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“We need to educate about the true nature of the Death Penalty”

Presentation by Thomas Hammarberg, Commissioner for Human Rights
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The death penalty is on the retreat. In Europe there has not been any execution during the last ten years. Also in other parts of the world more and more countries avoid using this punishment – though there are some unfortunate exceptions such as China, Pakistan, Iran and the United States.

Very few politicians maintain nowadays that the death penalty deters crime; that argument has been undermined by scientific research. Studies have consistently failed to find convincing evidence that the death penalty prevents crime more effectively than other punishments. The overwhelming conclusion from years of deterrence studies is that the death penalty is no more of a deterrent than life imprisonment.

Indeed, violent crime rates in abolitionist countries are not on the increase. Those states in the U.S. that do not employ the death penalty generally have lower murder rates than states that do. The same is true when the U.S. is compared to countries similar to it.

Capital punishment is not a deterrent because most people who commit murders either do not expect to be caught or do not carefully weigh up the possible consequences of their actions. Frequently, murders are committed in moments of passion or anger, or by criminals who are under the influence of drugs or alcohol and act impulsively.

When this has become obvious, retentionist politicians instead refer to public opinion. They argue that the death penalty is necessary because people demand it. They even hint sometimes that their refusal to abolish the punishment is “democratic”.

It is true that in some countries, during some periods the public opinion surveys indicate that the majority would like to retain or re-introduce the death penalty. This tends to be the case in particular after reports about very brutal crimes. This is not surprising, in such situations many want radical action to be taken to stem criminality.

However, we also know that when people are more thoroughly informed about what happens during an execution, they tend to be more nuanced. Herein lies a challenge for us abolitionists: we need to inform and educate about the true nature of this punishment. On this issue, too many politicians have failed to take a leadership role.

The campaign for a global moratorium should be accompanied by renewed efforts to explain why the death penalty is wrong.

The arguments are overwhelming.

1. The death penalty violates the most basic of human rights

The application of the death penalty violates the most fundamental of human rights, the right to life and the right not to be subjected to cruel, inhuman or degrading treatment. Therefore, capital punishment has no place in civilized, democratic societies governed by the rule of law.

2. The risk of executing the innocent can never be eliminated

No legal system is infallible. Since 1973, over 120 prisoners have been released from death row in the U.S. with evidence of their innocence. Studies in the U.S. have shown that innocent people have been sentenced to death and executed. Once exacted, the death penalty can never be taken back.

3. The death penalty always discriminates against the disadvantaged

The death penalty is arbitrary and discriminatory. In practice, the factors which influence those who are executed are often irrational, such as the quality of the defense counsel, the race of the defendant or the victim. Both gender and socio-economic class can also determine who receives a death sentence and who is executed.

4. The death penalty has a brutalizing effect on society

Every execution is cruel and inhuman. Efforts to make the actual killing swift and painless have not worked and the mere waiting for being executed is certainly agonizing in itself. The fact that the State organizes killing of its own citizens – sometimes in order to demonstrate that killing is wrong! – sends an unfortunate and primitive signal of extreme violence as a “solution” to political and social problems.

5. The death penalty is unjustified retribution

The standards of a mature society demand a more measured response than the impulse for revenge. The abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights. Quoting the U.S. Supreme Court in a recent landmark decision, the death penalty “violates evolving standards of decency which mark the progress of a maturing society”.

Even those convicted of the most heinous crimes, namely genocide, crimes against humanity and war crimes should not be executed. 100 state parties to the Rome Statute of the International Criminal Court in 2002 were of the opinion that the death penalty should play no role in punishing those standing trial.

The execution of Saddam Hussein was undeniably wrong and sends out a dangerous message to the people of Iraq. Responding to violence with violence only breeds more of the same.