**The Death Penalty in Canada: Twenty Years of Abolition**

**Historical Background**

Between 1892 and 1961, the penalty for all murders in Canada was death by hanging. In 1961, an act of Parliament divided murder into capital and non-capital categories.

The first private bill calling for abolition of the death penalty was introduced in 1914. In 1954, rape was removed from capital offenses. In 1956, a parliamentary committee recommended exempting juvenile offenders from the death penalty, providing expert counsel at all stages of the proceedings and the institution of mandatory appeals in capital cases.

Between 1954 and 1963, a private member's bill was introduced in each parliamentary session calling for abolition of the death penalty. The first major debate on the issue took place in the House of Commons in 1966. Following a lengthy and emotional debate, the government introduced and passed Bill C-168, which limited capital murder to the killing of on-duty police officers and prison guards.

On July 14, 1976 the House of Commons passed Bill C-84 on a free vote, abolishing capital punishment from the Canadian Criminal Code and replacing it with a mandatory life sentence without possibility of parole for 25 years for all first-degree murders.

Canada retained the death penalty for a number of military offenses, including treason and mutiny. No Canadian soldier has been charged with or executed for a capital crime in over 50 years. On 10 December, 1998, the last vestiges of the death penalty in Canada were abolished with the passage of legislation removing all references to capital punishment from the National Defence Act.

There were 710 executions in Canada between 1867 and 1962. The last execution was carried out on December 11, 1962 when 2 men were hanged in Toronto, Ontario. Between 1879 and 1960, there were 438 commutations of death sentences.

**Twenty Years of Abolition: the Canadian Experience**

Contrary to predictions by death penalty supporters, the homicide rate in Canada did not increase after abolition in 1976. In fact, the Canadian murder rate declined slightly the following year (from 2.8 per 100,000 to 2.7). Over the next 20 years the homicide rate fluctuated (between 2.2 and 2.8 per 100,000), but the general trend was clearly downwards. It reached a 30-year low in 1995 (1.98) -- the fourth consecutive year-to-year decrease and a full one-third lower than in the year before abolition. In 1998, the homicide rate dipped below 1.9 per 100,000, the lowest rate since the 1960s.

The overall conviction rate for first-degree murder doubled in the decade following abolition (from under 10% to approximately 20%), suggesting that Canadian juries are more willing to convict for murder now that they are not compelled to make life-and-death decisions.

All of Canada's national political parties formally oppose the reintroduction of the death penalty, with the exception of the Reform Party which supports a binding national referendum on the issue.

A motion to reintroduce capital punishment was debated in the House of Commons in 1987. On June 30, the motion was soundly defeated on a free vote (148-127), despite public opinion polls indicating majority support for the death penalty.

A national poll conducted in June, 1995 found that 69% of Canadians moderately or strongly favoured the return of the death penalty, exactly the same level of support as 20 years ago. However, other surveys suggest that this abstract support is 'a mile wide and an inch deep'. In 1996, a cross-section of 1500 Canadians were asked to name the major concerns and issues facing the country; not one named reinstatement of the death penalty as a priority. (For comparison, a similar sample in the USA would be 15,000 individuals; polls of this size are considered to be accurate within 2.5 percentage points 95% of the time).

When the motion to reintroduce capital punishment was announced in February of 1987, popular support for reintroduction stood at 73% . By June (when the parliamentary vote was taken), popular support had slipped to an all-time low of 61%, following widespread discussion of death penalty issues in the media.

An opinion poll taken in December of 1998 showed a dramatic and unprecedented increase in the number of Canadians who oppose the death penalty. The survey, conducted less than two weeks after Canadian Stanley Faulder was granted a last-minute stay of execution in Texas, found that 48 per cent of Canadians support the death penalty, 47 per cent are opposed and 6 per cent are unsure. Pollsters attributed the sudden swing against the death penalty to the new wording of the question asked (which used the term "death penalty" rather than "capital punishment") and to publicity surrounding the controversial Faulder case.

Among Canadian religious organizations opposed to the death penalty are: the Anglican Church of Canada, the United Church of Canada, the Canadian Catholic Conference, the Presbyterian Church in Canada, the Baptist Convention of Ontario and Quebec, the Central Conference of American Rabbis, the Canadian Unitarian Council, the Lutheran Church, the Quaker Society of Friends and the Mennonite Central Committee. Many denominations and religious leaders were actively involved in opposing the 1987 reinstatement attempt.

Since abolition, at least 6 Canadian prisoners convicted of first-degree murder have been released on grounds of innocence. Two were incarcerated for more than 10 years before their innocence was established, after wrongful conviction for crimes that would likely have resulted in their execution if Canada had retained the death penalty.

Canadian research on the deterrent effect of punishment has reached the same conclusion as the overwhelming majority of US studies: the death penalty has no special value as a deterrent when compared to other punishments. In fact, the Canadian Association of Chiefs of Police has stated: "It is futile to base an argument for reinstatement on grounds of deterrence".

Under the terms of the Canada/USA extradition treaty, Canada may choose to refuse an extradition request without assurances that US prosecutors will not seek or impose the death penalty. In a number of recent cases, US prosecutors have voluntarily agreed not to seek the death penalty in order to obtain the prompt return of murder suspects.

There are no current measures calling for death penalty reinstatement. The present Canadian government is opposed to the return of capital punishment and has rejected calls for a national referendum on the issue.

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