime like murder, the death penalty is morally justified

64

Black people are more likely than White people to be sentenced to the death penalty for committing similar crimes

56

White people and Black people are equally likely to be sentenced to the death penalty for committing similar crimes

41

The death penalty DOES NOT deter people from committing serious crimes

63

The death penalty DOES deter people from committing serious crimes

35

There is some risk that an innocent person will be put to death

78

There are adequate safeguards to ensure that no innocent person will be put to death

21

Note: No answer responses not shown.

Source: Survey of U.S. adults conducted April 5-11, 2021.

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Debate also continued in China following the Second Optional Protocol to the ICCPR. In January of 2007, the Supreme Court of China won the right to review past death sentences. Hundreds of judges were selected across the country to form a review committee to determine the principle of killing less and with caution.<sup>28</sup> In 2012, the Code of Criminal Procedure stated that judges were obligated to question the accused and listen to the opinions of different lawyers when considering the death sentence. Higher standards of evidence were needed. To some extent, these initiatives alongside the revision of the Code of Criminal Procedure have reduced abuses of the death penalty.<sup>29</sup>

While these UN conventions made some progress, several countries continue to use the death penalty today. For example, Saudi Arabia currently has one of the highest execution rates. From 2010–2020, at least 1,200 people were sentenced to death. In 2021, around 196 people were sentenced to death.<sup>30</sup> From the beginning of King Salman's leadership in 2015, there has been an 82 percent increase in executions.<sup>31</sup> Additionally, Botswana is one of 54 democracies that still enforces the death penalty. In March 2021, two men who were convicted of murder were executed. Moabi Seabelo Mabiletsa and Matshidiso Tshid Boikanyo were executed in the capital of Botswana, Gaborone. They were both accused of the murder of a taxi driver six years before.<sup>32</sup> The United States and Japan are also included in 54 democracies that still use the death penalty.<sup>33</sup>

Despite mixed opinions on the death penalty between and within countries, the UN Human Rights Office advocates for the abolition of the death penalty worldwide.<sup>34</sup> From the UDHR to the ICCPR, the organization has made its stance

clear. However, no UN organization can interfere with any country's judicial system because it would be a violation of sovereignty. The Guidance Note of the Secretary-General on the UN Approach to Rule of Law Assistance states, "the UN will neither establish nor directly participate in any tribunal that allows for capital punishment." This means that the UN and any of its subsidiary bodies will never participate in a trial or hold a trial that could involve use of the death penalty.<sup>35</sup> This reflects the UN's respect for the sovereignty of individual nations and their legal systems but also its own opposition to the death penalty.

A growing global consensus, including calls for abolition from international organizations such as the United Nations, underscores the incompatibility of the death penalty with modern human rights norms. For example, in 2020, 123 countries voted in favor of the UN General Assembly's resolution that called for the abolition of the death penalty.<sup>36</sup> This highlights the urgency of addressing the death penalty within the framework of human rights in this committee.

## Correlation Between the Death Penalty and Crime Rates

The word "deterrence" is defined as "the fact of making somebody less likely to do something."<sup>37</sup> This can be achieved through the fear of the consequences that someone may face for something, such as being punished for a crime. Deterrence is the most common argument for the death penalty movement.<sup>38</sup> The threat of facing the death penalty for a crime is thought to be enough to encourage a significant number of people to refrain from any planned crimes. On the other side of the argument, the Death Penalty Information Center, based in Washington, DC, states that other punishments such

28 China Against the Death Penalty, "The Status Quo of China's Death Penalty."

29 China Against the Death Penalty, "The Status Quo of China's Death Penalty."

30 "Saudi Arabia and the death penalty: Everything you need to know about the rise in executions under Mohammed bin Salman," Reprieve, January 31, 2023, <https://reprieve.org/us/2023/01/31/saudi-arabia-and-the-death-penalty-everything-you-need-to-know-about-the-rise-in-executions-under-mohammed-bin-salman/>.

31 Reprieve, "Saudi Arabia and the death penalty."

32 Smarts, "The UN urges the Government of Botswana."

33 Gerardo Bandera, "The Surge in Death Penalty Use and the Road to Abolition," FairPlanet, July 31, 2022, <https://www.fairplanet.org/story/which-countries-have-the-death-penalty/>.

34 OHCHR, "Death Penalty."

35 UNDG, *DEATH PENALTY Excerpt from the UNDG Guidance Note on Human Rights for Resident Coordinators and UN Country Teams* (New York: United Nations Development Group, 2017), <https://unsdg.un.org/sites/default/files/2020-03/Death-Penalty.PDF>.

36 Smarts, "The UN urges the Government of Botswana."

37 "Deterrence," Oxford Learners' Dictionaries, accessed July 18, 2023, <https://www.oxfordlearnersdictionaries.com/definition/english/deterrence>.

38 Oxford Learners' Dictionaries, "Deterrence."



as life without parole present equal deterrence with no risk of executing the innocent.<sup>39</sup> However, it is difficult to determine the true effect of these punishments on crime rates because of outside factors that are difficult to control. The National Academy of Sciences has concluded that past studies have failed to either prove or disprove a deterrent effect present in the death penalty.<sup>40</sup>

With this in mind, if the death penalty is not proven to deter crime, is it worth keeping in place? The expensive costs and risks of error are only some of the issues with this practice. It is irreversible, often used in skewed justice systems, and exploited as a tool for politics.<sup>41</sup> Politics often take the deterrent value of the death penalty for granted. When mentioned in panels, propaganda, and speeches, its effectiveness can often be distorted. Careful examinations are dismissed, and safer alternatives are overlooked.<sup>42</sup>

To comprehend the correlation between the death sentence and crime rates, it is important to understand the logic behind this punishment. In theory, the death sentence has a deterrent factor. The argument assumes that offenders will rationalize their thoughts before committing a crime to avoid the consequences of the death penalty. This is commonly known as the “rational choice theory,” a term used in criminology studies to determine what makes someone commit a crime. However, this assumption relies on the rationality of an offender, even when they are driven by their emotions.<sup>43</sup> A criminal’s behavior cannot always be determined by their rationality levels. Dr. Jonathan Groner is an associate professor of surgery at The Ohio State University College of Medicine and Public Health. In a study he conducted, he mentions that the psychological mindset of criminals is not able to consider consequences at the time they commit an offense. Felonies are mostly crimes of passion that involve intense

emotions. People who commit these kinds of felonies are not in a normal state of mind, meaning that they cannot consider consequences in a logical way.<sup>44</sup> Crime has also been historically linked to geographic, economic, and demographic variables. Education and familial structures can be contributing factors to illicit activities. The variety of factors makes it difficult for analysts to decipher the actual origin of criminal offenses like murder.<sup>45</sup> For this reason, experts have concluded that while this premise explains the logic behind crime deterrence with the death penalty, it is solely theoretical.<sup>46</sup>

To test whether this theory holds in practice, Robert Dann analyzed the number of homicides in Philadelphia in 1935. The analysis took place 60 days prior to well-known executions via the death penalty, and 60 days after. Dann argued that these executions would discourage homicides. Surprisingly, the results were the complete opposite. Homicide rates were higher than usual in 60 days after the death penalties were administered. Around the 1950s, Leonard Savitz conducted a similar study. He analyzed criminal behavior before and after known executions. Contrastingly, Leonard found no significant differences between the before and after periods.<sup>47</sup> Then in 2010, John Lamperti, a Professor at Dartmouth College, conducted a study in which he analyzed homicidal trends in different environments. Most of the states he studied presented similar economic and social conditions. Similarly, deaths by homicide are similar between states with or without the death penalty. This was done to control for outside factors that could affect differences in crime rates. Professor Lamperti concluded that the presence of the death penalty had no significant effect on homicide death rates.<sup>48</sup> Other researchers have conducted similar studies to examine whether the death penalty deters crime. The consensus among these researchers is that there is not strong evidence that the

39 “Deterrence,” Death Penalty Information Center, accessed July 18, 2023, <https://deathpenaltyinfo.org/policy-issues/deterrence>.

40 Death Penalty Information Center, “Deterrence.”

41 Amnesty International, “Death Penalty.”

42 Death Penalty Information Center, “Deterrence.”

43 Death Penalty Information Center, “Deterrence.”

44 “Sentencing Alternatives,” Death Penalty Information Center, accessed July 25, 2023. <https://deathpenaltyinfo.org/policy-issues/sentencing-alternatives>.

45 Stump, *Deterrence and the Death Penalty*.

46 Stump, *Deterrence and the Death Penalty*.

47 Stump, *Deterrence and the Death Penalty*.

48 John Lamperti, *Does Capital Punishment Deter Murder?: A brief look at the evidence* (Hanover: Dartmouth College, March 2010), <https://math.dartmouth.edu/~lamperti/my%20DP%20paper,%20current%20edit.htm>.

death penalty deters crime.<sup>49</sup>

The results of these studies can also be seen in crime data from a variety of countries with different policies on the death penalty. For example, 2004 crime data from the United States showed that the average murder rates for states that used the death penalty were higher than those in which the death penalty was illegal. Additionally, as of 2003, the murder rate in Canada had fallen by 44 percent since the country abolished the death penalty in 1975.<sup>50</sup> Evidence has also shown that the death penalty does not deter acts of terrorism despite some countries citing this as justification for the death penalty. For example, Iraq passed the Iraqi Anti-Terrorism Law in 2005 which establishes the death penalty as punishment for acts of terror. However, those who plan to commit acts of terrorism often do so knowing that they are endangering their lives. They often show little care for their own life and safety. If anything, the death penalty creates martyrs for terrorist groups and gives them much desired publicity.<sup>51</sup> As a result, executions in Iraq have not deterred violent crimes.<sup>52</sup> These authentic examples support the conclusion of the previously mentioned studies that the death penalty does not deter crime.

A study performed by the economist Isaac Ehrlich in the mid-1970s, however, is an exception. He considered murder and execution statistics from 1933 through 1969 alongside measures of any relevant social factors, such as unemployment and per capita income. Ehrlich then established a mathematical model that predicted murder rates from all of the aforementioned variables. This model showed that significantly more executions were associated with fewer homicides.<sup>53</sup> The fact that Ehrlich was the first researcher to find evidence to support that the death penalty deterred crime drew attention to his work. His

data was later analyzed by Peter Passell and John Taylor. They experimented and found that Ehrlich confused association with causation in his study. While more executions could be associated with fewer homicides, it does not necessarily mean that these executions are the cause of less crimes. It was then that the two researchers concluded that while Ehrlich's work had much to offer, it did not provide valid evidence that the death penalty deters crime. Analysts continued to experiment with this study using their own regression models. While the results are mixed, most researchers failed to find any evidence of deterrence.<sup>54</sup> Advocates for the death penalty, however, continue to use investigations like Ehrlich's to support their justification that executions deter crime.<sup>55</sup>

Advocates for the death penalty also argue that it protects prison guards and other prisoners. The reasoning behind this argument is that prisoners who receive a life sentence have nothing to lose if the death penalty does not exist and are therefore more likely to murder prison guards and other prisoners.<sup>56</sup> However, there is no evidence that suggests that the death penalty deters murder in prisons.<sup>57</sup> In the United States, for example, prisoners murdered a total of 24 corrections officers from 2005–2014. All 24 of these murders occurred in states that retain the death penalty, suggesting that the death penalty does not protect prison guards.<sup>58</sup> Furthermore, states in the United States prison murder rates are lower in states that have abolished the death penalty than they are in states that still use the death penalty. If the death penalty did in fact deter prisoners from committing murder, the opposite would be true.<sup>59</sup> Even though it might seem that prisoners with a life sentence have nothing more to lose, they often lose the few privileges they have if they behave poorly in prison. In fact, it is suggested that prisoners with a life sentence value

49 Stump, *Deterrence and the Death Penalty*.

50 *Does the Death Penalty Deter Crime? Getting the Facts Straight* (London: Amnesty International, 2008), 1 <https://www.amnesty.org/en/wp-content/uploads/2021/06/act500062008en.pdf>.

51 *Does the Death Penalty Deter Crime? Getting the Facts Straight*, 2.

52 *Report on the Death Penalty in Iraq* (Baghdad: UNAMI/OHCHR, October 2014), 1, [https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/UNAMI\\_HRO\\_DP\\_1Oct2014.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/UNAMI_HRO_DP_1Oct2014.pdf).

53 Isaac Ehrlich, *The Deterrent Effect of Capital Punishment: A Question of Life and Death* (New York: National Bureau of Economic Research, 2022), <http://www.nber.org/papers/w0018>.

54 Stump, *Deterrence and the Death Penalty*.

55 Michael L. Radelet and Ronald L. Akers, "Deterrence and the Death Penalty: The Views of the Experts," *Journal of Criminal Law and Criminology* 87, no. 1 (1996): 3, <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=6901&context=jclc>.

56 "Executions and Prison Safety," Washington Coalition to Abolish the Death Penalty, accessed September 24, 2023, <https://www.abolishdeathpenalty.org/prison-safety>.

57 Stump, *Deterrence and the Death Penalty*.

58 Washington Coalition to Abolish the Death Penalty, "Executions and Prison Safety."

59 Washington Coalition to Abolish the Death Penalty, "Executions and Prison Safety."

the privileges they do have more because they have so few of them to begin with. Many prison guards believe this to be a stronger deterrent for harming prison guards than the death penalty.<sup>60</sup> In fact, many prison guards do not believe that the death penalty protects their safety. For example, Calvin Lightfoot, a former corrections officer in the United States stated, “If someone told me that the death penalty would protect me as a corrections officer, I would be offended.”<sup>61</sup> Unlike this argument for the death penalty suggests, the possibility of facing execution does not protect prison guards or other prisoners.

Although many countries who continue to use the death penalty justify it by claiming that it deters crime, this has not been proven. Despite several studies that sought to find evidence to support this claim, most were unable to do so. Therefore, countries who claim to use the death penalty to deter violent crime and save innocent lives should re-examine their policies.

## Wrongful Convictions

Wrongful convictions are among the most concerning issues with the death penalty. Many elements can hide the exact number of unjust death sentences in a country. There have been numerous cases that raise doubts about the fairness and reliability of the death penalty. Unjust sentences can occur due to different factors. Human error, systemic flaws, and forms of misconduct are only some of the elements that may cause a wrongful conviction.<sup>62</sup>

Errors in convictions include misidentification, manipulated statements, and psychological stress. Eyewitness misidentification is when one falsely identifies an innocent person as the perpetrator of a crime. It is one of the leading causes of wrongful convictions. Oftentimes, witnesses fail to

correctly identify the perpetrator of a crime when they are asked to identify a person of a different race from their own. This is due to racial biases.<sup>63</sup> Suggestive procedures refer to the way in which police present a suspect to eyewitnesses and are another source of wrongful convictions. For example, if police inadvertently give eyewitnesses clues as to who the suspect is, this could taint the witness’s memory and lead to a false conviction.<sup>64</sup> Fault of memory can contribute to mistakes in criminal recognition.<sup>65</sup> False confessions are another reason for many wrongful convictions. Long interrogations, false promises, or threats are all psychological stressors that can lead to false admissions of guilt.<sup>66</sup>

Inadequate legal representation for defense can also lead to wrongful convictions. Overburdened defense attorneys might not push themselves enough to save the lives of their clients. Inexperienced attorneys might also present an issue for the falsely accused during trial. Lack of resources or witnesses and failure to present a robust defense might lead to unjust executions.<sup>67</sup> Improper conduct by prosecutors can lead to wrongful convictions as well. According to the Death Penalty Information Center, at least 600 wrongful convictions of death row inmates have occurred due to misconduct by prosecutors.<sup>68</sup> Prosecutors might engage in misconduct by refusing to share evidence that would support the defense and possibly prove them to be innocent.<sup>69</sup> Prosecutors might also exhibit racial biases when selecting juries which could contribute to wrongful convictions. The prosecution sometimes threatens witnesses into testifying a certain way or provides false testimony.<sup>70</sup> These practices contribute to wrongful convictions and could lead to executions of innocent people.

Flawed forensic evidence can also impact convictions. Inadequate analysis or biased experts might influence the

<sup>60</sup> Washington Coalition to Abolish the Death Penalty, “Executions and Prison Safety.”

<sup>61</sup> Washington Coalition to Abolish the Death Penalty, “Executions and Prison Safety.”

<sup>62</sup> Death Penalty Information Center, “Executed But Possibly Innocent.”

<sup>63</sup> Death Penalty Information Center, “Executed But Possibly Innocent.”

<sup>64</sup> “Eyewitness Identification,” California Innocence Project, accessed September 25, 2023, <https://californiainnocenceproject.org/issues-we-face/eyewitness-identification/>.

<sup>65</sup> Death Penalty Information Center, “Executed But Possibly Innocent.”

<sup>66</sup> Death Penalty Information Center, “Executed But Possibly Innocent.”

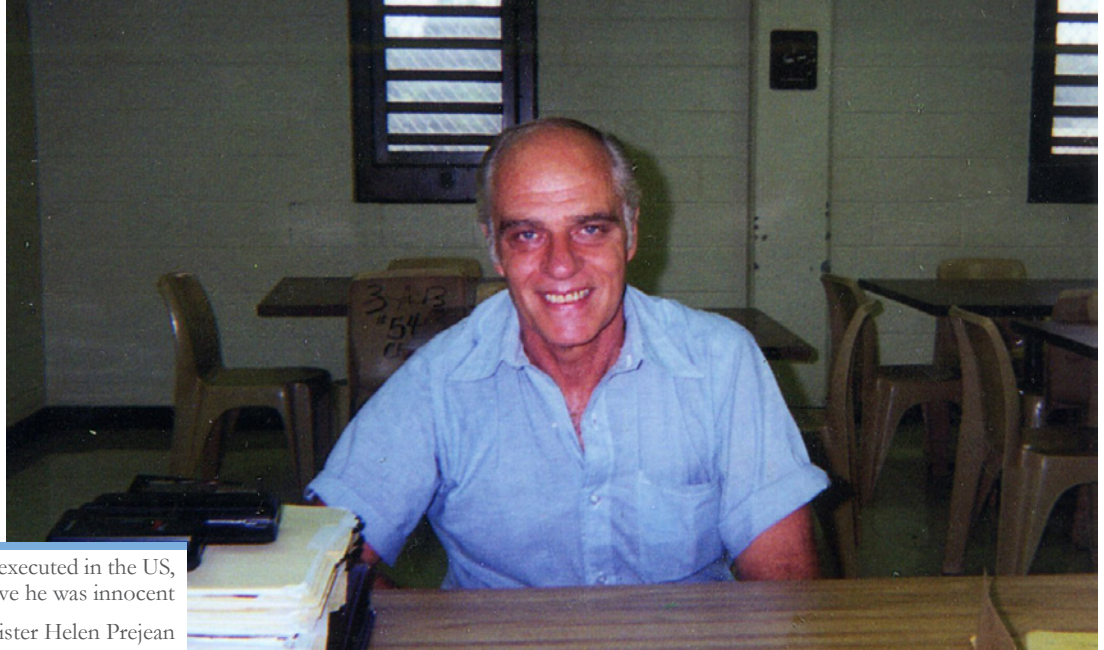
<sup>67</sup> Death Penalty Information Center, “Executed But Possibly Innocent.”

<sup>68</sup> “Prosecutorial Accountability,” Death Penalty Information Center, accessed September 25, 2023, <https://deathpenaltyinfo.org/policy-issues/prosecutorial-accountability>.

<sup>69</sup> Death Penalty Information Center, “Executed But Possibly Innocent.”

<sup>70</sup> Death Penalty Information Center, “Prosecutorial Accountability.”





Joseph O'Dell, a man convicted and executed in the US, although some believe he was innocent

Credit: Sister Helen Prejean

decision of the jury or the sentence given to the convicted. In some cases, the use of invalid forensic science techniques can lead to incorrect conclusions and wrongful convictions.<sup>71</sup> However, new crime-fighting technology has been developed in an attempt to overcome these issues. The use of biometrics, for example, is increasingly used to overturn wrongful convictions. Biometrics refers to using physical characteristics to identify people.<sup>72</sup> Fingerprints have been used for over a century to identify criminals. Today, authorities also use facial recognition, DNA evidence, voice recognition, palmprints, iris recognition, and even heartbeats.<sup>73</sup> The United States Federal Bureau of Investigation (FBI) has developed a database known as the Next Generation Identification System (NGI). This database provides the criminal justice community with the largest and most efficient electronic repository of biometric and criminal history information.<sup>74</sup> With these databases, DNA and other biometric data can be safely and precisely used to eliminate the possibility of execution for the innocent.<sup>75</sup> While biometric technology has greatly

improved accuracy in identifying criminals, it is not without flaws. Biometric technology can still falsely identify criminals, and it also raises concerns about privacy.<sup>76</sup> Even with new technological advancements, wrongful executions still occur.

Convictions can also be racially or socioeconomically biased. This prejudice can influence the fairness of the criminal justice system and contribute to wrongful convictions. The danger with these biases is that they affect every stage of the process, from the investigation to jury selection and sentencing.<sup>77</sup> Segregation can indirectly contribute to wrongful convictions. While it is not a direct cause, it can create an environment for systemic biases and injustices. Some ways in which it can play a role in wrongful convictions are limited opportunities in marginalized communities. Minorities and people from lower-income backgrounds often face over-policing and unequal treatment. As such, prejudices like these can contribute to wrongful convictions by unfairly targeting and convicting members of segregated communities.<sup>78</sup>

<sup>71</sup> Death Penalty Information Center, "Executed But Possibly Innocent."

<sup>72</sup> "What is Biometrics? How is it used in security?" Kaspersky, accessed September 25, 2023, <https://usa.kaspersky.com/resource-center/definitions/biometrics>.

<sup>73</sup> Erik Fritsvold, "12 Police Technologies That Are Transforming Law Enforcement," University of San Diego, accessed August 19, 2023, <https://onlinedegrees.sandiego.edu/10-innovative-police-technologies/>.

<sup>74</sup> Fritsvold, "12 Police Technologies."

<sup>75</sup> Fritsvold, "12 Police Technologies."

<sup>76</sup> Navrup Tom, "What Are Biometrics? The Pros/Cons of Biometric Security," Auth0 Blog, May 24, 2021, <https://auth0.com/blog/what-are-biometrics-the-proscons-of-biometric-security/>.

<sup>77</sup> Death Penalty Information Center, "Executed But Possibly Innocent."

<sup>78</sup> Death Penalty Information Center, "Executed But Possibly Innocent."

For example, in the United States, 53 percent of prisoners awaiting execution are Black or Hispanic, but Black and Hispanic people only make up 31 percent of the US population.<sup>79</sup> This suggests that racial bias in the US criminal justice system disproportionately sentences people of color to death and could be a sign of wrongful convictions. Similarly, Saudi officials executed 81 men in March 2022, 41 of which were part of the minority Shia Muslim population who have faced discrimination in Saudi Arabia.<sup>80</sup> Despite making up over half of those executed, Shia Muslims only make up 12 percent of the population in Saudi Arabia.<sup>81</sup> Human Rights Watch, an international organization that advocates for human rights, obtained court rulings for five of the Shia men who were executed and determined that they did not receive fair trials. All five of the men also stated in their trials that they were tortured during interrogations and forced to give false confessions.<sup>82</sup> These examples demonstrate how the death penalty exacerbates discrimination in many societies.

All individuals, regardless of their race or ethnicity, should be treated equally in the criminal justice system. When racial prejudice influences the decision-making process, it violates this fundamental principle. The application of the death penalty involves the most severe punishment, the deprivation of life. Safeguarding human rights and eliminating discriminatory treatments is crucial. Racial prejudice violates the right to a fair trial, protected under the human rights law. Likewise, public confidence in the justice system is essential to its functioning. When racial prejudice is perceived in the system, it undermines the legitimacy of the justice system.<sup>83</sup>

Some governments will compensate the families of individuals who were wrongfully executed. In the United States, each state

has different laws regarding compensation for the families of the wrongfully executed. While some states provide compensation, others do not.<sup>84</sup> Likewise, South Korea has also provided compensation to families of individuals who were wrongfully executed. For example, the South Korean government paid 46 family members of eight men who were wrongfully executed as political prisoners USD 67.4 million in 2007.<sup>85</sup> However, the process to obtain this compensation can be difficult for families. If families want financial compensation, they must seek legal assistance. Furthermore, the psychological effects of losing a loved one unjustly are undeniable. When dealing with trauma, our brain rewires after every impactful event in our lives.<sup>86</sup> Children are forced to grow up without a parent, and in some cases, parents are forced to grow old without their child.<sup>87</sup>

When addressing the causes of wrongful convictions, reforms should be implemented to avoid taking the life of someone innocent. Providing quality legal representation, improving forensic science standards, and addressing systemic biases are some of the measures that should be taken to enhance fairness and accuracy in the criminal justice system. Even so, implementing these reforms does not guarantee fair convictions. The possibility of error can never be fully eliminated, and some argue that the pure nature of the death sentence creates wrongful convictions.<sup>88</sup> For this reason, it is important to consider the negative consequences of the death penalty and reassess its use.

## Alternatives to the Death Penalty

Advocates for the death penalty generally argue that it serves two purposes. The first is to punish criminals who commit

79 "Race and the Death Penalty," National Association of Criminal Defense Lawyers, December 7, 2022, <https://www.nacdl.org/Content/Race-and-the-Death-Penalty>.

80 "Saudi Arabia: Mass Execution of 81 Men," Human Rights Watch, March 15, 2022, <https://www.hrw.org/news/2022/03/15/saudi-arabia-mass-execution-81-men>.

81 Antonella Caruso, "Saudi Arabia Still Treats Shiites as Second-Class Citizens," *Foreign Policy*, May 11, 2021, <https://foreignpolicy.com/2021/05/11/mohammed-bin-salman-mbs-saudi-arabia-still-treats-shiites-second-class-citizens/>.

82 Human Rights Watch, "Saudi Arabia: Mass Executions."

83 Michael L. Radelet and Hugo Adam Bedau, "The Execution of the Innocent," *Law and Contemporary Problems* 61, no. 4 (October 1998): 105-124. <https://www.jstor.org/stable/1192431>.

84 "Innocence," Death Penalty Information Center, accessed September 28, 2023, <https://deathpenaltyinfo.org/policy-issues/innocence>.

85 "Families of eight wrongfully executed political prisoners awarded compensation," *The Hankyoreh*, August 22, 2007, [http://english.hani.co.kr/arti/english\\_edition/e\\_national/230608.html](http://english.hani.co.kr/arti/english_edition/e_national/230608.html).

86 "Childhood trauma linked to risk of adult crime," University of Edinburgh, accessed July 23, 2023, <https://www.ed.ac.uk/news/2022/vulnerable-children-more-likely-to-offend-as-adult>.

87 Death Penalty Information Center, "Innocence."

88 Death Penalty Information Center, "Executed But Possibly Innocent."

serious crimes, such as murder, and to bring justice to victims and their families. The second is to deter individuals from committing violent crimes and therefore save innocent lives.<sup>89</sup> This Background Guide has discussed flaws in these arguments in previous sections. However, it is also important to recognize that there are other alternatives that achieve both these objectives more efficiently than the death penalty does. They are also typically more cost effective than the death penalty, and they do not involve taking human lives.<sup>90</sup> These other alternatives should be discussed as ways to work towards universal abolition of the death penalty.

One alternative punishment for serious crimes is life without parole (LWOP). LWOP means that a convict will spend the rest of their life in prison without the possibility of being released. In jurisdictions that use the death penalty, people convicted of the most serious crimes often face either the death penalty or LWOP. In jurisdictions that have outlawed the death penalty, LWOP is often the most severe sentence a convict can receive.<sup>91</sup> Although advocates of the death penalty argue that it brings a sense of justice to families of victims of violent crimes, many families prefer LWOP over a death sentence. This is because there is a lot of uncertainty when obtaining a death sentence, and death sentences often undergo several appeals before an execution occurs. LWOP brings victims' families closure sooner than a death sentence does.<sup>92</sup> Additionally, the death penalty is expensive because of costs associated with trials for cases that undergo several appeals. However, services for victims' families such as grief counseling and financial assistance are often severely underfunded in jurisdictions that use the death penalty. If the death penalty were prohibited, these resources could be diverted to programs that help victims' families.<sup>93</sup> Furthermore, the death penalty can create divisions in families affected by violent crime. Oftentimes, victims' family members have different views on the death

penalty and can create tension when they need each other most. This is especially true when the victim and defendant are from the same family.<sup>94</sup> The death penalty can also orphan children. For example, Felicia Floyd's father killed her mother when she was 11 years old in Georgia, United States. The state then executed her father 21 years later despite Felicia and her brother begging them not to, leaving them without any living parents.<sup>95</sup> Though LWOP is still considered an extreme punishment, it does not have the same negative consequences for victims' families that the death penalty does.

In addition to better serving victims' families, LWOP is much cheaper than upholding the death penalty. Cases that involve the death penalty require longer trials with more lawyers and experts to avoid mistakes since a person's life is on the line. They also, therefore, require more money.<sup>96</sup> In California, United States, for example, trials seeking the death penalty cost three times more than trials seeking LWOP on average.<sup>97</sup> Additionally, most cases seeking the death penalty do not result in execution. Instead, convicts spend the rest of their life in prison. These cases, therefore, often end in the same result as cases seeking LWOP but at a much higher cost.<sup>98</sup> In the California example, the state would save an estimated USD 2.34 billion over 20 years if it sentenced all prisoners on death row to LWOP instead.<sup>99</sup>

However, LWOP does present many of the same issues that the death penalty does. Many opponents of the death penalty are also against LWOP because they argue it is essentially the same as a death sentence. This is because those sentenced to LWOP often end up dying in prison even if they are not executed by the state. LWOP can also lead to overcrowded prisons and worsen mass incarceration which is already a severe problem in many countries. Additionally, LWOP disproportionately affects marginalized groups in most countries much like the

<sup>89</sup> "Should the Death Penalty Be Legal?" ProCon.org, last modified September 21, 2021, <https://deathpenalty.procon.org>.

<sup>90</sup> Death Penalty Information Center, "Sentencing Alternatives."

<sup>91</sup> "Life without possibility of parole," Legal Information Institute - Cornell Law School, accessed September 25, 2023, [https://www.law.cornell.edu/wex/life\\_without\\_possibility\\_of\\_parole](https://www.law.cornell.edu/wex/life_without_possibility_of_parole).

<sup>92</sup> Death Penalty Information Center, "Sentencing Alternatives."

<sup>93</sup> "The Closure Myth," Equal Justice USA, accessed September 25, 2023, <https://ejusa.org/resource/the-closure-myth/>.

<sup>94</sup> Equal Justice USA, "The Closure Myth."

<sup>95</sup> Equal Justice USA, "The Closure Myth."

<sup>96</sup> "Costs," Death Penalty Information Center, accessed September 25, 2023, <https://deathpenaltyinfo.org/policy-issues/costs>.

<sup>97</sup> "Should Life without Parole Replace the Death Penalty?" ProCon.org, last modified September 20, 2021, <https://deathpenalty.procon.org/questions/is-life-in-prison-without-parole-a-better-option-than-the-death-penalty/>.

<sup>98</sup> Death Penalty Information Center, "Costs."

<sup>99</sup> ProCon.org, "Should Life without Parole Replace the Death Penalty?"



death penalty does.<sup>100</sup> For these reasons, some countries have explored other alternatives to the death penalty.

The goal of Norway's criminal justice system, for example, is to rehabilitate prisoners rather than punish them. Their current system has been in place since the 1970s. At only 20 percent, Norway has one of the lowest recidivism rates in the world.<sup>101</sup> Recidivism refers to when a prisoner continues to commit crimes after being released from prison.<sup>102</sup> In Norwegian prisons, prisoners are entitled to the same public services that other citizens have access to.<sup>103</sup> For example, nearby schools and universities offer educational courses to prisoners and even grant them degrees. Every year, around 50 percent of prisoners take part in these courses.<sup>104</sup> Some prisons also offer work and training programs that aim to help prisoners find employment upon their release.<sup>105</sup> State and municipal health administrations also offer health services in prisons. Many facilities also offer drug rehabilitation programs and group therapy sessions for prisoners that

might struggle with drug addiction.<sup>106</sup> Additionally, some prisons have a library that is run by a librarian and prisoner assistants. Prisons in Norway even have higher borrowing rates for books than those of the general population.<sup>107</sup> Large prisons also have designated areas for gymnasiums, basketball courts, treadmills, and bicycles. Some prisons even offer yoga classes. Most of these areas are now or have been recently remodeled. While this is a great activity to offer prisoners, its access is limited. Prison officers monitor prisoners while they train, and in other establishments, prisoners have to choose between going to the gym, the library, outdoor time, or other activities.<sup>108</sup> Prisoners also have limited access to the outside world as a part of their rehabilitation. They can sometimes be allowed outside of the prison on leave, escorted leave, or day release for work or education. They might also contact the outside world through a computer to search for housing or jobs available for after their release.<sup>109</sup> However, they generally have little interaction with the world outside of prison. Still,

<sup>100</sup> Death Penalty Information Center, "Sentencing Alternatives."

<sup>101</sup> Meagan Denny, "Norway's Prison System: Investigating Recidivism and Reintegration," *Bridges: A Journal of Student Research* 10, no. 2 (2016): 21-37, <https://digitalcommons.coastal.edu/bridges/vol10/iss10/2>.

<sup>102</sup> "Recidivism," National Institute of Justice, accessed September 25, 2023, <https://nij.ojp.gov/topics/corrections/recidivism>.

<sup>103</sup> "Rehabilitation and Welfare," Six Norwegian Prisons, accessed August 19, 2023, <https://www.sixnorwegianprisons.com/spaces/rehabilitation>.

<sup>104</sup> Six Norwegian Prisons, "Rehabilitation and Welfare."

<sup>105</sup> Six Norwegian Prisons, "Rehabilitation and Welfare."

<sup>106</sup> Six Norwegian Prisons, "Rehabilitation and Welfare."

<sup>107</sup> Six Norwegian Prisons, "Rehabilitation and Welfare."

<sup>108</sup> Six Norwegian Prisons, "Rehabilitation and Welfare."

<sup>109</sup> Six Norwegian Prisons, "Rehabilitation and Welfare."



Ullersmo Prison in Norway

Credit: Ullersmo prison

this model is unique when compared to other prison systems and has the potential to provide more benefits for society than the death penalty does. However, the Norwegian criminal justice system depends on a well-developed public welfare system, something that not all countries currently have.<sup>110</sup>

Despite retaining the death penalty, the United States has offered some rehabilitation programs for those convicted of serious crimes. One of the most common uses of rehabilitation in the United States is the intermediate sentence. This means that the time of an offender's detention depends on the degree of rehabilitation they go through while imprisoned. In the 1970s, rehabilitation was generally criticized in the United States. As these programs were implemented, however, researchers discovered that when implemented well, they could reduce recidivism rates. Once research showed that rehabilitation programs could reduce reoffending, they gained greater acceptance in the United States.<sup>111</sup> However, there are still issues with intermediate sentencing and rehabilitation programs. Prison administrators are often given significant discretion over when and if to release prisoners in these programs. While prison officials are supposed to determine release based on their observed progress of the prisoner, measures of progress are vaguely defined. Therefore, corrupt prison officials can use intermediate sentencing as a method to exploit prisoners.<sup>112</sup> Nevertheless, rehabilitation is a promising alternative to the death penalty for all countries.

Some advocates of the death penalty claim it is a tool to reduce crime in addition to a form of punishment. However, there are also several alternative methods that have been proven to more effectively reduce crime. One such method is community policing. Community policing is when police officers regularly interact with members of their community and help them

solve issues rather than simply reacting to criminal activity.<sup>113</sup> The goal of community policing is to develop relationships between police officers and local residents.<sup>114</sup> A growing number of cities have implemented community policing as an alternative way to reduce violent crime. Cities that can afford to add police officers rather than take officers away from other duties tend to see the best results.<sup>115</sup> While it is difficult to identify the cause for changes in crime rates, several countries that have implemented community policing have seen decreases in crime. A study published in September 2022, for example, analyzed the effects of community policing on crime reduction in six countries: Australia, Canada, China, Turkey, the United Kingdom, and the United States. This study found that community policing had an impact on reducing crimes such as burglary, gun violence, and drug use. It also found that community policing was associated with decreases in overall levels of crime in every country except Australia. Specifically, neighborhood watch programs corresponded to a 16 percent reduction in crime.<sup>116</sup> Neighborhood watch programs are groups of neighbors that work with each other and with local police to keep their communities safe.<sup>117</sup> Overall, community policing is a promising alternative to the death penalty for decreasing crime.

The majority of people sentenced to death come from lower-income areas. Many of them suffer from mental health problems such as anxiety or depression as well.<sup>118</sup> It is not surprising, then, that evidence suggests that crime rates are associated with the socioeconomic health of a community. For example, the United States saw a 30 percent increase in murders in 2021. However, increases in murder were mostly concentrated in cities that were disadvantaged and struggling economically.<sup>119</sup> Additionally, some researchers have found

110 Six Norwegian Prisons, "Rehabilitation and Welfare."

111 "Rehabilitation," Britannica, accessed September 25, 2023, <https://www.britannica.com/topic/punishment/Rehabilitation>.

112 Britannica, "Rehabilitation."

113 Richard C. Dieter, "Millions Misspent: What Politicians Don't Say About the High Costs of the Death Penalty," Death Penalty Information Center, October 1992, <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/in-depth/millions-misspent-what-politicians-dont-say-about-the-high-costs-of-the-death-penalty>.

114 John Carter, "Community Policing," Apex Officer, February 28, 2023, <https://www.apexofficer.com/resources/community-policing>.

115 Dieter, "Millions Misspent."

116 Niyazi Ekici, Hüseyin Akdoğan, Robert Kelly, and Sebahattin Gultekin, "A meta-analysis of the impact of community policing on crime reduction," *Journal of Community Safety & Well-Being* 7, no. 3 (September 15, 2022): 111-121, <http://dx.doi.org/10.35502/jcswb.244>.

117 "What is Neighborhood Watch?" National Neighborhood Watch, accessed September 26, 2023, <https://www.nnw.org/what-neighborhood-watch>.

118 "Experts Explain Why the Death Penalty Does Not Deter Murder," Death Penalty Information Center, October 23, 2007, <https://deathpenaltyinfo.org/news/experts-explain-why-the-death-penalty-does-not-deter-murder>.

119 Hanna Love, "Want to reduce violence? Invest in place," Brookings, November 16, 2021, <https://www.brookings.edu/articles/want-to-reduce-violence-invest-in-place/>.

that income inequality is another contributing factor to crime. For example, a study that analyzed crime and income data from 2010 to 2019 in 34 different Indonesian provinces found that provinces with greater income inequality also had higher crime rates.<sup>120</sup> Poor access to social services can also lead to increased crime in a community. Studies carried out in São Paulo, Brazil, and seven different cities in Colombia found that higher rates of homicide were associated with lower access to healthcare and education.<sup>121</sup> Investing in underserved communities, however, can help reduce rates of violence. For example, crime rates in Philadelphia, United States, decreased by 21.9 percent after low-income homeowners in predominantly Black neighborhoods received structural repairs to their houses. Additionally, projects that cleaned and transformed vacant lots in low-income neighborhoods contributed to a 29 percent reduction in violent crime in Philadelphia.<sup>122</sup> Programs that offer job opportunities for youth in neighborhoods with high rates of violence have also helped reduce crime in several cities.<sup>123</sup> A study carried out across different states in the United States also found that increased spending on social services and public health initiatives for people living in poverty was associated with lower murder rates.<sup>124</sup> Good healthcare access and efforts to improve socioeconomic status in certain areas would reduce murder rates more effectively than executions.<sup>125</sup>

Although advocates of the death penalty argue it is necessary to restore justice and reduce crime, it is questionable at best whether executions achieve either of these objectives. There are, however, several alternative methods both for restoring justice and preventing violence. Many of these methods have been proven to work more effectively than the death penalty

even. They also do not have many of the same issues that the death penalty has such as the possibility of executing an innocent person. Therefore, these other alternatives to the death penalty should be further explored by the international community. Additionally, countries that continue to use the death penalty should re-evaluate how effective it truly is in achieving its stated goals and instead look at alternatives to capital punishment.

## International Cooperation

Although many countries still carry out executions, the international community has made progress towards the universal abolition of the death penalty. The decline in the number of countries that use the death penalty confirms the global trend toward the abolition of this punishment.<sup>126</sup> Currently, 70 percent of UN member states no longer execute prisoners, and 60 percent have completely abolished the death penalty. This is a significant change compared to just over 40 years ago when two-thirds of UN member states carried out executions regularly.<sup>127</sup> This progress is largely due to cooperation between countries and international organizations that continues today.

One example of international cooperation towards abolishing the death penalty is the International Commission against the Death Penalty (ICDP), which was founded in October 2010. It started with an initiative in Spain, and its headquarters are based in Madrid.<sup>128</sup> The ICDP is an independent body of politically influential people with international standing. For example, Navi Pillay, the former United Nations High Commissioner for Human Rights, is now President of

reduce-violence-invest-in-place/.

120 Lilik Sugiharti, Rudi Purwono, Miguel Angel Esquivias, and Hilda Rohmawati, "The Nexus between Crime Rates, Poverty, and Income Inequality: A Case Study of Indonesia," *Economies* 11, no. 2 (February 13, 2023): 1, <https://doi.org/10.3390/economies11020062>.

121 Heather L. Sipsma, Maureen E. Canavan, Erika Rogan, Lauren A. Taylor, Kristina M. Talbert-Slagle, and Elizabeth H. Bradley, "Spending on social and public health services and its association with homicide in the USA: an ecological study," *BMJ Open* 7, no. 10 (October 12, 2017): 5, <https://doi.org/10.1136/bmjopen-2017-016379>.

122 Love, "Want to reduce violence?"

123 Robert Muggah and Sameh Wahba, "How reducing inequality will make our cities safer," World Bank Blogs, March 2, 2020, <https://blogs.worldbank.org/sustainablecities/how-reducing-inequality-will-make-our-cities-safer>.

124 Heather L. Sipsma, Maureen E. Canavan, Erika Rogan, Lauren A. Taylor, Kristina M. Talbert-Slagle, and Elizabeth H. Bradley, "Spending on social and public health services and its association with homicide in the USA: an ecological study," *BMJ Open* 7, no. 10 (October 12, 2017): 5, <https://doi.org/10.1136/bmjopen-2017-016379>.

125 Death Penalty Information Center, "Experts Explain Why the Death Penalty Does Not Deter Murder."

126 Ministerio de Asuntos Exteriores, Unión Europea y Cooperación, "International Commission against the Death Penalty Meets in Madrid," news release, July 4, 2022, [https://www.exteriores.gob.es/en/Comunicacion/NotasPrensa/Paginas/2022\\_NOTAS\\_P/20220704\\_NOTA055.aspx](https://www.exteriores.gob.es/en/Comunicacion/NotasPrensa/Paginas/2022_NOTAS_P/20220704_NOTA055.aspx).

127 "Barometer," ECPM/Together Against the Death Penalty, accessed September 27, 2023, <https://www.ecpm.org/en/barometer/>.

128 Ministerio de Asuntos Exteriores, "International Commission against the Death Penalty Meets in Madrid."



the ICDP. The Commission is supported by a group of 23 governments that aim to promote, complement, and support actions towards the abolition of the death penalty.<sup>129</sup> The Commission incentivizes legislative reforms in countries that maintain the death penalty through diplomatic work.<sup>130</sup> It also focuses on the prevention of executions of members of marginalized groups such as children, women, members of the LGBTQ+ community, and individuals with disabilities.<sup>131</sup> Members of the Commission meet once a year.<sup>132</sup> In June 2023, the Commission held its 18th annual meeting in Geneva, Switzerland. At this meeting, the Commission discussed how the death penalty affects children, and shortly after they published a report on this topic.<sup>133</sup> The ICDP also sends missions to meet with government leaders in several countries to encourage them to work towards abolishing the death penalty. In 2023, the ICDP sent missions to South Korea, Malaysia, and Indonesia.<sup>134</sup> ICDP sent a mission to Malaysia to congratulate their government on recently abolishing the mandatory death penalty.<sup>135</sup> In South Korea and Indonesia, missions discussed issues with the death penalty in these countries specifically and how they can make changes to their policies on the death penalty going forward.<sup>136</sup>

The Council of Europe, the European Union's (EU) main decision-making body, is another example of international collaboration to abolish the death penalty. The Council of

Europe has made Europe a death penalty-free zone since 1997.<sup>137</sup> On September 26, 2007, the Council of Europe declared October 10 the "European Day against the Death Penalty." World Day against the Death Penalty also takes place every year on October 10.<sup>138</sup> The reason international leaders chose this date is that it is the anniversary of Protocol 13 to the European Convention on Human Rights (ECHR) which concerns the complete abolition of the death penalty.<sup>139</sup> This day serves as a reminder that many countries still use the death penalty, and it brings awareness to issues surrounding executions.<sup>140</sup> On this day, the EU and the Council of Europe condemn countries that have not yet abolished the death penalty and urge them to do so. They also congratulate countries that have abolished the death penalty that year on this day.<sup>141</sup> Two countries in the Council of Europe have yet to ratify Protocol 13 to the ECHR which prohibits the death penalty under all circumstances: Armenia and Azerbaijan.<sup>142</sup> However, the members of the Council of Europe were able to work with representatives from Azerbaijan and successfully achieved the country's signing of Protocol 13 to the ECHR on March 8, 2023. Azerbaijan still must ratify Protocol 13 before it is legally binding, but this marks an important step towards universal abolition of the death penalty achieved through international collaboration.<sup>143</sup>

The EU is also part of the Global Alliance for Torture-Free

129 Ministerio de Asuntos Exteriores, "International Commission against the Death Penalty Meets in Madrid."

130 Ministerio de Asuntos Exteriores, "International Commission against the Death Penalty Meets in Madrid."

131 Ministerio de Asuntos Exteriores, "International Commission against the Death Penalty Meets in Madrid."

132 Ministerio de Asuntos Exteriores, "International Commission against the Death Penalty Meets in Madrid."

133 "XVIII Meeting of Commissioners and launch of the report 'Children, Youth and the Death Penalty,'" International Commission against the Death Penalty, June 19, 2023, <https://icomdp.org/xviii-meeting-of-commissioners-and-launch-of-the-report-children-youth-and-the-death-penalty/>.

134 "ICDP Missions," International Commission against the Death Penalty, accessed September 27, 2023, <https://icomdp.org/icdp-missions/>.

135 "ICDP mission to Malaysia," International Commission against the Death Penalty, September 14, 2023, <https://icomdp.org/icdp-mission-to-malaysia/>.

136 "Mission to South Korea," International Commission against the Death Penalty, May 30, 2023, <https://icomdp.org/mission-to-south-korea/>; "ICDP mission to Indonesia," International Commission against the Death Penalty, September 19, 2023, <https://icomdp.org/icdp-mission-to-indonesia/>.

137 "World and European Day against the Death Penalty," Council of Europe, accessed September 27, 2023, <https://www.coe.int/en/web/human-rights-rule-of-law/abolition>.

138 Council of Europe, "World and European Day against the Death Penalty."

139 "European and World Day against the Death Penalty: Joint statement by the High Representative, on behalf of the European Union, and the Secretary General of the Council of Europe," Council of Europe, October 10, 2022, <https://www.coe.int/en/web/human-rights-rule-of-law/-/european-and-world-day-against-the-death-penalty-10-october-2022-joint-statement-by-the-high-representative-on-behalf-of-the-european-union-and-the-se>.

140 "Abolition of the death penalty," Council of Europe, accessed September 27, 2023, <https://www.coe.int/en/web/abolition-death-penalty/home>.

141 Council of Europe, "European and World Day against the Death Penalty."

142 Council of Europe, "European and World Day against the Death Penalty."

143 "Azerbaijan signed Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances," Council of Europe, March 8, 2023, <https://www.coe.int/en/web/abolition-death-penalty/-/azerbaijan-signed-protocol-no.-13-to-the-convention-for-the-protection-of-human-rights-and-fundamental-freedoms-concerning-the-abolition-of-the-death-penalty-in-all-circumstances>.



Council of Europe  
Credit: Getty Images

Trade, an organization that they encourage other countries to join as well.<sup>144</sup> This initiative brings together countries from around the world. It aims to end the trade of goods used to carry out the death penalty or other cruel punishments.<sup>145</sup> Argentina, the EU, and Mongolia launched the Global Alliance for Torture-Free Trade on September 18, 2017, at a special event at the start of the UN General Assembly in New York. At the launch event, 57 countries adopted political declarations against the trade of instruments of torture.<sup>146</sup> When countries join the alliance, they agree to take steps to reduce their exports of goods used to carry out executions. They also agree to share practices on how to stop the trade of these goods with other countries that are part of the alliance and to provide technical assistance to countries working to implement national legislation on this issue. Finally, countries in this alliance set up platforms for monitoring and sharing information with each other so that authorities can see how and where these products are traded and find new products.<sup>147</sup> The Global Alliance for Torture-Free Trade demonstrates how when countries can work together to implement creative solutions to stop use of the death penalty worldwide.

The UN also works on issues related to criminal justice. For example, the United Nations Congress on Crime Prevention is the largest gathering of international leaders in the field of crime prevention and criminal justice. This Congress began in 1955 and meets every five years to discuss new developments and issues in the field of criminal justice. The 14th United Nations Congress on Crime Prevention and Criminal Justice, the most recent of these meetings, took place from March 7-12, 2021.<sup>148</sup> Over 5,000 policy-makers, academics, and activists representing 152 member states, 114 non-governmental organizations, 37 intergovernmental organizations, and several UN bodies met in Kyoto, Japan, for the 14th Congress. This meeting focused particularly on advancing crime prevention and criminal justice in alignment with the 2030 Agenda.<sup>149</sup> Member states adopted the Kyoto Declaration at the Congress which included initiatives, such as improving prison conditions and working to rehabilitate and reintegrate prisoners into society. However, the Kyoto Declaration does not mention the death penalty. Several organizations such as Amnesty International and the World Coalition Against the Death Penalty urged the Congress to

<sup>144</sup> Council of Europe, “European and World Day against the Death Penalty.”

<sup>145</sup> “Alliance for Torture-Free Trade,” Alliance for Torture-Free Trade, accessed August 19, 2023, <https://www.torturefreetrade.org>.

<sup>146</sup> Alliance for Torture-Free Trade, “Alliance for Torture-Free Trade.”

<sup>147</sup> Alliance for Torture-Free Trade, “Alliance for Torture-Free Trade.”

<sup>148</sup> “Crime Congress,” United Nations Office on Drugs and Crime, accessed July 25, 2023, <https://www.unodc.org/unodc/en/crimecongress/about.html>.

<sup>149</sup> UNODC, “Crime Congress.”

include discussion of the death penalty at this meeting, but its exclusion was not entirely surprising given that Japan actively uses the death penalty.<sup>150</sup>

Despite this result, significant attention was still brought to the use of the death penalty because of the Congress. In particular, the Japan Federation of Bar Associations (JFBA) worked to raise awareness surrounding the use of the death penalty worldwide and specifically in Japan. The JFBA collaborated with other international organizations and governments such as the Union Internationale des Avocats (UIA), the Australian Embassy, and the Delegation of the European Union to Japan to organize meetings on the death penalty outside of the official meetings of the Congress. Additionally, the JFBA released a statement at the end of the Congress calling on all countries to work towards abolishing the death penalty alongside the previously mentioned organizations and governments. Although the UN Congress on Crime Prevention and Criminal Justice was unable to make significant progress on issues concerning the death penalty, the collaboration between the JFBA and other governments and organizations is extremely significant for the abolition of the death penalty both in Japan and the entire world.<sup>151</sup>

International collaboration has produced significant results towards resolving issues surrounding the death penalty. However, there is still much work to be done. Several countries continue to carry out executions, sometimes in ways that violate international law. Although it has not entirely eliminated problems surrounding the death penalty, international collaboration is necessary to make any progress on this issue.

## Current Status

### Recent Rise of the Death Penalty

In May 2023, Amnesty International published an alarming report stating that the use of the death penalty increased by 53 percent from 2021 to 2022. They recorded a total of 883 known executions in 2022 compared with 579 in 2021. The report noted that it also believes thousands more were secretly carried out, specifically in China.<sup>152</sup> Furthermore, it reported that 20 countries continue to carry out executions, and only six have abolished the death penalty.<sup>153</sup> Five countries reinstated the death penalty in 2022. These are Afghanistan, Kuwait, Myanmar, the State of Palestine, and Singapore.<sup>154</sup> The most executions in 2022 took place in China, Iran, Saudi Arabia, Egypt, and the United States.<sup>155</sup> According to the report, 2022 had the largest increase in the use of the death penalty in the last five years.<sup>156</sup> UNHRC urgently needs to address this alarming rise in the use of the death penalty.

While use of the death penalty increased worldwide, certain regions saw a greater increase than others. The Middle East and North Africa, for example, saw a very sharp increase in the number of executions in 2022. In this region, executions rose 59 percent from 2021 to 2022. Additionally, 93 percent of all known executions in 2022 happened in the Middle East and North Africa.<sup>157</sup> Within the region, Saudi Arabia and Iran saw the greatest increase in executions. 94 percent of all executions in the Middle East and North Africa were in Saudi Arabia or Iran, and both these countries saw large increases in executions compared to the previous year.<sup>158</sup>

Despite Crown Prince Mohammed bin Salman suggesting he would reduce the use of the death penalty in 2020, Saudi Arabia has continued to carry out many executions.<sup>159</sup> The

150 Teppei Ono, "Recapping the UN Crime Congress in Kyoto," World Coalition Against the Death Penalty," March 15, 2021, <https://worldcoalition.org/2021/03/15/recapping-the-un-crime-congress-in-kyoto/>.

151 Ono, "Recapping the UN Crime Congress."

152 Amnesty International, *Death Sentences and Executions 2022* (London: Amnesty International, May 2023), <https://www.amnesty.org/en/documents/act50/6548/2023/en/>.

153 Human Rights Watch, "Saudi Arabia: Mass Execution of 81 Men."

154 Amnesty International, *Death Sentences and Executions 2022*.

155 Amnesty International, "Recorded Executions."

156 Amnesty International, *Death Sentences and Executions 2022*.

157 Amnesty International, *Death Sentences and Executions 2022*.

158 Amnesty International, *Death Sentences and Executions 2022*.

159 Human Rights Watch, "Saudi Arabia: Mass Execution of 81 Men."



number of executions in Saudi Arabia tripled from 2021–2022 to a total of 196 executions. This is the largest number of executions recorded in the country in 30 years.<sup>160</sup> On March 12, 2022, 81 people were executed in Saudi Arabia. This was the largest mass execution to occur in Saudi Arabia in years.<sup>161</sup> 41 of these executions were of Shia men, a religious minority in Saudi Arabia that has historically faced discrimination.<sup>162</sup> Furthermore, it is unlikely that those executed received a fair trial due to abuses in the Saudi criminal justice system. Authorities also failed to notify family members of the executions, and they were not given a chance to say goodbye to their loved ones.<sup>163</sup> In November 2022, UNHRC released a statement raising concerns about the increased use of the death penalty in Saudi Arabia.<sup>164</sup> However, the Saudi government still continues to carry out executions. For example, a retired teacher received a death sentence on July 10, 2023, for posting content on social media that criticized the Saudi royal family.<sup>165</sup> Saudi Arabia's increased use of the death penalty in recent years is alarming, especially considering that it reflects a larger global trend.

Iran similarly increased its use of the death penalty in 2022. There were a total of 576 executions recorded in Iran in 2022, a 83 percent increase from 2021.<sup>166</sup> 70 percent of all executions recorded in the Middle East and North Africa in 2022 were in Iran.<sup>167</sup> Additionally, Iran Human Rights, a non-governmental organization that monitors human rights, reported that there were at least 277 executions between January and May 2023. At least 106 of these executions took place just in May 2023, the most in any one month in more than five years.<sup>168</sup> On May 19, 2023, three protesters were executed in Iran.<sup>169</sup> These

executions received wide scale criticism from the international community. The United Nations Fact-Finding Mission on the Islamic Republic of Iran released a statement on the executions of these protestors. They expressed that they were “deeply alarmed at the continuing executions of protestors pending investigations of alleged human rights violations.”<sup>170</sup> The UN Human Rights Chief, Volker Türk also criticized Iran's average of ten executions per week and called for a moratorium on the death penalty in Iran.<sup>171</sup> Despite this high rate of executions, UNHRC President Vaclav Balek appointed the Permanent Representative of the Islamic Republic of Iran, Ali Bahreini, to chair the UNHRC Social Forum for November 2023.<sup>172</sup> This appointment is especially alarming because of Iran's increased use of the death penalty. It is important to consider how this decision will affect use of the death penalty and human rights globally.

In the American continent, the United States is the only country to execute people for the 14th year in a row. In the United States, each state has its own laws on the use of the death penalty. The federal government also makes its own laws on the use of the death penalty for federal crimes. In total, the United States carried out 18 executions in 2022, an increase of 64 percent from the prior year. People of color and people from low-income backgrounds were disproportionately executed.<sup>173</sup> Around 17 prisoners were executed in the first half of 2023, all by lethal injection.<sup>174</sup> However, the drugs that are used for lethal injection have currently been in low supply. Because of this, several states have changed their laws to allow less humane forms of execution like firing squads to be used.<sup>175</sup> Additionally, the state of Florida recently passed

160 Amnesty International, *Death Sentences and Executions 2022*.

161 Human Rights Watch, “Saudi Arabia: Mass Execution of 81 Men.”

162 Human Rights Watch, “Saudi Arabia: Mass Execution of 81 Men.”

163 Human Rights Watch, “Saudi Arabia: Mass Execution of 81 Men.”

164 “Saudi Arabia: Man Sentenced to Death for Tweets,” Human Rights Watch, August 29, 2023, <https://www.hrw.org/news/2023/08/29/saudi-arabia-man-sentenced-death-tweets>.

165 Human Rights Watch, “Saudi Arabia: Man Sentenced to Death.”

166 Amnesty International, *Death Sentences and Executions 2022*.

167 Amnesty International, *Death Sentences and Executions 2022*.

168 “Iran Continues Aggressive Use of Death Penalty Despite International Condemnation,” Death Penalty Information Center, May 24, 2023, <https://deathpenaltyinfo.org/news/iran-continues-aggressive-use-of-death-penalty-despite-international-condemnation>.

169 Death Penalty Information Center, “Iran Continues Aggressive Use of Death Penalty.”

170 Death Penalty Information Center, “Iran Continues Aggressive Use of Death Penalty.”

171 Death Penalty Information Center, “Iran Continues Aggressive Use of Death Penalty.”

172 Death Penalty Information Center, “Iran Continues Aggressive Use of Death Penalty.”

173 Office of Congresswoman Ayana Pressley, “Pressley, Durbin Reintroduce Bill to End the Federal Death Penalty,” news release, July 13, 2023, <https://pressley.house.gov/2023/07/13/pressley-durbin-reintroduce-bill-to-end-the-federal-death-penalty/>.

174 “Execution List 2023,” Death Penalty Information Center, accessed August 9, 2023, <https://deathpenaltyinfo.org/executions/2023>; Amnesty International, *Death Sentences and Executions 2022*.

175 “Two Steps Forward, Two Steps Back – Updates on the Death Penalty in 2023,” Amnesty International USA, 2023, <https://www.amnesty.org/en/latest/news/2023/08/two-steps-forward-two-steps-back-updates-on-the-death-penalty-in-2023/>.

a law to lower the requirements necessary to issue a death sentence.<sup>176</sup> Nevertheless, states are gradually abolishing the death penalty. Of the 50 states, 23 have completely abolished the death penalty and 14 of them have not used it in over 10 years.<sup>177</sup> Additionally, the state of Ohio held its first hearing on legislation to abolish the death penalty on May 9, 2023.<sup>178</sup> Congresswoman Ayana Pressley and Senator Dick Durbin also introduced the Federal Death Penalty Prohibition Act of 2023 on July 13, 2023. This act would abolish the death penalty at the federal level in the United States.<sup>179</sup> Pressley and Durbin also urged the United States Attorney General, Merrick Garland, to keep the federal moratorium on the death penalty that was introduced in July 2021 in place with the goal of eventually abolishing the federal death penalty.<sup>180</sup> Although there has been some progress in the United States towards abolishing the death penalty, the rising number of executions in 2022 is still concerning and should be addressed.

In the Asia-Pacific region, eight countries used the death penalty in 2022. This was an increase from five countries in 2021.<sup>181</sup> Furthermore, the number of new death sentences in the Asia-Pacific region increased by five percent in 2022.<sup>182</sup> Amnesty International also believes that China carried out thousands of unrecorded executions in 2022.<sup>183</sup> Although China is likely the leader in executions globally, the Chinese media only report a small number of executions. The Chinese government also does not publish data on executions or share information with organizations like Amnesty International, making it difficult to determine the actual number of executions carried out each year. However, based on interviews with Chinese lawyers, judges, and prosecutors, it is estimated

that about 8,000 people are executed in China each year.<sup>184</sup> This implies that the actual increase in executions in the Asia-Pacific region in 2022 was much higher than Amnesty International reported.

The Amnesty International Report also found that the death penalty was used in ways that violate international laws and standards in 2022. These include public executions and the sentencing of minors or people with mental or intellectual disabilities. Death sentences were imposed after proceedings that did not meet the international fair trial standards in several countries, and torture was used as a method to acquire confessions.<sup>185</sup> For example, the three protesters who were executed in Iran on May 19, 2023, were tried and sentenced using confessions obtained through torture.<sup>186</sup> Similarly, military courts sentenced civilians to death in Egypt, Libya, and other countries.<sup>187</sup> The death penalty was also used in crimes that did not involve intentional killing, therefore not meeting the standard of “most serious crimes” under international law.<sup>188</sup> For example, there were 325 confirmed executions for drug-related offenses worldwide in 2022. This was more than double the number recorded in 2021.<sup>189</sup> Four countries executed people for drug-related crimes in 2022 and violated international law.<sup>190</sup> Singapore, one of these four countries, also executed two individuals for drug offenses within three weeks of each other in May 2023. The first was executed for trafficking about two pounds of cannabis. 21 days later, the second was similarly executed for trafficking about 3.5 pounds of cannabis.<sup>191</sup> Furthermore, most death row inmates in Singapore have been convicted for drug-related offenses. Of the 54 inmates currently on death row in Singapore, 51

[amnestyusa.org/updates/two-steps-forward-two-steps-back-updates-on-the-death-penalty-in-2023/](https://amnestyusa.org/updates/two-steps-forward-two-steps-back-updates-on-the-death-penalty-in-2023/).

176 Amnesty International USA, “Two Steps Forward, Two Steps Back.”

177 Amnesty, *Death Sentences and Executions* 2022.

178 Amnesty International USA, “Two Steps Forward, Two Steps Back.”

179 Office of Congresswoman Ayana Pressley, “Pressley, During Reintroduce Bill.”

180 Office of Congresswoman Ayana Pressley, “Pressley, During Reintroduce Bill.”

181 Amnesty, *Death Sentences and Executions* 2022.

182 Amnesty, *Death Sentences and Executions* 2022.

183 Amnesty, *Death Sentences and Executions* 2022.

184 China Against the Death Penalty, “The Status Quo of China’s Death Penalty.”

185 Amnesty, *Death Sentences and Executions* 2022.

186 Death Penalty Information Center, “Iran Continues Aggressive Use of Death Penalty.”

187 Amnesty, *Death Sentences and Executions* 2022.

188 Amnesty, *Death Sentences and Executions* 2022.

189 Amnesty, *Death Sentences and Executions* 2022.

190 Amnesty, *Death Sentences and Executions* 2022.

191 John Yoon, “Singapore Hangs Man in Second Drug-Related Execution in Three Weeks,” *The New York Times*, May 18, 2023, <https://www.nytimes.com/2023/05/18/world/asia/singapore-marijuana-execution.html>.

are for drug-related crimes.<sup>192</sup> The use of the death penalty in ways that violate international law is a growing concern that should be addressed by UNHRC.

The global increase in executions over the past year is concerning. This trend grows even more alarming when considering that many countries do not report all executions that occur in an effort to keep this information a secret. Additionally, uses of the death penalty that violate international law, such as for drug-related offenses, continue to occur internationally. UNHRC must work to improve transparency worldwide when it comes to recording use of the death penalty globally. Additionally, the committee should also continue to find ways to reverse this trend and decrease the use of the death penalty worldwide.

## Recent Progress

Despite the increase in executions in 2022, some progress was made towards limiting use of the death penalty. Six countries abolished the death penalty either fully or partially during that year.<sup>193</sup> Amnesty International also recorded pardons of death sentences in 26 countries in 2022. They also recorded at least 28 releases of prisoners under the death sentence in four countries. These are Kenya, Morocco, the United States, and Zimbabwe.<sup>194</sup> When Amnesty International was founded in 1977, only 16 countries had completely abolished the death penalty. Today, that number has risen to 113, which represents more than half of all countries. An additional nine countries have abolished the death penalty for ordinary crimes, and 23 countries that retain the death penalty legally have not used it in over ten years.<sup>195</sup> Furthermore, 125 UN member states are calling for a moratorium on the death penalty. This progress is promising and shows that it is possible to achieve a future without the death penalty.

Although use of the death penalty increased globally, some regions did make progress towards reducing executions. Sub-Saharan Africa actually saw a decrease in the use of the death penalty in 2022. Recorded executions in this region decreased by 67 percent, and death sentences by 20 percent. Somalia and South Sudan were the only countries to execute people in this region, and Sierra Leone and the Central African Republic abolished the death penalty for all crimes. Equatorial Guinea and Zambia also prohibited the death penalty for ordinary crimes.<sup>196</sup> Despite the growing use of the death penalty globally, the decrease in executions in the Sub-Saharan Africa region is a promising example for the international community to follow.

Ghana became the latest country to abolish the death penalty on July 25, 2023.<sup>197</sup> After Ghanaian President Nana Akufo-Addo urged lawmakers to abolish the death penalty in fall of 2022, the Ghanaian parliament voted to replace the death penalty with life imprisonment under the Criminal Offenses Act as punishment for murder, genocide, and piracy.<sup>198</sup> Before the Ghanaian parliament passed this law, the death penalty was the mandatory sentence for murder in Ghana. The death penalty had not actually been used since 1993, but this mandatory sentencing requirement resulted in seven death sentences in 2022.<sup>199</sup> Now that the parliament has abolished the death penalty, 172 men and six women currently sentenced to death will have their sentences changed to life in prison.<sup>200</sup> This marks an important step towards abolishing the death penalty worldwide.

Countries in other continents have also recently made progress towards eliminating the death penalty. In Central Asia, for example, Kazakhstan abolished the death penalty on June 24, 2022.<sup>201</sup> Although Kazakhstan had a moratorium on the death

192 Yoon, "Singapore Hangs Man."

193 Amnesty, *Death Sentences and Executions 2022*.

194 Amnesty, "Recorded Executions."

195 Amnesty International, "Death Penalty."

196 Amnesty, *Death Sentences and Executions 2022*.

197 "Ghana Abolishes the Death Penalty," Equal Justice Initiative, July 27, 2023, <https://eji.org/news/ghana-abolishes-the-death-penalty/>.

198 Equal Justice Initiative, "Ghana Abolishes."

199 "Ghana parliament votes to abolish death penalty," *BBC News*, July 25, 2023, <https://www.bbc.com/news/world-africa-66308724>.

200 Equal Justice Initiative, "Ghana Abolishes."

201 "An end to the death penalty in Kazakhstan," Sigrid Rausing Trust, September 20, 2022, <https://www.sigrid-rausing-trust.org/story/an-end-to-the-death-penalty-in-kazakhstan/>.



penalty since 2003, this did not include terrorism-related crimes. For this reason, death sentences were still handed out in Kazakhstan until 2016.<sup>202</sup> After advocacy efforts from many human rights organizations, Kazakhstan adopted the Second Optional Protocol of the International Covenant on Civil and Political Rights (ICCPR), an international human rights treaty.<sup>203</sup> The Second Optional Protocol of this treaty calls on states to “take all necessary measures to abolish the death penalty within its jurisdiction.”<sup>204</sup> Kazakhstan then passed a law in December 2021 that abolished the death penalty and replaced it with life imprisonment in the country’s Criminal Code. This law then took effect in June 2022.<sup>205</sup> Kazakhstan is an example of the importance of international agreements in abolishing the death penalty worldwide and the power they hold when countries commit to these agreements.

In countries that retain the death penalty, progress has still been made by stopping individual executions from taking place. The United States Supreme Court, for example, suspended the execution of Richard Glossip on May 5, 2023. Richard Glossip is accused of hiring someone for murder in 1997 and was sentenced to death in June 1998.<sup>206</sup> However, Glossip had a retrial in 2004 because his lawyers were deemed incompetent. He was again sentenced to death, but the Oklahoma legislature asked for an independent investigation of this trial. The investigation found that the state destroyed evidence before the trial, used a flawed police report, and had an unreliable witness when Glossip was found guilty and sentenced to death.<sup>207</sup> A second independent investigation found similar errors in Glossip’s trial which led the Oklahoma Attorney General, the state’s top legal officer, to request that the conviction be overturned.<sup>208</sup> After spending 26 years

in prison, Glossip was scheduled to be executed on May 18, 2023, his ninth scheduled execution date.<sup>209</sup> On May 5, Glossip was saying what he thought was his final goodbye to his wife when he found out that the United States Supreme Court was temporarily stopping his execution while they decided whether to take his case. Glossip is now waiting to see if the Supreme Court will hear his case and stop his execution entirely.<sup>210</sup> While this is a step in the right direction, countries that retain the death penalty, like the United States, should work towards eliminating the death penalty so that no one has to face execution.

In addition to individual states, the international community is also working together to abolish the death penalty worldwide. In November 2022, for example, the United Nations Social, Humanitarian, and Cultural committee (SOCHUM) passed a resolution on the moratorium of the death penalty. The resolution passed with 126 votes in favor, 37 against, and 24 abstentions.<sup>211</sup> This resolution calls on member states to observe a moratorium on the death penalty and to work towards abolishing it completely. It also urges member states to improve conditions for prisoners awaiting execution and to ensure that the death penalty is not used in a discriminatory way.<sup>212</sup> However, the resolution was only passed after delegates passed an amendment that reaffirmed the right of each state to develop their own legal systems and legal punishments as long as they do not violate international law. This amendment passed with 103 in favor, 68 against, and 13 abstentions. The delegate of Singapore introduced this amendment and emphasized the importance of respecting each state’s sovereignty when it comes to their legal rules and practices. The delegate of the United States also added that international

202 Sigrid Rausing Trust, “An end to the death penalty.”

203 Sigrid Rausing Trust, “An end to the death penalty”; “International Covenant on Civil and Political Rights (ICCPR),” Equality and Human Rights Commission, last modified March 12, 2020, <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/international-covenant-civil-and-political-rights>.

204 UN General Assembly, Resolution 44/128, Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, A/RES/44/128, ¶ 21 (December 15, 1989), <https://undocs.org/A/RES/44/128>.

205 Sigrid Rausing Trust, “An end to the death penalty.”

206 Brynn Gingras, Linh Tran, and Dakin Andone, “Before his 9th scheduled execution, now on hold, Richard Glossip said he hoped his fate ‘can never happen to anybody else again,’” CNN, May 5, 2023, <https://www.cnn.com/2023/05/04/us/richard-glossip-oklahoma-execution/index.html>.

207 Gingras, Tran, and Andone, “Before his 9th scheduled execution.”

208 Gingras, Tran, and Andone, “Before his 9th scheduled execution.”

209 Alicia Maule, “Richard Glossip: Facing Execution in Oklahoma Despite Strong Innocence Claim,” Innocence Project, June 6, 2023, <https://innocenceproject.org/news/richard-glossip-facing-execution-in-oklahoma-despite-strong-innocence-claim/>.

210 Gingras, Tran, and Andone, “Before his 9th scheduled execution.”

211 United Nations, “Missing Persons, Extrajudicial Executions, Death Penalty Moratorium among Rights Questions of Six Draft Resolutions Approved by Third Committee,” news release, November 11, 2022, <https://press.un.org/en/2022/gashc4367.doc.htm>.

212 United Nations, “Missing Persons.”

law currently allows for the use of the death penalty under certain conditions. The delegate stated that countries should focus on ensuring uses of the death penalty do not violate these conditions rather than abolish it completely.<sup>213</sup> While this resolution shows that many countries support the abolition of the death penalty, it also highlights shortcomings in current international law that allow for its continued use.

Additionally, the United Nations Human Rights Council (UNHRC) discussed the death penalty at its 51st session which took place from September 12 to October 7 of 2022.<sup>214</sup> During this session, the Acting High Commissioner, Nada Al-Nashif, brought attention to the execution of eight people in Singapore for drug-related offenses. In response, she called for an immediate moratorium on the death penalty, especially for drug-related crimes.<sup>215</sup> Al-Nashif also called on Myanmar to reinstate their moratorium on the death penalty amongst recent executions that violate international law.<sup>216</sup> The Office of the United Nations High Commissioner for Human Rights (OHCHR) also presented an update on the human rights situation in Belarus and recent changes to their criminal code concerning the death penalty. In 2022, Belarus made attempts to commit acts of terrorism a crime punishable by the death penalty. Al-Nashif called for an immediate moratorium on the death penalty and a timetable for its review.<sup>217</sup>

The United Nations Secretary-General, António Guterres, also presented his report on the death penalty during this UNHRC session. This report covers updates on the use of the death penalty globally between July 2020 and June 2022.<sup>218</sup> In his report, Guterres praised Kazakhstan, Sierra Leone, the Central African Republic, and Papua New Guinea for abolishing the death penalty between 2020 and 2022.<sup>219</sup> However, he also noted the increase in the number of

executions in 2021 and 2022 after the COVID-19 pandemic. The report also urged states to remove any legal provisions that could lead to discriminatory use of the death penalty against vulnerable groups of people such as those from low-income backgrounds, foreign nationals, and women.<sup>220</sup> Finally, Guterres called on countries that have not abolished the death penalty to implement a moratorium on executions and to work towards eventually eliminating the death penalty completely.<sup>221</sup> The discussion of the death penalty at the 51st session of the UNHRC highlights the importance of this issue to the committee.

In the past few years, the international community has made significant progress towards abolishing the death penalty and protecting human rights across the world. However, the increase in the use of the death penalty globally in 2022 shows that there is more work to be done. As Àgnes Callamard, Secretary General of Amnesty International stated, “As many countries continue to consign the death penalty to the dustbin of history, it’s time for others to follow it. Those countries should urgently catch up and execute justice rather than people.”<sup>222</sup> UNHRC should use the successes of the past few years as a model for abolishing the death penalty worldwide.

## Sustainable Development Goals

In 2015, all member states of the United Nations adopted the 2030 Sustainable Development Agenda. This agreement aims to address some of the most pressing challenges facing the world today. The 2030 Sustainable Development includes the creation of the 17 Sustainable Development Goals (SDGs). The SDGs each address a different aspect of sustainable development, such as eliminating poverty, fostering economic growth, and combating climate change. The collaboration of

<sup>213</sup> United Nations, “Missing Persons.”

<sup>214</sup> “Report on the 51st session of the Human Rights Council,” Universal Rights Group, October 10, 2022, <https://www.universal-rights.org/report-on-the-51st-session-of-the-human-rights-council/>.

<sup>215</sup> “Abolition of the death penalty at the United Nations Human Rights Council 51st session,” World Coalition Against The Death Penalty, October 24, 2022, <https://worldcoalition.org/2022/10/24/abolition-of-the-death-penalty-at-the-united-nations-human-rights-council-51st-session/>.

<sup>216</sup> World Coalition Against the Death Penalty, “Abolition of the death penalty.”

<sup>217</sup> World Coalition Against the Death Penalty, “Abolition of the death penalty.”

<sup>218</sup> “September 2022 Quarterly Update of the Campaign for the Abolition of the Death Penalty,” Parliamentarians for Global Action, accessed September 13, 2023, <https://www.pgaction.org/ilhr/adp/quarterly-updates/2022-10.html>.

<sup>219</sup> World Coalition Against the Death Penalty, “Abolition of the death penalty.”

<sup>220</sup> World Coalition Against the Death Penalty, “Abolition of the death penalty.”

<sup>221</sup> World Coalition Against the Death Penalty, “Abolition of the death penalty.”

<sup>222</sup> Amnesty International, “Recorded Executions.”

all member states is necessary to achieve the SDGs.<sup>223</sup>

The death penalty is inconsistent with the SDGs. This includes Goal 10: Reduced Inequalities.<sup>224</sup> SDG 10 aims to ensure equal opportunities and reduce systemic inequalities. To achieve this, countries must eliminate discriminatory laws, policies, and practices.<sup>225</sup> The death penalty is a discriminatory practice because it impacts people from vulnerable groups the most. According to UN human rights experts, “If you are poor, the chances of being sentenced to death are immensely higher than if you are rich.”<sup>226</sup> According to one judge in the United States, over 99 percent of people on death row in the country are impoverished.<sup>227</sup> Similarly, a senior judicial official in Kenya said that most of the 800 people on death row in the country came from low-income backgrounds and had less education. For example, in one part of the country, only two out of 167 death row inmates had a university education.<sup>228</sup> Likewise, members of minority racial or ethnic groups are disproportionately targeted by the death penalty. In the United States, for example, 41 percent of death row inmates are Black despite only making up 13 percent of the United States population.<sup>229</sup> Similarly, foreign nationals are disproportionately executed in Bahrain and Malaysia, making up 40 percent and 30 percent of death row inmates, respectfully.<sup>230</sup> People of all economic, racial, and ethnic backgrounds commit crimes, but those from marginalized groups are most impacted. The abolition of the death penalty would alleviate some discrimination and make progress towards achieving SDG 10.<sup>231</sup>

Goal 16: Peace Justice and Strong Institutions, also conflicts with the death penalty. SDG 16 calls for peaceful and inclusive societies for sustainable development. Specifically, Target 16.1 calls on countries to “significantly reduce all forms of violence and related death rates everywhere.”<sup>232</sup> As seen in the examples mentioned previously, use of the death penalty has increased over the past year resulting in more deaths worldwide. The death penalty also creates a cycle of violence in communities that use it.<sup>233</sup> Additionally, Target 16.6 calls on countries to “develop effective, accountable and transparent institutions at all levels.”<sup>234</sup> The examples mentioned previously show that there is often a lack of transparency surrounding executions. China, for example, refuses to share information on its use of the death penalty.<sup>235</sup> Similarly, Saudi officials executed prisoners in early 2023 without notifying their families.<sup>236</sup> These are just some examples of the lack of transparency and accountability surrounding the death penalty globally. Furthermore, the death penalty can lead to executions of innocent people who were wrongfully convicted. For example, the National Academy of Sciences estimates that 41 percent of people on death row in the United States in 2021 were innocent.<sup>237</sup> This undermines the effectiveness of justice systems worldwide and hinders progress towards achieving SDG 16.

The elimination of the death penalty is necessary to achieve the 2030 Sustainable Agenda. This punishment reinforces existing inequalities in the countries that still use it. Specifically, the death penalty disproportionately affects marginalized groups. The death penalty also undermines the effectiveness

223 “The 17 Goals,” United Nations Department of Economic and Social Affairs, accessed September 13, 2023, <https://sdgs.un.org/goals>.

224 “Take Action for the Sustainable Development Goals,” Sustainable Development Goals, accessed August 10, 2023, <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>.

225 “Goal 10: Reduced inequalities,” United Nations Department of Economic and Social Affairs, accessed September 13, 2023, <https://sdgs.un.org/goals/goal10>.

226 OHCHR, “Death penalty disproportionately affects the poor.”

227 “Some Facts about the Death Penalty,” Oklahoma Coalition to Abolish the Death Penalty, March 2009, <https://okcadp.org/public-education/educational-resources/facts-about-the-death-penalty>.

228 “Death row ‘reserved for the poor,’” United Nations Office of the High Commissioner for Human Rights, October 16, 2018, <https://www.ohchr.org/en/stories/2018/10/death-row-reserved-poor>.

229 National Association of Criminal Defense Lawyers, “Race and the Death Penalty.”

230 “Death penalty,” Penal Reform International, accessed September 13, 2023, <https://www.penalreform.org/global-prison-trends-2022/death-penalty/>.

231 Sustainable Development Goals, “Take Action.”

232 “Goal 16: Peace, justice and strong institutions,” United Nations Department of Economic and Social Affairs, accessed September 14, 2023, <https://sdgs.un.org/goals/goal16>.

233 “UN human rights official underscores effects of death penalty on range of victims,” United Nations Office of the High Commissioner for Human Rights, September 22, 2016, <https://www.ohchr.org/en/stories/2016/09/un-human-rights-official-underscores-effects-death-penalty-range-victims>.

234 United Nations Department of Economic and Social Affairs, “Goal 16.”

235 China Against the Death Penalty, “The Status Quo of China’s Death Penalty.”

236 Human Rights Watch, “Saudi Arabia: Mass Execution of 81 Men.”

237 “About Innocence,” Witness to Innocence, February 2021, <https://www.witnesstoinnocence.org/innocence>.



of legal institutions and perpetuates violence. Abolishing the death penalty is essential for a peaceful and prosperous future

## Bloc Analysis

### Points of Division

Although the death penalty is not used in all countries, this issue affects every country. For example, even countries that have abolished the death penalty might be concerned that their citizens could be executed in countries that still use it.<sup>238</sup> The death penalty is an obstacle to achieving human rights worldwide, and it is the responsibility of every country to overcome it. However, there are many differing views on the death penalty amongst different countries. This can be seen in the differing status of the death penalty in each country. Countries will have different policies and views on the use of the death penalty internationally based on their own policies on the death penalty.<sup>239</sup>

Every country has a unique position on the death penalty, but they generally fall into three different blocs. The first is countries that have abolished the death penalty. These countries no longer execute people and typically advocate for other countries to follow them in abolishing the death penalty.<sup>240</sup> The second is countries that are working towards the abolition of the death penalty. These could be countries that have prohibited use of the death penalty for some crimes but not all crimes. They could also be countries that have a moratorium on the death penalty or countries that do not currently use the death penalty even though it is still part of their law.<sup>241</sup> The third is countries that actively use the death penalty. These are countries that currently carry out executions and are opposed to an international ban on the death penalty.<sup>242</sup>

Amnesty International publishes updated information on the status of the death penalty in every country.<sup>243</sup> Delegates should use this information to determine which bloc their country falls under.

Although countries are divided into blocs based on their policies on the death penalty, these blocs are highly unconventional. For example, while the United States and Iran both retain the death penalty, they claim different reasons for doing so. Likewise, Turkey and Armenia disagree on many international policies and human rights issues, but both countries have abolished the death penalty.<sup>244</sup> While countries within these blocs have similar legal stances on the death penalty, they might still disagree on many fundamental human rights issues. This unique situation will make for an interesting debate in committee, including within each bloc.

### Universal Abolition of the Death Penalty

Countries in this bloc have abolished the death penalty in their own countries and encourage other countries to do the same. They might also dedicate funds to the abolition of the death penalty worldwide. These countries follow international law, specifically the Universal Declaration of Human Rights that establishes the universal right to life and to live free from cruel or inhumane punishment or torture.<sup>245</sup> They are also signatories on international and regional treaties that support the abolition of the death penalty.<sup>246</sup>

All countries in the European Union (EU) have abolished the death penalty and are in this bloc. The EU first banned use of the death penalty in peacetime in 1983 with Protocol No. 6 to the European Convention on Human Rights (ECHR).<sup>247</sup> Then in 2002, the EU abolished the death penalty under all circumstances with Protocol No. 13 to the ECHR which took

238 Death Penalty Information Center, "International."

239 Amnesty International, "Death penalty."

240 Amnesty International, "Death penalty."

241 Amnesty International, "Death penalty."

242 Amnesty International, "Death penalty."

243 Amnesty International, "Death penalty."

244 Amnesty International, "Death penalty."

245 UN General Assembly, Resolution 217 A (III), Universal Declaration of Human Rights, A/RES/3/217 A, ¶ 13-15 (December 10, 1948), <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>.

246 Amnesty International, *10 reasons to abolish the death penalty*, (Amnesty International, 2004), <https://www.amnesty.org/en/wp-content/uploads/2021/08/afr10132004en.pdf>.

247 "Abolition of the Death Penalty in Europe," Council of Europe, accessed September 14, 2023, <https://www.coe.int/en/web/abolition-death-penalty/abolition-of-death-penalty-in-europe>.

effect on July 1, 2003.<sup>248</sup> Abolition of the death penalty is also now a requirement for states to enter into the EU.<sup>249</sup> Member states of the EU state that they oppose the death penalty because it violates the right to life, does not deter crime, and is an irreversible punishment.<sup>250</sup> Although Belarus is not part of the EU, the EU still calls on Belarus to abolish the death penalty. Belarus is currently the only country in Europe that uses the death penalty.<sup>251</sup> The EU has also called on the United States and Japan to abolish the death penalty.<sup>252</sup> The United States and Japan are both observers to the EU which means that they can attend EU meetings but cannot participate in them.<sup>253</sup> In July 2020, The EU also called on Iran to repeal a death sentence given to an Iranian-German for criticizing the Iranian regime.<sup>254</sup> The member states of the EU are strongly opposed to the death penalty in Europe and across the world.

Cambodia is another example of a country in this bloc. Cambodia is one of only two countries in the Association of Southeast Nations (ASEAN) to have abolished the death penalty.<sup>255</sup> Cambodia abolished the death penalty entirely in 1989, one of the first countries to do so.<sup>256</sup> Like the EU, Cambodia also calls on other countries to refrain from using the death penalty. For example, in June 2022, Cambodian Prime Minister Hun Sen called on Myanmar to stop the execution of four of its political opponents.<sup>257</sup> Despite concerns about human rights violations in Cambodia, the country remains a strong opponent of the death penalty.<sup>258</sup>

It is important to note that the countries within this bloc still have disagreements with each other. For example, the EU

suspended some trade preferences for Cambodia in 2020 as a response to its worsening human rights situation.<sup>259</sup> Additionally, countries in this bloc might have different reasons for abolishing the death penalty. However, all countries in this bloc agree that the death penalty should be abolished worldwide and call on other countries to join them in eliminating this punishment.

## Local Abolition of the Death Penalty

Countries that legally support the death penalty but are moving towards its abolition fall within this bloc. This includes countries that have not used the death penalty for at least ten years and countries that have abolished the death penalty under some but not all circumstances. These countries acknowledge that the abolition of this death penalty is possible and are working towards this goal in their country.

One example of a country in this bloc is Algeria. The death penalty is still legal under Algerian law, but this country has not executed anyone since 1993.<sup>260</sup> Although Algeria has not used the death penalty in 20 years, it continues to hand out death sentences. For example, an Algerian court sentenced 49 people to death in November 2022 for their involvement in a mob killing.<sup>261</sup> These death sentences are still concerning even though Algeria has not used the death penalty recently. Peru is another country that falls under this bloc. Unlike Algeria, however, Peru has partially abolished the death penalty. The death penalty is currently illegal in Peru for ordinary crimes only.<sup>262</sup> Because Peru has not fully abolished the death penalty,

248 Council of Europe, "Abolition of the Death Penalty in Europe."

249 "EU Statement on the death penalty," The Diplomatic Service of the European Union, July 8, 2020, [https://www.eeas.europa.eu/eeas/eu-statement-death-penalty\\_en](https://www.eeas.europa.eu/eeas/eu-statement-death-penalty_en).

250 The Diplomatic Service of the European Union, "EU statement on the death penalty."

251 The Diplomatic Service of the European Union, "EU statement on the death penalty."

252 The Diplomatic Service of the European Union, "EU statement on the death penalty."

253 "The Observers' Handbook," European Parliament, accessed September 14, 2023, <https://www.europarl.europa.eu/observers/information.htm>.

254 Damien McGuinness, "Jamshid Sharmahd: Iran could execute my dad at any time, says German woman," *BBC News*, July 22, 2023, <https://www.bbc.com/news/world-europe-66268645>.

255 James Heenan and Olivier Lermet, *Abolition of the death penalty: a growing worldwide trend* (OHCHR, October 10, 2012), [https://cambodia.ohchr.org/sites/default/files/news/WebDOCs/2012/Joint-OHCHR-UNODC\\_Op-Ed\\_on\\_the\\_death\\_penalty\\_10\\_Oct.pdf](https://cambodia.ohchr.org/sites/default/files/news/WebDOCs/2012/Joint-OHCHR-UNODC_Op-Ed_on_the_death_penalty_10_Oct.pdf).

256 Heenan and Lermet, *Abolition of the death penalty*.

257 Sopheng Cheang and Grant Peck, "Cambodian leader asks Myanmar to reconsider foes' executions," *Associated Press*, June 11, 2022, <https://apnews.com/article/min-aung-hlaing-hun-sen-cambodia-myanmar-government-and-politics-cc48dbf1d45baa49aaf0dbc3266add9d>.

258 Cheang and Peck, "Cambodian leader asks Myanmar."

259 "Cambodia: EU Partially Suspends Trade Preferences," Human Rights Watch, February 13, 2020, <https://www.hrw.org/news/2020/02/13/cambodia-eu-partially-suspends-trade-preferences>.

260 "Algeria," World Coalition Against the Death Penalty, last modified May 23, 2023, <https://worldcoalition.org/pays/algeria/>.

261 "49 people sentenced to death for mob killing in Algeria," *The Guardian*, November 25, 2022, <https://www.theguardian.com/world/2022/nov/25/49-people-sentenced-to-death-for-mob-killing-in-algeria>.

262 "Peru," World Coalition Against the Death Penalty, last modified May 23, 2023, <https://worldcoalition.org/pays/peru/>.

it falls under this bloc rather than the previous one.

These countries often support increased transparency surrounding use of the death penalty. Though they might still use the death penalty under some circumstances or still include it in their laws, they typically follow international law regarding the death penalty. This means that the death penalty is used, it is only for the most serious crimes, and those condemned are given a fair trial.<sup>263</sup> Many of them do support abolitionist campaigns and receive support from the international community to move forward with abolitionist initiatives at national and regional levels.<sup>264</sup> Like countries in the previous bloc, it is important to note that views on the death penalty vary within this bloc as well. For example, some countries in this bloc still use the death penalty under certain circumstances while others have not used it in several years. The death penalty is still fully legal in some of these countries while only partially legal in others. Despite these differences, however, countries in this bloc can generally agree that the international community should reduce use of the death penalty even if it is not abolished completely.

### Active Use of the Death Penalty

Countries within this bloc currently use the death penalty. The death penalty is also legal in these countries for both severe and ordinary crimes. This bloc includes China, Iran, Saudi Arabia, the United States, and Singapore.<sup>265</sup> While all countries in this bloc use the death penalty, they use different reasons to justify its use. Many claim that the death penalty is a way to deter people from committing a crime. These countries justify the death penalty by claiming that it ultimately saves lives by discouraging people from committing murder.<sup>266</sup>

Other countries in this bloc claim deserved punishment as justification for the death penalty. This means that real justice requires people to suffer from their wrongdoings in a way that is proportionate to the crime committed.<sup>267</sup>

The United States is an example of a country that claims to use the death penalty to deter crime.<sup>268</sup> Many Americans including US politicians and government officials claim that the death penalty discourages people from committing serious crimes such as murder because they do not want to face the punishment for these crimes.<sup>269</sup> However, there has been little research to support this argument.<sup>270</sup> Japan, on the other hand, uses the deserved punishment as justification for the death penalty. Japanese culture places a large emphasis on following the law. Japan defends the death penalty by claiming that it is a consequence for those who have done something to deserve it.<sup>271</sup> Although Japan seemed to be making progress towards abolishing the death penalty until Japanese Prime Minister Kishida Fumio approved the execution of three death row inmates in December 2021. Prime Minister Fumio defended his decision by claiming that the death penalty must exist as long as “atrocious crimes” occur.<sup>272</sup>

Despite claiming different reasons for using the death penalty, countries in this bloc generally agree on the continued use of the death penalty. Just like the first two blocs, this bloc contains countries that often vary in their stances on human rights. For example, countries like the United States and Japan disagree with countries like Iran and Saudi Arabia on many international policies and human rights issues. However, all four of these countries continue to use the death penalty and fall into this bloc. However, nearly every country in this bloc opposes the complete abolition of the death penalty

263 Amnesty International, “Death penalty.”

264 OHCHR, “Pathways to Moratorium.”

265 Amnesty International, “Death Penalty.”

266 Amnesty International, “Death Penalty.”

267 “Should the Death Penalty Be Used for Retribution for Victims and/or Society?” ProCon.org, last modified September 20, 2021, <https://deathpenalty.procon.org/questions/should-the-death-penalty-be-used-for-retribution/>.

268 Richard Berk, “Does the Death Penalty Deter Crime?” University of Pennsylvania Department of Criminology, accessed September 15, 2023, <https://crim.sas.upenn.edu/fact-check/does-death-penalty-deter-crime>.

269 “Does the Death Penalty Deter Crime?” ProCon.org, last modified September 20, 2021, <https://deathpenalty.procon.org/questions/does-the-death-penalty-deter-crime/>.

270 Elizabeth Lacy, “Research Discredits Claim That the Death Penalty Deters Crime,” The Advocates for Human Rights, February 22, 2021, <https://www.theadvocatesforhumanrights.org/News/A/Index?id=39>.

271 “Arguments in favour of Capital Punishment,” BBC News, accessed August 10, 2023, [https://www.bbc.co.uk/ethics/capitalpunishment/for\\_1.shtml](https://www.bbc.co.uk/ethics/capitalpunishment/for_1.shtml).

272 “Why Japan retains the death penalty,” *The Economist*, April 26, 2022, <https://www.economist.com/the-economist-explains/2022/04/26/why-japan-retains-the-death-penalty>.



internationally. It is important that these countries, along with the rest of the committee, still find ways to address inequalities and international law violations related to the death penalty to ensure that they respect human rights.

rights in all of its recommendations.

## Committee Mission

The United Nations Human Rights Council (UNHRC) is responsible for promoting and protecting human rights throughout the international community.<sup>273</sup> Its 47 member states discuss fundamental freedoms for all. The most commonly accepted human rights are those outlined in the Universal Declaration of Human Rights. Although the UNHRC cannot enforce policies or sanction countries, it is still one of the most important UN bodies. It has the ability to recommend processes, facilitate dialogue, and monitor human rights around themes to hold countries accountable.<sup>274</sup> It can also ensure the accuracy of worldwide data related to human rights.

The discussion of the death penalty should revolve around proposing long-term solutions to this issue. While there are drawbacks to the death penalty, it is still used as a cultural or religious symbol in some communities. Thus, creating guidelines for the use of the death penalty and the meaning of the punishment are necessary to reduce cases of wrongfully convicted people.<sup>275</sup> However, the UNHRC must also respect the sovereignty of each member state when discussing the death penalty and recommending suggestions. Overall, discussion of the death penalty in the UNHRC should center on the human rights issues that arise because of continued use of the death penalty. Solutions should also focus on how to promote and protect human rights worldwide.

It is the responsibility of the UNHRC to critically analyze how the death penalty is used in the modern world. Then, the committee will be able to make a decision on if or how it should be used in modern society. Thus, while the UNHRC cannot force countries to change their practices on the death penalty, it must create an environment that promotes human

<sup>273</sup> “Human Rights Committee,” United Nations Human Rights Office of the High Commissioner, accessed August 13, 2023, <https://www.ohchr.org/en/treaty-bodies/ccpr>.

<sup>274</sup> OHCHR, “Human Rights Committee.”

<sup>275</sup> OHCHR, “Human Rights Committee.”

## Research and Preparation Questions

Your dais has prepared the following research and preparation questions as a means of providing guidance for your research process. These questions should be carefully considered, as they embody some of the main critical thought and learning objectives surrounding your topic.

### Topic A

1. What are the main problems Nicaragua faces regarding human rights? How and why are they challenging?
2. What initiatives have been implemented to help solve similar problems in other countries that could apply to Nicaragua too? Have they been effective? How has the government addressed this topic on both a national and international scale?
3. What are the most protested human rights problems in Nicaragua? How does the government respond to those protests?
4. What role do non-governmental organizations (NGOs) and civil society play in promoting and protecting human rights in Nicaragua? Are there any challenges they face in carrying out their work?
5. What is the state of the justice system and the rule of law in Nicaragua, and how do they impact human rights protection and access to justice?
6. How has the situation of marginalized and vulnerable groups, such as Indigenous communities and women, been addressed concerning human rights in Nicaragua?

### Topic B

1. How are the most serious crimes punished in your country? Is the death penalty used?
2. Does your country actively promote organizations that support those who are wrongfully convicted?
3. How often do offenders repeat crimes in your country? Are there rehabilitative programs that work to improve the well-being of the incarcerated?
4. Has your country deterred violent crimes from the usage of the death penalty?
5. How has the death penalty impacted your country from an economic standpoint? Is it sustainable?
6. What trends does your country follow when it comes to the death penalty? Are rates declining, increasing, or changing?
7. How can your country support the United Nations Human Rights Council in abolishing this practice?

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### Topic A

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## Topic B

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The National High School Model United Nations Conference (NHSMUN) is a project of IMUNA, a non-profit organization formally associated with the United Nations Department of Global Communications (UNDGC). IMUNA is dedicated to promoting global issues education through simulation.

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