

Capital Punishment



Introduction

Capital punishment (also known as the 'death penalty') is the execution by the state of an individual who has been convicted of a very serious crime.

UN Secretary General Ban Ki-moon on the abolition of capital punishment:

"The death penalty has no place in the 21st Century. Leaders across the globe must boldly step forward in favour of abolition ... together, let us end this cruel and inhumane practice" (2014)

Typically, individuals are executed for only the most serious crimes such as murder. However, some jurisdictions impose capital punishment for less serious offences. This contravenes [Article 6 of the International Covenant on Civil and Political Rights](#), which states that for those countries which retain the death penalty, individuals can only be executed for crimes which involve '*intentional killing*'. This Article also states that all human beings have an '*inherent right to life*'.

The [2018 Amnesty International report on Death Sentences and Executions](#) raises concerns that in this year alone, individuals across the world were executed for crimes that did not meet this threshold. Individuals under 18, people with mental or intellectual disabilities and those who had not had a fair trial were executed; this is also in contravention of international law.

The UK's commitment to abolitionism

The UK abolished the use of capital punishment in 1965 with the Murder (Abolition of the Death Penalty) Act 1965. The UK Government continues to support the worldwide

abolitionist movement for the death penalty (a movement calling for an end to the death penalty's existence and use).

In 2011, the British [Government produced a report](#), that outlined its strategy to pursue three goals:

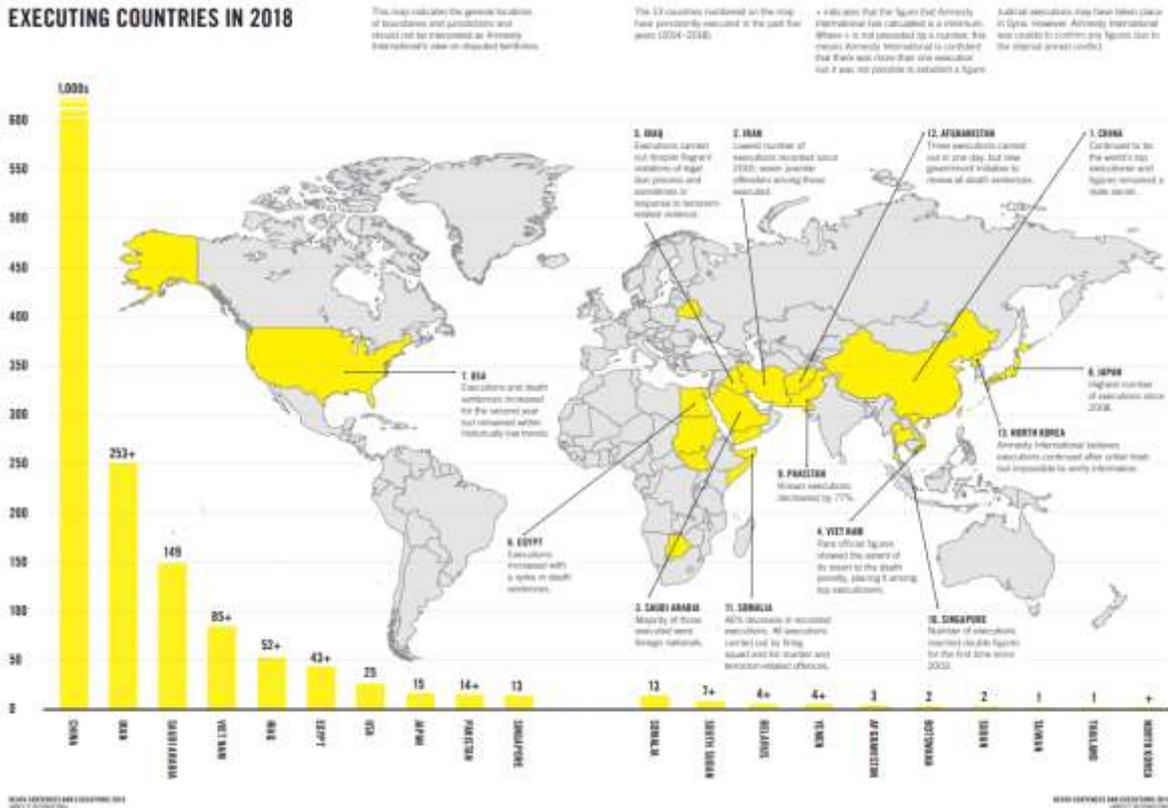
- To further increase the number of abolitionist countries
- To impose further restrictions on retentionist countries (those that retain the death penalty) and to see reductions in the number of executions carried out
- For those countries that retain the death penalty, to ensure that EU minimum standards are imposed in those countries.

World use of the death penalty

Around 150 countries of the 193 United Nations member states have either officially abolished the use of the death penalty or no longer use it in practice. An [Amnesty International report](#) found that in 2018, executions persistently took place in 13 countries throughout the world. At least 690 executions were known to have taken place globally in 2018, a decrease of 31% compared to 2017 (at least 993). This figure represents the lowest number of executions that Amnesty International has recorded in the past decade.

This significant reduction is primarily linked to lower figures for some of the countries which had accounted for the majority of the world's executions in previous years following amendments to the country's antinarcotics law, known executions in Iran dropped from at least 507 in 2017 to at least 253 in 2018 – a decrease of 50%. China remains the world's top executioner and figures remain a state secret.

EXECUTING COUNTRIES IN 2018



Source: [Amnesty International Global Report, Death Sentences and Executions 2018](#)

| <p>Arguments for</p> <p><i>Some supporters of the death penalty argue that:</i></p> | <p>Arguments against</p> <p><i>In a 2014 UN Report calling for the abolition of the death penalty, the following points were made:</i></p> |
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| <p>The death penalty is a <i>just</i> punishment: an individual who has unlawfully killed another deserves to lose his/her life also. This is considered a proportionate response to the harm caused. This is also known as the ‘eye for an eye’ argument and has its roots in retributivism (See SCCJR ‘What’s prison</p> | <p>Wrongful convictions are not completely avoidable, but capital punishment (unlike life imprisonment) cannot be reversed</p> |

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| for?'). | |
| Individuals who commit murder are beyond rehabilitation and are 'irredeemable'; this renders imprisonment futile. Using the death penalty saves wasting time and financial resources on rehabilitating an individual who is beyond rehabilitation. | There is no conclusive evidence to support the deterrent effect of having the death penalty as an available sanction. >>As pointed out in SCCJR 'Knife crime' , what deters offenders is the possibility of getting caught, not the severity of the sentence. |
| Deterrence: the existence of the death penalty as a possible sanction discourages others from committing crime, particularly murder. | The death penalty is only cheap if it is carried out quickly. Legal processes to prevent wrongful convictions are time-consuming and expensive, meaning that the death penalty is rarely a cheap option. |
| | Delays in executions (e.g. those spending years on 'Death Row' in US prisons) delay closure and healing for the families of the victims (as well as for the offenders). |
| | Given the nature of who commits crime and ends up in the prison system (see SSCJR 'Who's in prison? A snapshot of Scotland's prison population'), often vulnerable members of society are those facing execution: <i>"the death penalty is not imposed in a just or equal way"</i> |
| | The death penalty violates human rights. |
| | The death penalty has the potential to be mis-used: for example, it can be used to target specific social or political groups. |

Further Reading

Amnesty International (2018) *Death Sentences and Executions*. Available from:
<https://www.amnesty.org/download/Documents/ACT5098702019ENGLISH.PDF>

Foreign and Commonwealth Office (2011) *HMG Strategy for Abolition of the Death Penalty 2010-2014*, Human Rights and Democracy Department. Available from:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/35448/death-penalty-strategy-oct-11-15.pdf

Knowles, J. (2015) *The Abolition of the Death Penalty in the United Kingdom*. Available from:
<https://www.deathpenaltyproject.org/wp-content/uploads/2017/12/DPP-50-Years-on-pp1-68-1.pdf>

United Nations (1976) *International Covenant on Civil and Political Rights* Available from:
<https://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf>

United Nations Human Rights, Office of the High Commissioner (2014) *Moving Away from the Death Penalty: Arguments, Trends and Perspectives*. Available from:
<http://www.ohchr.org/Lists/MeetingsNY/Attachments/52/Moving-Away-from-the-Death-Penalty.pdf>

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