

# UNHRC

## STUDY GUIDE

#LETSBEEUNITED

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## Letter from the Secretary General

Dear Delegates,

It is with great pleasure that I welcome you to ITUMUN 2026.

By choosing to take part in this conference, you have already done something meaningful: you have chosen dialogue over indifference, understanding over assumption, and engagement over silence. In a world increasingly shaped by division, conflict, and uncertainty, such choices matter.

Today's international landscape is marked by ongoing conflicts, humanitarian crises, and profound global challenges that demand more than rhetoric. They demand informed, open-minded, and principled individuals, particularly from the younger generation, who are willing to listen, to question, and to act responsibly. MUNs offers precisely this space: one where ideas are tested, diplomacy is practised, and perspectives are broadened.

As delegates, you are not merely representing states or institutions; you are actually engaging in the art of negotiation, the discipline of research, and the responsibility of decision-making. Approach this experience with curiosity, respect, and intellectual courage. Learn not only from debate, but from one another.

On behalf of the Secretariat, I sincerely hope that ITUMUN 2026 will challenge you, inspire you, and leave you better equipped to contribute to a more peaceful and cooperative world.

I wish you a rewarding conference and every success in your deliberations.

Yours sincerely,

Abdulla Kikati

Secretary General

## Letter from the Chairboard

Most Esteemed Delegates,

We are honoured to welcome you all to the United Nations Human Rights Council in ITUMUN'26. We as your committee board are Vedat Yıldız, Alperen Özmercan, and Hassan Mehanna. It is our utmost pleasure to board this committee and we would like to express our gratitude to the Secretary General Abdulla Kikati and Deputy Secretary General Tibet Tuna Topçu.

We are delighted to have you join us in the United Nations Human Rights Council, the body of the United Nations responsible with the protection and promotion of the fundamental human rights provided in The Universal Declaration of Human Rights. Therefore, the committee bears heavy responsibility for the dignity, freedom and welfare of all individuals and all peoples.

It is highly recommended that all delegates not only review this study guide -which provides all the necessary information for this committee and some guidance- but also delve further into the pursuit of knowledge, awareness and solutions by conducting research of their own. Understanding the agenda items with great depth is significant to how productive our sessions will be and the quality of our debate.

We are confident in our committee and delegates that by the end of ITUMUN'26, we will all have engaged in exciting debates, cooperated for important solutions, and most importantly learned and grown together.

If you have any questions regarding the agenda items, committee, conference or something else, do not hesitate to contact us via email:

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Sincerely,

UNHRC Chairboard

Vedat Yıldız, Alperen Özmercan, Hassan Mehanna

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## 1. Introduction to the Committee: United Nations Human Rights Council (UNHRC)

The Human Rights Council is the main intergovernmental body within the United Nations responsible for human rights. Established in 2006 by the General Assembly, it is responsible for strengthening the promotion and protection of human rights around the globe.

The Council, composed of 47 Member States, provides a multilateral forum to address human rights violations and country situations. It responds to human rights emergencies and makes recommendations on how to better implement human rights on the ground.

The Council benefits from substantive, technical, and secretariat support from the Office of the High Commissioner for Human Rights (OHCHR). The Human Rights Council replaced the former United Nations Commission on Human Rights.

The council functions as a global platform for discussing human rights, engaging various stakeholders such as UN officials, states, and civil society. It adopts resolutions during regular sessions, signaling the international community's stance on human rights issues, and has held 36 special sessions to address urgent human rights crises. The Council performs a Universal Periodic Review of the human rights records of all UN Member States and appoints Special Procedures, independent experts who monitor specific countries or themes. Additionally, it authorizes commissions of inquiry and fact-finding missions to gather evidence on war crimes and crimes against humanity.

## 2. Agenda Item 1: Ensuring the Protection of the Right to Privacy amid Expanding Artificial Intelligence (AI) Surveillance

### 2.1. Introduction to the Agenda Item

The digital transformation of societies is a defining development of current times, changing economies, political environments, and culture. It relies on data collection and processing at an unprecedented scale. The Internet, in particular, appears as a limitless source of data that can be collected, shared, analyzed, used, and transformed into the main building blocks of applications across almost all domains of human life. Advances in artificial intelligence were built on those processes and further intensified the search for more data. In parallel, over the past two decades, it has become increasingly apparent that the benefits and harms of digitalization are unevenly distributed. Discrimination and inequality stemming from data collection and processing are widespread and can be observed in all sectors of society: image generators that produce pictures only of light-skinned doctors, for example, even when expressly prompted to be more inclusive. Women not receiving job advertisements for management positions. A person being labelled a terrorist based on

discriminatory algorithmic profiling. Black people wrongfully arrested because of inaccurate facial recognition. A parent with a disability wrongly investigated for child abuse because of embedded bias in the risk modelling algorithmic systems of child protection agencies. Women facing prosecution for exercising their sexual and reproductive health rights, based on data collected by period tracker applications. Farm workers not receiving welfare payments because their fingerprints cannot be read by biometric identification systems due to decades of manual labor.

The definition and legal meaning of privacy is “the right that determines the nonintervention of secret surveillance and the protection of an individual’s information.” The right to privacy in simple terms means that a person shall not be subjected to unwanted publicity. Privacy encompasses multiple dimensions, including information privacy, bodily privacy, privacy of communications, and territorial privacy. Data is collected in the artificial intelligence to enhance the efficiency, precision, and efficacy of the AI system. Artificial intelligence systems are more proficient in learning from data and performing more successfully when there is a larger amount and higher quality of user information available. But the incorporation of AI in several areas of modern life has the potential to impact the fundamental right to privacy, thereby impacting the right to dignity.

The emergence of artificial intelligence has significantly altered industrial labor, created novel opportunities for innovation, and enhanced old ones. Nevertheless, complications linked to artificial intelligence are escalating on a daily basis, posing a concerning problem for the modern day. The issues associated with the integration of artificial intelligence include biases, lack of impartiality, unemployment, and privacy concerns.

The word “surveillance” has been derived from French, which means “watching over.” In simple terms, surveillance is the act of monitoring and observing individuals or groups of people for the purpose of care and control. Therefore, AI Surveillance is the use of artificial intelligence technology to observe and analyze human actions for many objectives, including security, law enforcement, marketing, and even monitoring people’s emotional states in public spaces. The internet and artificial intelligence have significantly decreased the cost of big data in analytical applications. Cameras are now found in every corner of our daily existence. As we stroll through the streets, our every step is constantly monitored by AI surveillance, leaving people with no means of bypassing the persistent collection of personal information. The approach entails using sophisticated algorithms and machine learning methodologies to analyze vast quantities of data and detect patterns or irregularities in human behavior. The surveillance footage is analyzed in real-time using visual data collection and analysis methods, detecting anomalies, recognizing faces, and identifying objects of interest.

## 2.2. Key Terms & Definitions

- **Right to Privacy:** The right of individuals to be protected against arbitrary or unlawful interference with their personal life, family, home, or correspondence.
- **Artificial Intelligence (AI):** Systems that display intelligent behavior by analyzing their environment and taking actions with some degree of autonomy.
- **AI Surveillance:** The use of artificial intelligence technologies to monitor, analyze, and interpret human behavior, communications, or activities.
- **Mass Surveillance:** The large-scale collection and analysis of data relating to groups of people, often without individualized suspicion.

**Personal Data:** Any information relating to an identified or identifiable natural person.

- **Facial Recognition Technology:** A biometric system that identifies or verifies individuals by analyzing facial features.
- **Algorithmic Bias:** Systematic and unfair discrimination produced by automated decision-making systems.
- **Data Profiling:** The automated processing of personal data to evaluate certain aspects of an individual's behavior, interests, or characteristics.
- **Transparency:** The principle that processes, decisions, and data practices should be open, understandable, and accessible to affected individuals.
- **Accountability:** The obligation of states and actors to explain, justify, and take responsibility for their actions and decisions.

## 2.3. Background of the Issue

### 2.3.1. Evolution of Surveillance Technologies

One change in the 21st century is the introduction of AI to surveillance systems. The artificial intelligence-powered tools are capable of doing things impossible with the old-fashioned approaches, such as seeking patterns, manipulating large volumes of data, and making predictions. At this point these technologies are more commonly applied to facial recognition, biometric authentication, and predictive policing. Governments rely on such systems in combating threats such as terrorism and cybercrime, yet the same technologies have people concerned with the loss of their civil liberties, mass surveillance, and misuse of data. According to researchers, AI-enabled surveillance might turn invasive surveillance into a normal practice and damage democratic principles unless stringent barriers are established.

Artificial intelligence for video surveillance utilizes computer software programs that analyze the audio and images from video surveillance cameras in order to recognize humans, vehicles, objects, attributes, and events.



The field of video surveillance systems started with simple analog cameras that recorded video on magnetic tape. These cameras were used for passive surveillance, most often in banking institutions and large stores, to monitor what was happening and provide video evidence in case of incidents. The first video surveillance systems appeared in the mid-twentieth century. One of the most famous examples of the early use of video surveillance was the Bersucht system in Germany in the thirties, installed to monitor rocket launches. The progenitor of video surveillance systems is considered to be a German electrical engineer, Walter Bruch.

Limitations in the ability of humans to vigilantly monitor live video surveillance footage led to the demand for artificial intelligence that could better serve the task. Humans watching a single video monitor for more than twenty minutes lose 95% of their ability to maintain attention sufficient to discern significant events. With two monitors this is cut in half again. Given that many facilities have dozens or even hundreds of cameras, the task is clearly beyond human ability. In general, the camera views of empty hallways, storage facilities, parking lots, or structures are exceedingly boring, and thus attention quickly diminishes. When multiple cameras are monitored, typically employing a wall monitor or bank of monitors with split-screen views and rotating every several seconds between one set of cameras and the next, the visual tedium is quickly overwhelming. While video surveillance cameras proliferated with great adoption by users ranging from car dealerships and shopping plazas to schools and businesses to highly secured facilities such as nuclear plants, it was recognized in hindsight that video surveillance by human officers (also called "operators") was impractical and ineffective. Extensive video surveillance systems were relegated to merely recording for possible forensic use to identify someone after the fact of a theft, arson, attack, or incident. Where wide-angle camera views were employed, particularly for large outdoor areas, severe limitations were discovered even for this purpose due to insufficient resolution. In these cases it is impossible to identify the trespasser or perpetrator because their image is too tiny on the monitor.

In response to the shortcomings of human guards watching surveillance monitors long-term, the first solution was to add motion detectors to cameras. It was reasoned that an intruder's or perpetrator's motion would send an alert to the remote monitoring officer, obviating the need for constant human vigilance. The problem was that in an outdoor environment there is constant motion or changes of pixels that comprise the total viewed image on screen. The motion of leaves on trees blowing in the wind, litter along the ground, insects, birds, dogs, shadows, headlights, sunbeams, and so forth all comprise motion. This caused hundreds or even thousands of false alerts per day, rendering this solution inoperable except in indoor environments during times of non-operating hours.

The next evolution reduced false alerts to a degree but at the cost of complicated and time-consuming manual calibration. Here, changes of a target, such as a person or vehicle, relative to a fixed background are detected. Where the background changes seasonally or due to other changes, the reliability deteriorates over time. The economics of responding to too many false alerts again proved to be an obstacle, and this solution was not sufficient.



### 2.3.2. Emergence of AI in Data Collection and Monitoring

Technologies that generate and transfer data are becoming embedded in our cities' landscapes or are already essential for conducting daily activities. Privacy is a major concern as everyone is subjected to ubiquitous surveillance, especially if we depart from the assumption that people generally wish to reveal as little about themselves as possible and want to control with whom they share certain information. Beyond potential threats to individual privacy, the abusive use or misuse of private data represents a risk to both individuals and communities as they come under the influence of third parties, be they public authorities or private enterprises. Consequently, individuals might see their ability to make free and uncoerced decisions hampered.

The process of transforming information generated by everyday life activities into quantified data has been referred to as datafication. While not too long ago data was seen as a mere by-product or even something to be deleted as costs for storage surpassed its value, more recently it became its own currency or capital. With the ongoing digitalization, a rapidly increasing amount of data is available. The information is being 'datafied,' which means the accumulation of unprecedented amounts of data, providing new possibilities to leverage information generated at both ends of the spectrum: personalization and generalization. Indeed, due to the imprinted knowledge on individuals, services, and societies, it represents a highly valuable asset. Data translates to value, for instance, by enabling profiling and people tracking, optimizing systems, managing and controlling things, modeling probabilities, and building and growing the value of assets.

Both governments and corporations have been increasingly enacting the use of data, crossing the line to the idea of mass surveillance of society. Surveillance is a systematic form of attention with a purpose and implies both the idea of care and control. This definition is particularly interesting when we consider surveillance conducted by public authorities. There is a paternalistic sense behind this type of surveillance that goes along with the role of the state when caring for and protecting citizens through law and its enforcement. It also fits the idea of a broader agenda arguable in the definition that suggests dividing surveillance into direct surveillance, which aims at particular persons for particular reasons, and indirect surveillance, differing from the first by not having a specific target or purpose. Considering that the data can be stored and is therefore available for a longer period, a purpose can be defined and redefined at any point in time, so it is far from being a stable condition. Furthermore, a purpose is not necessarily what determines which data is to be generated and collected, since it can be a collateral result of using a specific service. Thus, surveillance does not require an intentionality aspect in terms of controlling others, albeit it encompasses leveraging the collected information in some way. Conversely, in active observation, collected information can be used retroactively, namely to sanction the individual. However, to qualify as proper surveillance, the author implies that information must be used to prevent actions or to interfere in a proactive manner in an individual's behavior. Defining surveillance

in the datafication era seems to twist the need for a predetermined and rather specific purpose, target, or even starting point. However, it implies intentionality, considering that from a broader perspective, leveraging data is what justifies surveillance in the first place.

Combining the long-lasting and ongoing trend of datafication with surveillance rationales results in the concept of dataveillance (Table 1). Having data as the cornerstone, dataveillance is a type of surveillance enacted through sorting and sifting datasets in order to identify, monitor, track, regulate, predict, and prescribe. It differs from datafication due to the underlying observation intention. Both surveillance and dataveillance do not necessarily lead to inference, but while the first implies a purpose and when done overtly affects people's behavior, dataveillance refers to continuous (and ubiquitous) tracking. Moreover, dataveillance can be performed both on the personal and interpersonal level, can be voluntary or imposed, and can be undertaken overtly or covertly. It implicates retrospective use of stored data, as well as data generated in real-time, due to interconnectedness, high-speed processing capacities, and automation applied to systems displayed in public and private spheres of an individual's life. In particular, covert dataveillance can bear high risks for societies, as these systems allow for little knowledge about how they operate and are often dispersed and constant in nature.

	Datafication	Surveillance	Dataveillance
<b>Definition</b>	Process of transforming reality features and social behavior into quantified data	Process of observing individuals or groups for a purpose and make inferences/judgements on their behavior	Leveraging big data/datafication to scale up/ramp up surveillance
<b>Attributes</b>	Continuous and ubiquitous data generation/collection using automatized systems	Retroactive, real-time and proactive observation of individuals or groups held overtly or covertly	Collecting and processing of personal data including in real-time by employing automatized systems and routines
			Monitor, identify, track, regulate, predict, prescribe, prevent and steer individuals' or groups' (behavior)
			Applications

**Table 1: Definition and attributes of the terms "datafication," "surveillance," and "dataveillance."**

### 2.3.3. Current Global Landscape and Trends

Nations defend their use of AI surveillance with the stance of needing to protect national interests, which, depending on the country, can include guarding against external threats as well as internal dissent. AI surveillance in democratic nations is frequently used to police borders, prevent crime, monitor public behavior, and identify suspected terrorists. For example, on the U.S.-Mexico border, Israeli defense contractors have built “dozens of towers in Arizona to spot people as far as 7.5 miles away,” where this technology was initially perfected in Israel to build a “smart fence” to separate Jerusalem from the West Bank. Another example is France’s Big Data of Public Tranquillity Project, wherein in 2016, the goal was to make the port city Marseille “the first ‘safe city’ of France and Europe” by establishing a public surveillance network of nearly 1000 closed-circuit television (CCTV) cameras. From the perspective of governments, it can be seen why this technology is preferable: it reduces human operators, which is cost-effective, and it can cast a wider surveillance than traditional methods.

The likelihood of a government procuring AI surveillance is often correlated with its military spending. As of 2018, 40 of the top 50 military spending countries had AI surveillance technologies in place. These include countries of different government systems and economies, such as France, Germany, Japan, South Korea, Pakistan, Oman, Kazakhstan, Egypt, and many others, all with differing interests. This supports that the use of AI surveillance is not restricted to developed nations, and developing nations are also adopting these technologies, often supplied by Chinese companies. It is the social and cultural makeup of an individual country that influences the impact these AI surveillance techniques will hold. However, amongst researchers, there is a collective understanding that AI will deepen social fractures in developing nations like in developed nations. In fact, it is a global phenomenon that lower- and middle-income countries might even be more susceptible to.

Globally, the legislative landscape for AI surveillance and privacy varies based on domestic and international interests. In 2018, the European Union (EU) passed the General Data Protection Regulation (GDPR), which provides privacy and security protection of citizens’ personal data. It mandates that personal data must be processed transparently and lawfully, requiring explicit consent for data processing from citizens and granting individuals the right to access, amend, and erase personal data. While the GDPR serves as a model for data privacy laws around the world, it does not prevent personal data collection as a practice overall, just regulates it. Then, in 2021, the EU established the AI Act. This was the world’s first comprehensive AI law to regulate AI’s development and use. Parliament’s priority was to make EU AI systems “safe, transparent, traceable, non-discriminatory, and environmentally friendly.” The GDPR and AI Act demonstrate the EU’s proactive commitment to protecting human rights, setting global benchmarks in AI and data ethics about compromised privacy.

In the United States, privacy laws vary by state. For example, in 2020, California passed the California Privacy Rights Act, which established the California Privacy Protection

Agency and extended the rights of residents regarding the collection and use of their personal information by businesses. Some cities in California, such as Berkeley and San Francisco, have also banned the use of FRT. While California is making strides, it is important to note that there is no federal legislation in the U.S. similar to the EU's GDPR or AI Act, which means there is no uniform standard for AI and privacy ethics across the country.

In 2021, China passed the Data Security Law to protect national security by placing guidelines on “national core data,” which includes data concerning Chinese citizens’ welfare, national security, economic interests, and public interest. China also passed the Personal Data Information Protection Law, which is modeled after the EU’s GDPR. This was China’s first data protection law concerning personal data. It states that it has jurisdiction over all Chinese citizen data regardless of where it was collected.

In South America, research shows that policy design dynamics regarding national strategies for AI in Argentina, Brazil, Chile, Colombia, Mexico, and Uruguay share similar objectives. These countries are not operating together. Rather, they have similar positions on AI legislation that has been analyzed. Some include:

1. Budget and funding for structures for the industry,
2. Research, and development, placing emphasis on facilitating AI applications in league with universities and research centers,
3. Issue regulations about AI deployment and big data policy. The goal being to create data protection laws, privacy laws, and algorithm and autonomous agent regulation laws,
4. Implement workforce training for those interacting with AI systems.

Overall, countries around the world are in different stages of creating and implementing legislation surrounding AI and data privacy.

## 2.4. Causes & Consequences of Expanding AI Surveillance

### 2.4.1. Balancing Security and Privacy: Ethical Considerations

The integration of artificial intelligence into surveillance systems has revolutionized the way governments, law enforcement agencies, and private organizations monitor public and private spaces. From facial recognition to behavior analysis and predictive policing, AI has enhanced the precision and efficiency of surveillance technologies, promising to bolster security and prevent crime. Therefore, governments increasingly adopt AI for crime prevention and national security, arguing that precise pattern recognition and data analysis enhance public safety. However, this unprecedented capability has sparked significant ethical concerns, particularly regarding the erosion of privacy and civil liberties in a digitally

connected world. The application of AI in surveillance raises concerns about algorithmic bias, discrimination, and the potential misuse of data for oppressive or authoritarian practices.

#### 2.4.2. Technological Advancements and Data Availability

Advancements in AI-driven technologies, including real-time facial recognition and large-scale data processing systems, have significantly increased the capacity for surveillance, driven by both technological innovation and the abundance of digital data. Rapid developments in areas such as live facial recognition technology (LFR) have resulted in the software being rolled out in many areas of public and private life, at relatively low cost and with the promise of data processing capabilities far beyond that of a human.

The policing applications of the technology are potentially transformative. In terms of LFR specifically, cameras map an individual's facial features, and AI immediately compares the data to images on a watchlist, triggering an alert when a match is made.

AI-powered surveillance systems have the ability to collect vast amounts of data on individuals without their explicit consent. Whether through facial recognition, location tracking, or behavioral analysis, individuals are often unaware of the extent to which their activities are being monitored. This constant surveillance, often conducted in public and semi-private spaces, leads to a loss of anonymity and creates a culture of fear and self-censorship. The ethical question lies in whether the benefits of enhanced security justify the infringement on individual privacy rights.

#### 2.4.3. Regulatory & Institutional Gaps

As AI-driven surveillance technologies become increasingly prevalent, there is a pressing need for clear and comprehensive regulatory and legal frameworks to govern their use. Current legal systems often struggle to keep pace with technological advancements, leaving gaps that can lead to privacy violations and unchecked surveillance.

Several regions have introduced data protection laws aimed at safeguarding personal information in the digital age. For example, the European Union's GDPR sets strict rules on how personal data is collected, processed, and stored, offering a model for regulating AI surveillance. The GDPR emphasizes data minimization, transparency, and the right to erasure, which can help limit the impact of AI-driven surveillance. However, the regulation does not explicitly address the unique challenges posed by AI technologies, such as facial recognition and behavioral monitoring.

In the United States, privacy regulations are more fragmented, with laws like the California Consumer Privacy Act (CCPA) providing state-level protections. While these regulations offer some privacy safeguards, they do not specifically regulate AI surveillance



practices, leaving room for potential abuses by both private corporations and government entities. Other countries, particularly in Asia and Africa, are in the early stages of developing AI and privacy-related laws, with varying levels of enforcement and compliance.

Despite the existence of some data protection laws, there remain significant regulatory gaps when it comes to AI surveillance technologies. These gaps include:

- **Lack of AI-Specific Guidelines:** Many existing data protection laws do not address the specific capabilities of AI systems, such as the ability to continuously monitor and analyze large datasets in real time. Without AI-specific regulations, surveillance systems can operate without sufficient oversight.
- **Cross-border Data Transfers:** AI surveillance systems often involve cross-border data sharing, especially when private companies collect data globally. The lack of uniform international regulations makes it difficult to ensure that personal data is protected across jurisdictions.
- **Weak Enforcement Mechanisms:** Even in regions with strong data protection laws, enforcement can be weak. Regulatory agencies often lack the resources to effectively monitor and penalize organizations that violate privacy rights through AI surveillance.

Beyond legal frameworks, ethical guidelines are essential for ensuring responsible AI surveillance. The European Commission's Ethics Guidelines for Trustworthy AI provide a foundation for building AI systems that respect fundamental rights. The guidelines emphasize principles such as transparency, accountability, and fairness, all of which are critical for AI surveillance systems. Organizations should implement these principles by conducting regular impact assessments, ensuring that AI systems do not disproportionately target vulnerable groups, and offering clear redress mechanisms for individuals whose privacy rights have been violated.

## 2.5. Main Challenges

### 2.5.1. Transparency and Accountability Problems

A key ethical consideration in balancing security and privacy is transparency. Individuals should be informed about how AI surveillance systems are being used, what data is being collected, and how it is stored or shared. Transparency promotes trust and allows the public to hold organizations accountable for any misuse of AI technologies. Moreover, there should be clear mechanisms for individuals to challenge or opt out of surveillance when they believe their privacy rights are being violated. Ethical AI surveillance requires both transparency in system operations and accountability for any harms caused by surveillance activities.

The doctrines permit constitutionality principles and ethics in order to settle these contentions. The two principles of proportionality and necessity say that the surveillance



mechanism applied must encroach on the rights only in cases when there is a narrowly limited purpose for doing so that refers to valid state interests. Other mechanisms suggested by scholars to achieve accountability include impact assessment, judiciary oversight, and algorithm audits, among others. Ethical frameworks emphasize the importance of transparency, fairness, and respect of human dignity, implying that democratic states have to embrace stronger governance structures before entirely accepting AI-based surveillance.

### 2.5.2. Oversight and Enforcement Gaps

Despite the surveillance technologies supported by AI becoming widespread, effective institutional and legal mechanisms to oversee these systems and impose sanctions when necessary are lacking in many countries. Current legal frameworks are struggling to encompass the complex and dynamic nature of artificial intelligence systems; in particular, the lack of transparency regarding how algorithmic decision-making processes work makes independent auditing difficult. This circumstance could pave the way for the arbitrary or disproportionate use of AI-based surveillance tools by the governments or public institutions.

Furthermore, inconsistencies in regulatory approaches and weak enforcement mechanisms across different countries make it difficult to establish an effective global surveillance and monitoring system. In some states, the lack of technical capacity of supervisory institutions complicates the assessment of AI systems' compatibility with human rights, while individuals' access to avenues for objection, redress, or legal recourse against these systems remains limited. These types of audit and enforcement gaps can cause the negative effects of AI-powered surveillance on the right to privacy to become permanent and systemic.

### 2.5.3. Balancing Security Needs and Human Rights

AI surveillance systems are often justified on the grounds of improving public safety and national security. Governments and law enforcement agencies argue that the ability to monitor public spaces, track individuals, and predict criminal activity can prevent crime and enhance social order. However, this security comes at a price. The collection and analysis of vast amounts of personal data raise significant privacy concerns, particularly when individuals have little control over how their data is used or shared. The ethical question revolves around whether the benefits of security outweigh the costs of privacy infringement.

An important ethical principle in the security-privacy debate is proportionality. Surveillance measures should be proportionate to the threat they are designed to address. Excessive surveillance, particularly mass surveillance that targets entire populations, is often viewed as a disproportionate response to security threats. Ethical frameworks for AI surveillance must ensure that data collection and monitoring are limited to specific, justified

cases where there is a clear need for security intervention. The principle of proportionality is essential in maintaining a fair balance between security needs and privacy rights.

Ethical AI surveillance systems should aim to minimize intrusiveness, collecting only the data necessary to achieve security objectives. Overreaching surveillance practices, such as indiscriminate data collection and prolonged monitoring of individuals, can lead to unnecessary invasions of privacy. AI systems should be designed with privacy-preserving mechanisms, such as data anonymization and encryption, to limit the impact on individual freedoms. The ethical challenge lies in ensuring that surveillance technologies are used sparingly and with adequate safeguards to protect personal data.

## 2.6. Previous Attempts and Possible Solutions

### 2.6.1. Past Actions

Since the late eighteenth century, beginning with the Industrial Revolution, technological development has been evolving more rapidly than ever before, continuously transforming life in every aspect. As technology develops rapidly in our modern world affecting our everyday life from the way we communicate, work, consume, the protection of privacy has started to become a growing issue. With the emergence of artificial intelligence, the issues of privacy have become a greater concern of individuals. However, the recognition and protection of privacy in international law was long before the birth of what we know as artificial intelligence today. Following the recognition of privacy as a fundamental right, many actions were taken accordingly to protect every individual's rights.

One of the most significant foundations of the right to privacy is Article 12 of the Universal Declaration of Human Rights, which states that no individual shall be subjected to arbitrary interference with their privacy, family, home, or correspondence, nor to attacks upon his honour and reputation. Although this principle is not legally binding by itself, it played a great role in the shaping of international human rights and inspired many more legal actions. Later on, this principle became legally binding through Article 17 of the International Covenant on Civil and Political Rights (ICCPR), which mandates states to respect and ensure protection of individuals against unlawful or arbitrary intrusions into their private life. Through the ICCPR, privacy became an enforceable right under international law, which provides individuals international protection of privacy.

In response to this extreme digital transformation and growing usage of it, the United Nations also took many actions providing individuals with protection both internationally and domestically. Since 2013, The UN Human Rights Council has adopted several resolutions on "The Right to Privacy in the Digital Age" recognizing that human rights individuals have and enjoy offline should also be protected online, including AI-operated environments. These resolutions address concerns related to mass surveillance, collection of data, algorithms and

the way they work and the use of these technologies both by private actors and the states. These resolutions were and still are big steps against hurtful usage of AI. The United Nations calls upon states to review their domestic laws and revise and strengthen their mechanisms accordingly. Although these resolutions are not legally binding, if taken into considerations a lot can be achieved against the harmful usage of artificial intelligence.

At the regional level, the European Union has been an active element of the issue and has taken actions in order to protect their citizens against harmful usage of AI. The European Union's General Data Protection Regulation (GDPR) which entered into force in 2018, has introduced strong data protection standards regarding AI-based data processing and storage of personal data on both states and private actors. The building of this framework still continues and the EU continues to develop more specific programs to protect its citizens. One of these programs is the EU Artificial Intelligence Act which seeks to regulate high-risk AI applications, such as biometric surveillance by imposing strict conditions, obligations and how they should be used in public spaces. All these measures show that the EU works towards AI and beneficial usage of it and also provides safety to their citizens from its harmful usage.

At the national level, while some states are working towards the issue and taking measures on it, some don't see it as a "real" issue which leads to an uneven development on the protection of privacy at the national level. Some states have introduced restrictions on the specific usages of artificial intelligence and strengthened their laws to address violations caused by AI. However many states are still not taking any actions regarding this topic. This leads to a fragmented, inconsistent and insufficient solution process.

Overall, significant progress has been made in the protection of individuals' privacy and beneficial usage of AI. Although it is still not enough, these steps are important in the way of solution of bigger issues. Thus if the work on this topic continues many can be achieved.

### 2.6.2. Possible Solutions to Address the Issue

As artificial intelligence and technology thrive more everyday, the protection against it needs to be revised again and many new regulations are needed. It is also important to keep in mind that most states still haven't taken enough steps on the issue. Thus it is extremely important to keep working on the topic and produce more solutions.

One of the possible solutions is to consider strengthening currently insufficient or ineffective mechanisms with the help and provision of independent supervisory authorities and advanced UN monitoring procedures. All the mechanisms that take part in the protection of privacy should have an independence from political influences. At an international level the United Nations' provision could help achieve many. Regular reports, reviews and follow-up mechanisms would increase state accountability and help them stay independent.

Another solution could be on the topic of transparency on the actions taken on these issues. Better transparency can be achieved by mandating Human Rights and Data Protection Impact Assessments before using AI surveillance systems. These assessments should evaluate the necessity, proportionality and possible discriminatory effects of AI technologies specifically when used for biometric identifications. These assessments before applying would help prevent harm before it happens so rather than just solving issues, they can be blocked. Also these assessments can be publicly accessible to promote transparency and keep the process transparent to the general public. This would also gain the general public's trust.

Another solution could be on the topic of transparency of state authorities and private actors. Clear accountability frameworks should be established to ensure legal responsibility for both state authorities and private companies which would allow individuals to take action in the event of any privacy infringement. These frameworks could include defining clear lines of responsibility, setting standards, establishing accessible complaints and correcting mechanisms. Individuals whose rights were violated should be able to easily seek effective remedies, including legal actions. This solution is extremely important since it also holds private technology companies accountable as their roles in the development of artificial intelligence is very clear and central.

Another example of a solution concerns the international area of solutions. The development of international guidelines and standards on AI and privacy, combined with international cooperation and capacity-building, may support more consistent and rights-based governance of AI technologies. Although the regional standards such as the EU's GDPR and AI act offer important models, it is more important and useful to set global standards since it would help reduce fragmentation and prevent regulatory loopholes. It would be better to cooperate internationally for knowledge-sharing and capacity-building to ensure privacy protections are universal and not uneven. Through coordinated efforts and with the help of international organizations such as the UN, states can work together to establish better frameworks to be safe and to use artificial intelligence better.

To conclude, many more solutions can be produced if worked together. Universal cooperation is an extremely important topic to take into consideration while working on the issue of AI and its dangers considering privacy of individuals. The technology and artificial intelligence will continue developing and the protection from it should continue developing accordingly.

## 2.7. Questions to be Addressed

- Under what conditions can AI-powered surveillance applications be considered compatible with the right to privacy?
- Within what boundaries should states remain when determining the scope of AI surveillance based on national security and public order grounds?

- How can the transparency and accountability of artificial intelligence systems be ensured, and what should be the role of independent audit mechanisms in this process?
- What legal and technical measures should be taken to prevent AI-based surveillance technologies from producing discrimination and bias?
- Are the current national and international legal frameworks sufficient to regulate AI-assisted surveillance, and if not, in what areas should they be strengthened?
- How can individuals' rights to information, objection, and legal recourse against surveillance activities conducted with artificial intelligence be guaranteed?
- How should responsibility sharing be regulated in AI surveillance systems developed by the private sector and used by governments?
- What concrete steps can the United Nations Human Rights Council take to ensure the compatibility of artificial intelligence-assisted surveillance with human rights?

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### 3. Agenda Item 2: Contribution of the Judiciary to the Advancement of Human Rights and the Question of Human Rights

#### 3.1. Introduction to the Agenda Item

Death penalty, also known as capital punishment, has been one of the most common punishments against major -and in many instances even minor- offences and crimes throughout most of the history. To take away one's life is seen by many as the ultimate punishment, to take away their life and cease their further existence from the world. The death penalty has been used to satisfy "an eye for an eye" ethics against murderers, it has been used to humiliate criminals by putting up public executions, and it has been used to exert power and fear to the general public. Death penalty used to be much common in the past as rulers and governors saw it as the most effective to deal with egregious crimes while also sending a message to the public that wrongdoers -and those who against their rule- would be punished in the most severe way possible.

However, with the proclamation of The Universal Declaration of Human Rights on 10 December 1948, the death penalty started to get abolished with the direction of the UN. After the international community experiencing two World Wars and horrible human atrocities such as the Holocaust, the UN came together and prepared a list of human rights deemed to be the bare essential rights a person has for the sole reason that they are human, in order to prevent such events from repeating and to move towards a more civilized age.

Since the conception of these fundamental human rights, the UN's official position has been that the death penalty should be abolished worldwide. The core reasons are that the UN views capital punishment as a violation of the right to life and often linked to cruel, inhuman, or degrading punishment. The death penalty is irreversible and may result in the execution of innocent people, and it is commonly disproportionately applied against the poor, minorities and political opposition. It has been also argued that death penalty is not as effective as other punishments as a factor of deterrence compared to other punishments.

While it is the responsibility of everyone -including the people, government, companies, international organizations, etc.- the judiciary is the last line of defence against human rights abuses. In most legal systems around the world, courts give the real meaning to constitutional rights, statutes, and international human rights norms. Rights on paper do not protect people unless judges interpret them broadly, consistently, and in light of evolving social realities. Thus, the judiciary holds the responsibility and the power to uphold human rights by interpreting law in favour of them, ensuring justice by hearing human rights cases and by holding the state accountable for abuse. In many instances around the world, the death penalty has been "abolished" not because it has been removed from law but because the judiciary stopped applying the capital punishment.

As the UNHRC, we must empower and promote the judiciaries of nations with severe human rights records to use their powers and positions effectively to promote everlasting advancement of human rights and to combat abuse all across their nations.

### 3.2. Keyterms and Definitions

**Death Penalty** – The legal punishment to end one’s life through execution, also called capital punishment.

**Capital Cases** – Legal cases that, if the defendant is guilty, they will face the death penalty.

**Judiciary** – The branch of the government responsible with the administration and execution of justice.

**Constitution** – A body of fundamental principles or established precedents according to which a state or other organization is acknowledged to be governed. (ex. Constitution of the Republic of Turkey)

**Deterrence** – Refers to the effect of punishments given to criminals deterring other people from committing other crimes.

**to Interpret Law** – The power of the judiciary to interpret laws and apply them accordingly.

**Stare Decisis** – The legal principle of determining points in litigation according to precedent through the interpretation of law.

**Moratorium** – A temporary prohibition of an activity (mostly used to refer to the death penalty in this study guide).

**(Judicial) Abolition** – To formally put an end to something (used in the study guide for the death penalty), if it is judicial it means the abolition does not come from law but the judiciary.

**Retention** – To continue the use of something (used in the study guide for the death penalty).

### 3.3. United Nations, Human Rights, and the Death Penalty

#### 3.3.1. The Universal Declaration of Human Rights

From the website of the UN: “The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General

Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages. The UDHR is widely recognized as having inspired, and paved the way for, the adoption of more than seventy human rights treaties, applied today on a permanent basis at global and regional levels (all containing references to it in their preambles).”

The Human Rights were declared to provide all people around the world basic and unbreakable rights for the sole reason that they were born human. The Declaration lists 30 Articles each establishing a human right in regards to one’s needs, dignity, and their justice and equality. The UDHR has successfully -at least to a great degree- managed to make the world a better place by promoting the rights of individuals through international treaties and common ideals. In the modern day, when something happens somewhere not only its political and economical effects is considered but also its relation with the human rights is observed and called out by people, politicians and reporters.

The United Nations Human Rights Council (UNHRC) is the main body of the UN in regards to human rights, and it is responsible to promote and sustain human rights, monitor human rights violations and countries, and develop solutions to combat such violations.

### 3.3.2. Death Penalty in Regards of Human Rights

As its official position the UN and its bodies such as the UNHRC call for the abolition of the death penalty worldwide. The UN and human rights organizations deem that the death penalty violates several articles of the UDHR, most notably Article 3:

- **Article 3 – Right to Life:** *“Everyone has the right to life, liberty and security of person.”*

The UN also considers executions and death row conditions to fall under cruel, inhuman or degrading punishment stated in Article 5:

- **Article 5 – Freedom from torture or cruel, inhuman or degrading punishment:** *“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”*

The death penalty further violates Articles 6, 8, 11. It violates Article 6 as after death one’s legal existence ends and it becomes impossible for them to be recognized in the court of law again. It violates Article 8 as if someone were to be punished wrongfully or inadequately with for instance a jail sentence, they could be remedied financially if it was proved they were innocent; however, if someone innocent is punished with a death sentence it becomes impossible for them to be remedied if it is revealed that they were in fact innocent. It violates Article 11, as the risk of wrongful conviction makes execution incompatible with this article. It must be considered that wrongful convictions are unavoidable in a legal system, errors

arise from false confessions, faulty evidences, biased judges and juries and inadequacies of legal systems, therefore the irreversibility of the death penalty is a key issue.

- **Article 6 – Recognition as a person before the law:** “Everyone has the right to recognition everywhere as a person before the law.”
- **Article 8 – Right to an effective remedy:** “Everyone has the right to an effective remedy... for acts violating fundamental rights.”
- **Article 11(1) – Presumption of innocence:** “Everyone charged with a penal offence has the right to be presumed innocent until proved guilty...”

Furthermore, the UN considers capital cases at risk because of unfair investigations, improper legal representations and/or inaccessibility to legal counsel, coercion into false confessions, lies and deceit, faulty evidence, public and legal bias and etc. According the organizations such as the OHCHR, the death penalty disproportionately affects the poor, the minorities and the political opposition. Hence, the death penalty also violates Articles 7 and 10 on grounds of inequality before the law and unfairness.

- **Article 7 – Equality before the law and non-discrimination:** “All are equal before the law and are entitled without any discrimination to equal protection of the law.”
- **Article 10 – Right to a fair and public hearing:** “Everyone is entitled in full equality to a fair and public hearing...”

### 3.4. Impacts of the Death Penalty and Human Rights Abuses

#### 3.4.1. Human Rights Abuses

Human rights abuses do not only result in the harm of individuals but also the destabilization of communities and entire nations. As a direct consequence of abuse, individuals are inflicted injuries both physical and psychological, these individuals must then carry the burden of these scars and trauma throughout the rest of their lives.

For institutions to work properly, people need to be heard, they need to express themselves, they must be allowed to think and believe free from any and all influence, and they must not be made afraid of societal or state violence. Protecting human rights is the only way to promote democracy, equality, freedom, and cultural, societal and economic growth. Human rights abuse often results in an environment of fear and self-censorship and gives way to authoritarianism and a weaker rule of law, which in turn fuels human rights abuses to become more severe and creates a loop of oppression, violence and eventual societal collapse. Over-time loss of basic freedoms such as speech, movement, belief, and right to public trial marginalizes communities further and erode trust in the government and its institutions.

This build-up of self-sustaining cycle of violence must be interrupted, or else as a direct consequence societies, governments and economies collapse, long-term wars and terrorists break-out, and it becomes harder than before to ensure peoples' welfare and rights.

### 3.4.2. The Death Penalty

First and foremost, it was established in the section "United Nations, Human Rights, and the Death Penalty" why does the UN consider the death penalty a human rights violation, but it is important to understand both its positive and negative impacts to understand why different people and states support or oppose the death penalty.

The main argument in favour of the death penalty is that it is seen as the ultimate punishment that could potentially be given to a criminal. Supporters argue death penalty is the only punishment that could satisfy extremely serious offences such as serial murder and rape. Some people also see the capital punishment as appropriate to the "an eye for an eye" principle and justify it with either ethical and/or religious arguments. It is also argued that it brings closure to the victims and their families regarding the criminals' actions and prevents revenge crime, the data regarding these two arguments is not very clear and debatable.

Supporters also suggest that death penalty is a strong deterrent against crime, but there is strong evidence that the death penalty is not any more better as a deterrent compared to other punishments such as imprisonment. According to the American Civil Liberties Union (ACLU) on the death penalty in the United States, "There is no credible evidence that the death penalty deters crime more effectively than long terms of imprisonment. States that have death penalty laws do not have lower crime rates or murder rates than states without such laws. And states that have abolished capital punishment show no significant changes in either crime or murder rates." However, at the very least it can be said that criminals who are given the capital punishment can no longer commit further crime.

The death penalty is also irreversible unlike most other punishments, making it impossible to remedy wrongfully accused people. Legal systems are bound to make mistakes because of various reasons such as false evidence, forced confessions, bias and etc. It has also been reported by organizations such as The Equal Justice Initiative that the death penalty is used disproportionately towards the poor and the minorities, who both have less or sometimes no access at all to proper legal counsel.

Another important aspect of the death penalty is that it has been used and is being continued to be used towards the political opposition in various cases. Most notable examples obviously include authoritarian regimes such as China, Iran and Saudi Arabia who continue to execute people on the basis of political reasons today with Afghanistan and North Korea as perhaps more extreme examples where exact figures of executions are not publicly known. As a different example during the Cold War era the US Federal Government executed a spy on basis of espionage and the Soviet Union has executed several people for various political



reasons. These executions are used to quite literally kill off the opposition and solidify the stature of the government, and to spread fear to its people and the opposition politicians.

Some argue that even when executions are carried out for non-political reasons, it normalizes state violence and makes the public more insensitive regarding other human rights violations.

### 3.5. Role of the Judiciary in the Advancement of Human Rights

*(Note: Different countries have different legal systems, some are similar some are very different. This section however is a generalization of most commonly used systems.)*

The judiciary is the branch of government that interprets law and makes sure it is applied properly. It serves as a power check to the state and the legislators in most systems and keeps the rest of the government within legal bounds. Essentially, the judiciary does not make the laws themselves, but gets to interpret how they should be used.

The courts decide what laws mean when there's disagreement, laws are not always clear so judges interpret its language and intent when applying them in real cases. Court decisions, especially from higher courts, set precedent (Stare Decisis) and lower courts must follow the same interpretations and applications. This allows grounds for the judiciary to utilize this power to interpret laws in accordance to the constitution and the human rights, in order to prevent future cases to result in human rights violations. This can include interpreting phrases more broadly such as "right to life" being interpreted as "right to dignity, privacy, healthcare etc." or the opposite where conditions for a law to be applied made more specific.

Perhaps the most significant power of the judiciary is their power to decide whether a law or government action is constitutional or not. The judiciary can use this power to strike down government decisions which are deemed unconstitutional, and protect human rights in accordance to the constitution. This check granted to the judiciary is necessary in order to prevent the other branches of the government from abusing their powers.

For instance on 16 January 2026, a court in Greece acquitted (to free someone from a criminal charge) 24 humanitarian aid workers who had helped migrants to arrive safely were previously charged with crimes such as people smuggling, the reasoning was that the aid workers' actions were considered to have a humanitarian intent rather than a criminal one.

Another example was on June 2025, a court in Tanzania struck down provisions of a law which would have made it harder for people to file human rights cases by requiring individuals to prove personal harm, the court ruled this law unconstitutional as it unlawfully restricted access to justice for broader public interest cases such as human rights violations.



Similarly these powers can be applied by the judiciary to impose limits and even in certain cases abolish the death penalty in practice. For instance as a result of *Furman v. Georgia* in the US in 1972, the existing death penalty laws were considered arbitrary and capricious, and the death penalty was effectively stopped for four years. Following this case was *Gregg v. Georgia* in 1976 which brought the effective return of the death penalty while also making it less arbitrary. The courts of India has also passed several decisions which have made the death penalty a rare exception such as that of *Mithu v. State of Punjab* (1983) which stopped courts from using the death penalty automatically. Other examples include restrictions on age, mental health, crimes and etc.

One significant example is that of the decision regarding *Makwanane v. State* (South Africa, 1995), which has resulted in complete judicial abolition of the death sentence, as it was ruled to be a violation of dignity, equality, and right to life.

### 3.6. Current State and Public Opinion

#### 3.6.1. Public Opinion

The public opinion regarding the death penalty versus its abolition varies widely by country, by age group and the considered crime. Majority of Norwegians, Fins and -by some sources- Italians oppose the death penalty. In 2020, 55% of Americans supported the capital punishment whereas the figure was 60% in 2016 and 64% in 2010. In Taiwan for instance, there is enormous support with over 80% of the population supporting the death penalty.

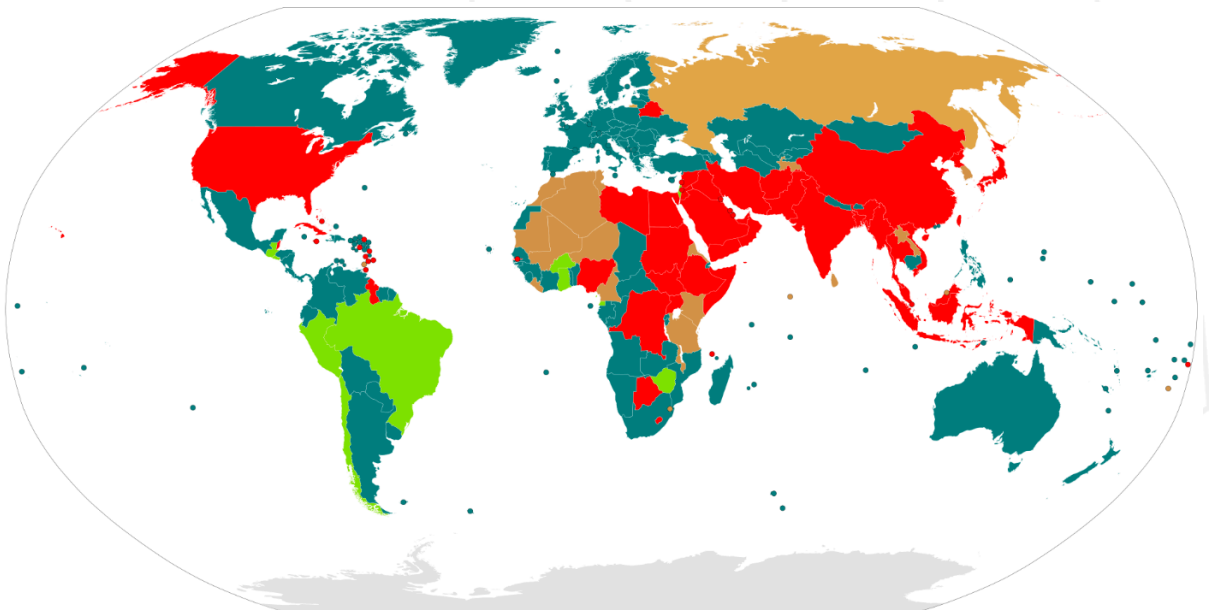
In countries such as India and China, despite growing support for the death penalty the number of executions have declined significantly with China going from 12,000 executions in 2002 to just more than 1,000 in 2025 and with India barely carrying out death sentences.

A poll in South Africa, where capital punishment has been abolished, found that 76% of millennial South Africans support the reintroduction of the death penalty due to increasing rape and murder. Similarly other polls have found that in Mexico and Brazil younger generations tend to support the death penalty more. However, in the US it has been found that the younger population supports the death penalty significantly less.

Like the young South Africans who want death penalty to be reinstated, according to two polls it was found that 54% of Canadians and in the UK 54% of people said they would support the reinstating of the death penalty for certain crimes such as murder and terrorism. Likewise in France the support for the death penalty has increased from 44% in 2019 to 55% in 2020 according to a poll. This is also an important consideration that the UNHRC should also combat the reinstating of the death penalty and its surge of popularity.

Do note that because the answers of the public for this question is very susceptible to current events and different age groups, socioeconomic classes, regions the polls often show differing results and sometimes conflict with eachother.

### 3.6.2. General Evaluation



Dark Green: Abolitionist, Light Green: Abolitionist in Law, Orange: Abolitionist in Practice, Red: Retentionist

Source: Wikipedia

If you look at the map above, you will see countries painted in dark green, who has abolished the death penalty. These countries include the European Union (who strongly pushes for abolition), Canada, Australia, South Africa, Turkey and many others around the world.

The countries that are painted light green reserve the death penalty for exceptional circumstances such as crimes committed in wartime but otherwise don't exercise the death penalty. This is most common in South American countries such as Brazil and few other African nations.

The countries painted orange are abolitionist in practice countries, who has effectively stopped delivering the death penalty for at least the last 10 years. For instance Russia and others.

The countries painted in red are the retentionist countries who continue to use the death penalty to this day. For example the US, China, Iran, India, Pakistan, Japan, Egypt, Saudi Arabia, Yemen and others. China, Pakistan, the United States, Saudi Arabia, Afghanistan, North Korea and Yemen have a minimum age of 18 for the death sentence, but reportedly China has carried out executions of those under 18.

An important consideration is that it is assumed that several countries both abolitionist and retentionist carry out executions in secret from the public through their militaries and intelligence agencies. It is also difficult to keep track of executions from all the countries around the world, especially when executions are common such as in China or the current regime imposes a closed society such as North Korea. Keep that in mind when looking at this table from the report of Amnesty International regarding the number of executions by country in 2022 (not all is included):

China	Iran	Saudi Arabia	Egypt	United States	Iraq	Singapore	Vietnam	North Korea	Afghanistan
>1000	>576	196	24	18	>11	11	Unknown	Unknown	Unknown

It is not clear how many people are being executed each year as many countries such as China, Iran, North Korea, Afghanistan keep the number of executions hidden. According to Capital Punishment UK, the reported use of death penalty increased from 1117 executions in 11 countries in 2023 to 1480 executions in 13 countries in 2024, keep in mind this only accounts for the reported cases.

Countries use several methods to execute criminals including: Hanging, shooting, lethal injection, beheading, stoning, electrocution, gas inhalation, gas asphyxiation...

In the modern day, public executions are considered to be distasteful by the majority of the world and is generally illegal. However, according to Amnesty International "public executions were known to have been carried out in Iran, North Korea, Saudi Arabia and Somalia". There have also been reports of public executions by both state and non-state actors in Gaza, Syria, Iraq, Afghanistan and Yemen.

### 3.6.3. Example States and Regions

#### ***United States***

The U.S. retains the death penalty under federal and some state laws, though its use is uneven and heavily restricted by the Supreme Court. More than half of states have abolished it or rarely use it, but executions increased in 2025, making the U.S. one of the world's leading users among democracies. Public opinion remains divided.

#### ***China***

China is believed to carry out more executions than any other country, though figures are secret. The death penalty applies to a wide range of crimes, including non-violent offenses, within a legal system with limited transparency. Human rights groups argue it is used to suppress dissent.

### ***Iran***

Iran is one of the world's most active executioners, with over 1,000 executions reported in 2025. Capital punishment is used for drug offenses and political or security-related charges, often following trials lacking due process. Its use is widely seen as a tool of repression.

### ***Saudi Arabia***

Saudi Arabia regularly carries out large numbers of executions for crimes including murder, drugs, and security offenses. The judicial process allows broad discretion and limited transparency, and executions are frequently linked to suppression of dissent.

### ***European Union***

All EU member states have abolished the death penalty, and abolition is a condition of membership. The EU actively campaigns for global abolition and opposes extradition where individuals may face execution.

### ***Russia***

Russia has observed a moratorium on executions since 1996. Although the death penalty remains in law, it is not used, and sentences are commuted to life imprisonment.

## **3.7. Existing Treaties and Past Works Regarding the Agenda Item**

While the Universal Declaration of Human Rights (UDHR) set the foundational standard in 1948, the international community has since developed specific, legally binding treaties and sustained efforts to move toward global abolition. These instruments provide the legal "teeth" to the principles outlined in the UDHR.

### **3.7.1. Key International Treaties**

- **International Covenant on Civil and Political Rights (ICCPR):** Adopted in 1966, the ICCPR is one of the most significant human rights treaties. While it does not outright ban the death penalty, Article 6 restricts its use to only the "most serious crimes" and strictly prohibits its application to anyone under 18 years of age or to pregnant women.  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
- **Second Optional Protocol to the ICCPR (1989):** This is the primary international treaty aimed specifically at the abolition of the death penalty. States that ratify this protocol commit themselves to not executing anyone within their jurisdiction and to taking all necessary measures to abolish the death penalty within their law.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/second-optional-protocol-international-covenant-civil-and>

- **Convention against Torture (CAT):** While not explicitly about the death penalty, the UN often links execution methods and "death row phenomenon" (long periods of waiting for execution) to Article 5 of the UDHR regarding cruel and inhuman treatment.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

- **Regional Protocols:** Various regions have their own binding agreements, such as **Protocol No. 6** and **Protocol No. 13** to the European Convention on Human Rights, which mandate abolition in all circumstances for EU member states. Similarly, the **Protocol to the American Convention on Human Rights to Abolish the Death Penalty** serves a similar role in the Americas. Council of Europe Treaty Series – No. 187:

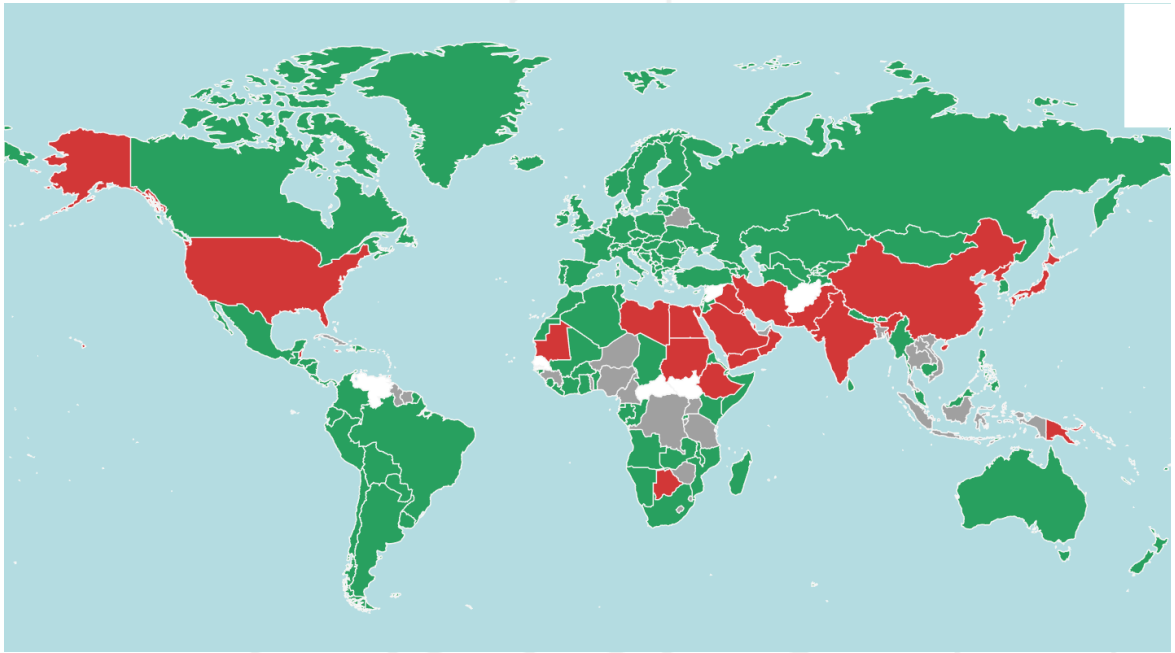
<https://www.google.com/search?q=https://www.coe.int/en/web/conventions/full-list%3Fmodule%3Dtreaty-detail%26treatynum%3D187>

### 3.7.2. Past Works and UN Actions

- **UN General Assembly (UNGA) Moratorium Resolutions:** Since 2007, the UNGA has passed several biennial resolutions calling for a global moratorium on the use of the death penalty. While not legally binding, these resolutions carry significant political weight and show a growing international consensus toward abolition.

<https://icomdp.org/unga/>

The latest of these resolutions is Resolution 79/458 (adopted on 3 December 2024). The following map represents the votes of member states for the resolution.



*In favour (Green): 130, Against (Red): 32, Abstained (Grey): 22, Absent (White): 9*

- **The Human Rights Council (UNHRC) Reports:** The UNHRC regularly commissions reports from the **Office of the High Commissioner for Human Rights (OHCHR)** regarding the disproportionate impact of capital punishment on the poor and minorities. <https://www.ohchr.org/en/death-penalty/reports-human-rights-council>
- **The Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty (1984):** Adopted by the Economic and Social Council (ECOSOC), these nine safeguards outline the absolute minimum standards to be applied in capital cases, including the right to appeal and the right to seek pardon. <https://www.ohchr.org/en/instruments-mechanisms/instruments/safeguards-guaranteeing-protection-rights-those-facing-death>

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