



CELEBRATING WORLD DAY AGAINST THE DEATH PENALTY, 10 OCTOBER 2013

Panel discussion: Parliamentarians, a critical force in promoting the abolition of the death penalty

Session I: OVERVIEW OF THE DEATH PENALTY WORLDWIDE; WHY ABOLISH THE DEATH PENALTY

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Death penalty developments

The global trend towards abolition of the death penalty has gathered pace dramatically in recent years.

Opposition to the death penalty is not exclusive to any particular region, political system, religion, culture or tradition and progress towards abolition can be seen in all regions.

Today, according to the United Nations (UN), some 150 countries have rejected the death penalty or do not carry out executions.

Only one in ten countries in the world still carry out executions.

According to Amnesty International in 2012, at least 682 executions were known to have been carried out worldwide, two more than in 2011.

But these figures do not include the thousands of executions that Amnesty International believes were carried out in China, where the numbers are kept secret.

Despite some setbacks the International trend towards abolition continues. As recently as December 2012, the UN General Assembly called for a moratorium on executions with the aim of abolishing the death penalty.

Africa is largely free of executions, with only five countries (Botswana, The Gambia, Somalia, South Sudan and Sudan) reported to have carried out executions in 2012.

The **Americas** are almost free of executions – only the United States of America (USA) continues to execute on a regular basis but even in the USA the trend is towards fewer executions, with an increasing number of states repealing death penalty laws. The USA states of Connecticut, Illinois, Maryland, New Jersey, New Mexico and New York have all abolished the death penalty in the last 10 years. Other states such as Colorado and New Hampshire appear to be moving closer to abolition. The Caribbean region remained free of executions and the number of death sentences imposed has declined since the abolition of the death penalty in large parts of the region.

In **Asia**, capital punishment is still used in several countries although the use of the death penalty is the subject of debate in a number of countries. The death penalty is used in violation of international standards and capital crimes often fail to meet the threshold of 'most serious crimes'. Moreover, many countries fail to release information and statistics about their use of the death

penalty. China carries out the greatest number of executions – but the government has introduced reforms which have reduced the number of executions although the precise figure has not been made public.

Europe – European countries, with the exception of Belarus, have abolished the death penalty which has been reinforced by its inclusion in European treaties. Neither the 2004 Madrid bombing, nor the 2005 London attacks, nor Anders Breivik's 2011 mass killings in Oslo and the island of Utøya in Norway have led to the reintroduction of capital punishment.

In the **Middle East**, the Arab Spring awakened hopes for greater respect for human rights including positive action against the death penalty. While a number of states have not carried out executions there is little progress towards legal abolition of the death penalty. Nevertheless, despite progress towards abolition, 21 countries in 2012 carried out executions.

Most executions took place in six countries: China, Iran, Iraq, Saudi Arabia, the USA and Yemen. But thousands of prisoners remain under sentence of death in retentionist countries around the world.

Reasons to abolish the death penalty

The 'right to life' is the most important of all human rights and it is recognized in human rights treaties, court judgements and resolutions of international bodies such as the United Nations. Abolition of the death penalty reinforces the 'right to life'.

There are three core reasons which support the 'right to life' and the repeal of capital punishment:

1. the risk of executing the innocent;
2. the death penalty is not a deterrent to serious crime; and
3. the arbitrariness in the use of the death penalty.

Innocence

Criminal justice systems are designed and run by people and therefore no justice system is ever perfect. There will always be the possibility of a miscarriage of justice. For states that retain the death penalty that means a person may be killed for a crime he or she did not commit.

Even in highly developed legal systems there is a body of evidence that people are convicted of crimes they did not commit and where these are capital crimes some innocent people have been executed.

The USA has a highly developed legal system. A justice system which affords a number of safeguards to those who face the death penalty and yet, since the early 1970s more than 140 death row inmates have been exonerated (the Death Penalty Information Center). These were not people whose sentences or convictions were overturned on a legal technicality - these people were sent to death row for a crime they did not commit.

Deterrent

A common perception among the general public is that the death penalty deters people from committing serious crimes. That somehow carrying out executions will mean fewer murders but studies show that the death penalty makes little difference to murder rates. In the USA a number of studies have demonstrated that the death penalty is no more an effective deterrent to murder than a lengthy period of imprisonment.

Unfairness

The death penalty is inherently arbitrary. It is often imposed on the most marginalised members of society. Individuals coming from the poorer sectors of society are at far greater risk of being sentenced to death than a wealthy individual who committed a similar crime, and because they are poor they often fail to get good legal representation at their trial.