



GEMS Cambridge International School Abu Dhabi Model of United Nations 2020

CIAMUN

United Nations General Assembly Sixth Committee (LEGAL) Background Guide

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# INDEX

Letter of Introduction .....3

**Topic 1: Protecting the rights and welfare of individuals not recognized as citizens of any sovereign state**

- Overview
- Questions to Consider

**Topic 2: Capital Punishment**

- Overview
- Questions to Consider

**Works Cited**



## LETTER OF INTRODUCTION

Dear Delegates,

It is an honor and a privilege to welcome you to the Cambridge International Abu Dhabi Model United Nations (CIAMUN). Our names are Sonia Azher and Mariam Amr, and we will be your Chairs for the duration of this conference. We wish you a stimulating and exciting experience as delegates of the United Nations General Assembly Sixth Committee.

The Sixth Committee is the primary medium for the consideration of all legal questions in the General Assembly (GA), in which all United Nations Member States have equal representation. The composition, functions, powers, voting, and procedures of the Sixth Committee are set out in Chapter IV of the UN Charter. Its main responsibilities are to oversee the budget of the United Nations, appoint the non-permanent members to the Security Council, receive reports from other parts of the United Nations and make recommendations in the form of Resolutions.

This subsidiary body was created in 1947, and it assists the GA in the application of Article 13 of the United Nations Charter which states that the GA will a) promote international cooperation and encourage the progression and development of international law, and b) the GA will assist in the realization of human rights and fundamental freedoms for all without distinction to race, sex, language, or religion, as the sixth committee deals with matters of the international law. These provisions have been taken in the practice as an authorization to fashion new treaties on the broadest range of issues, to subsequently adopt them, and to recommend them to States for their signature, ratification, and concurrence. Non-member states with an observer status in the GA may attend and contribute in discussions.

The topics to be recognized in this conference are both modern topics currently affecting mass numbers of people around the world. In addition to this, the topics chosen are likely to provoke fruitful, successful, and gripping debates from all every Member State. We expect you, as the delegates, to undertake additional research to ensure the maintenance of high quality and knowledgeable discussions, and take up the challenge of trying to issues strongly disputed in the United Nations.

We understand that coming to a conference incites certain fear and nervousness, and would like to mention that you are encouraged to contact me with any questions or concerns you may have.

We look forward to meeting you all, and wish you a pleasant few weeks until CIAMUN. Good luck, Delegates!

Sincerely,

Sonia Azher and Mariam Amr

Chairs

*If you want to get in contact with any of the chairs email us to our MUN email at [ciamun.legal@gmail.com](mailto:ciamun.legal@gmail.com).*



## **TOPIC 1: PROTECTING THE RIGHTS AND WELFARE OF INDIVIDUALS NOT RECOGNIZED AS CITIZENS OF ANY SOVEREIGN STATE**

### **Overview:**

“Everyone has a right to a nationality. No one shall be arbitrarily deprived of his nationality, nor denied the right to change his nationality.” Article 15 of the 1948 Universal Declaration of Human Right calls upon all individuals to have a connection with a nation. This articles calls for everyone to have a nationality or citizenship, which not only allows people to feel a sense of identity, but it also gives them the legal right to the protection of a state, in addition to numerous educational, medical, and political rights. Despite these set regulations, statelessness has emerged to be a pressing matter, in which a great deal of people are at a monumental disadvantage, having to face the lack of a home, a legal state to call their own, a land to pledge allegiance to.

Primarily, the matter of statelessness arises in the face of immigrants and refugees. Refugees that have been forsaken from their own homelands and are now being ignored by the lands they have sought out for protection and support. They are being denied the opportunity to educate their youth, or to work and earn so they may feed their families. They are being deprived of opportunities and a sense of belonging. Others that may face include, but are not limited to, those with a conflict of laws, transference of territory, marriage laws, administrative malpractices, discrimination, lack of birth registration, denationalization, and renunciation.

According to recent estimates, there are nearly eleven million stateless individuals around the world; this is only an estimate as it has been difficult for organization to collect data as the definition of statelessness is disputed amongst nations, as governments are often reluctant to give away information of such a sensitive matter.

Previously, statelessness was a disregarded matter, however in the recent years, the numbers of stateless persons has spiked, making a cause for international concern and pushing the international community to become more aware of stateless people in respect of human rights. However, a viewpoint has been brought forward in which it was mentioned that perhaps facilitating access to nationality for all migrants may be misused to evade immigration restrictions or to even escape deportation. This viewpoint raises the question: would providing a citizenship to certain individuals bring forth possible political conflict? States are henceforth looking for the way to decrease statelessness and end the misery of those without rights to the best of their ability, while maintaining thorough searches to determine the intentions and right practices of those they may be providing a right of citizenship to.

In addition to that, the UNHCR has previously attempted to settle this issue by beginning the #IBELONG movement bringing forth pledges on the occasion of the High-Level segment on Statelessness in October 2019. 252 of these pledges were delivered by States, 73 were by civil society organizations, and 33 were by international and regional organizations.

Seeing the levels of statelessness standing still, the Legal Community must discover a way forward in which governments, society, and international communities work together so that stateless individuals may finally enjoy the “right of rights.”

### **Questions to Consider:**

1. What is the criteria set to determine statelessness?

2. What is the status of stateless persons in your country?
3. What are possible solutions to resolve statelessness and is your country participating in them?



## TOPIC 2: CAPITAL PUNISHMENT

Capital Punishment, also known as the death penalty, is the act of executing an offender or party as punishment after conviction of a crime by the court of law. Forms of capital punishment date as far back as the Eighteenth Century B.C. The death penalty was also part of the Hittite Code, the Draconian Code of Athens, and the Roman Law of the Twelve Tablets. In those times, punishments were carried out in the forms of crucifixions, drowning, beatings to death, burning alive, and impalement. During the time of William the Conqueror, and under the reign of Henry VII, hanging, boiling, burning at the stake, beheading with the guillotine, and drawing and quartering had become the common methods of capital punishment. Soon, the crimes that would result in capital punishment had become diverse; petty crimes of theft, not confessing to a crime, and even marrying the wrong person would lead to a death sentence. The presentation of the punishment had been a public event, to represent the power of the authorities in reducing crimes and controlling the community. This was justified saying that if those that commit crimes are not punished publicly, others will seek to follow in their steps and be unaware of the importance of the act they may commit.

In more the modern times, the laws that defined a capital crime changed amongst member states, but most included the following: first-degree murder, mass murder, child rape, espionage, cases of aggravated rape, and genocide. The most common forms of capital punishment had been changed drastically to encompass “humanity” and a quick death; lethal injection, electrocution, gas chamber, electrocution, and the firing squad. This was particularly seen in the 1900s when the United States of America sought out more humane methods to execute the mass amount of people on death row after World War I. The death penalty had been more commonly used after that point with minimal resistance until progressive movement began in the 1950s and the 1960s. At this time, the American population began to revolt against the death penalty and many other inhuman practices. This escalated to involve the United States Supreme Court which understood that the Eight Amendment of the United States Bill of Rights forbids excessive, cruel, or unusual punishment, and ruled that the death penalty was unconstitutional.

Once this case came to pass, other western nations soon followed. In the 1960s, the European Union (EU) established a certainty that capital punishment was irreversible and inhumane, therefore, as of 2000, the EU as a whole abolished the death penalty. “Everyone has the right to life. No one shall be condemned to the death penalty, or executed, (Article 2, Charter of Fundamental Rights of the European Union).”

Despite technological advances, many member states still employ older methods of capital punishment, and reserve the right to execute offenders involved in extreme crimes, although some nations choose to condemn individuals to the ultimate punishment for reasons less than extreme; for example, China has recently sentenced a Canadian citizen to the death penalty for drug-trafficking.

In a global study, Amnesty International recorded nearly 690 executions in 20 countries in 2018. This number was a 31% decrease to the number of recorded executions in 2017. Most of these executions took place in China, Iran, Saudi Arabia, Vietnam, and Iraq. Iran’s softened drug crime laws play a big hand in this as they abolished the death penalty as a sentence for drug-related crimes. However, Iran’s use of the death penalty against minors and children is likely to increase the rates of capital punishment. Amnesty reports further on this topic, stating that thousands were probably being killed through capital punishment in China with the records kept hidden, making China the lead executioner. The leading countries after China would be Iran, Saudi Arabia,



Vietnam, and Iraq, and while they all show a minor reduction in the number of penalties, they still add up to 77% of the 690 capital punishments across the world.

Additionally, the United States of America is shown to be the only country to carry out executions in its region for the tenth consecutive year. This is a stark contrast to the 106 countries that had abolished death penalty in law for all crimes by the end of 2018. There are 7 countries that have retained the right to sentence people to the death penalty for serious crimes such as those committed during times of war, 29 countries that have death penalty laws but have not executed anyone for at least 10 years, and 56 countries which retain the death penalty laws and carry out executions. Executions may see a rise in numbers in the following years as Sri Lanka – a nation that had carried out no executions since 1976, is now looking for executioners to decrease rates of drug smuggling crimes. Moreover, in 2017, Thailand carried out its first execution since 2009.

By this time, various methods of execution have been identified as unacceptable as an international law. For instance, the Human Rights Committee had deemed the use of a gas chamber to be harsh, merciless, and degrading treatment. The Human Rights Committee also declared that public executions are incompatible with human dignity. Some commentators have argued that any form of capital punishment is similar to torture as it subjects those convicted to levels of momentous pain and suffering. However, this claim can be argued Under Article 1 of the Convention Against Torture, in which torture is defined as ‘any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as...punishing him for an act he ... has committed’, however it specifically excludes ‘pain or suffering arising only from, inherent in or incidental to lawful sanctions’, thereby not prohibiting the death penalty or classifying it as torture. While capital punishment may seem to pale in front of highly demanding issues such as climate change and nucleus control, it stands to be a matter of the greatest importance, dictating the lives of those who have committed crimes, their families, and the bodies that are carrying out such a form of punishment.

**Questions to consider:**

Does your country still actively use the death penalty?

What crimes does your country believe justify the death sentence, if any?

Has your country previously engaged in any UN discussions concerning capital punishment?

Is your country a signatory of any UN resolutions that address the death penalty? Does the UN have the authority to implement policies regarding capital punishment?

What can your country do to assure that transparency regarding capital punishment is raised among the international community?

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