Candidate name: Ciara Mbula

Centre Number: KE013

Candidate Number:0000

Topic: Law and criminality

Research Question: Should the death penalty be abolished to protect human rights??

Introduction

The death penalty is the ultimate cruel, inhuman, and degrading punishment of executing an individual for a specific crime. According to Amnesty International, 1,518 executions were recorded in 2024, which is up 32% from 2023. Every day, people are executed and sentenced to death by states as punishment for a variety of crimes, sometimes for acts that should not be criminalized. In some countries, it can be for drug-related offences, in others, this cruel punishment is reserved for terrorism-related acts and murder. Some countries execute people who were under the age of 18 when the crime for which they have been convicted was committed, others use the death penalty against people with mental and intellectual disabilities, and several others apply the death penalty against people after unfair trials – in clear violation of international law and standards. People can spend years on death row, not knowing when their time is up, or whether they will see their families one last time. This report will further analyse the question from three perspectives: global, national, and local. It will give an in-depth view of the human rights implications of the death penalty.

Global Perspective

The use of the death penalty is not consistent with the right to life and the right to live free from torture or cruel, inhuman, or degrading treatment. As of 2023, over 70% of countries (112 nations) have abolished the death penalty, according to Amnesty International 2023. In 1989, 33 years after the adoption of the Covenant itself, the UN General Assembly adopted the Second Optional Protocol to the ICCPR, which gave abolition decisive new momentum. As of 2022, 91 countries have ratified this treaty, reinforcing a global consensus towards abolition (UN Treaty Collection, 2022).Widespread evidence of injustice and wrongful convictions on death row has fueled the global push toward abolition. Nonetheless, a small number of countries continue to implement the death penalty, often clinging to the mistaken belief that it serves as an effective deterrent to crime. Some nations still impose capital punishment for offenses that do not meet the threshold of “most serious crimes,” such as drug-related offenses or terrorism. In 2023, the countries with the highest number of executions were China, Iran, Saudi Arabia, Somalia, and the United States, in that order. China remained the top executioner globally; however, the true scale of its use remains unknown, as execution data is classified as a state secret. The global total of at least 1,153 executions does not include the thousands believed to have taken place in China. Excluding China, a staggering 89% of all reported executions were carried out in just two countries: Iran and Saudi Arabia. A compelling example that highlights the intersection of the death penalty and human rights from a global perspective is the case of Margaret Nduta, a Kenyan woman who was sentenced to death in Vietnam for drug trafficking. Arrested in July 2023 at Ho Chi Minh City Airport with over 2 kilograms of cocaine hidden in her suitcase, Nduta claimed she was unaware of the drugs and that she had been duped by a man in Nairobi who offered her money to deliver the luggage. Despite her defense, she was convicted in March 2025 and sentenced to execution under Vietnam’s harsh drug laws, which mandate the death penalty for trafficking over 600 grams of cocaine. Her case sparked diplomatic intervention by the Kenyan government, which pleaded for clemency and requested her repatriation, while human rights organizations such as Amnesty Kenya criticized the lack of fair trial guarantees and argued that she may have been exploited as a drug mule. This situation illustrates critical global concerns about the use of capital punishment, especially in cases involving vulnerable individuals and questionable due process. The use of the death penalty is not consistent with the right to life and the right to live free from torture or cruel, inhuman, or degrading treatment

National Perspective

To this day, China remains one of the world's largest users of the death penalty. Although the state does not divulge the number of executions because it is a state secret, Amnesty International and other observers approximate that thousands of people are executed annually, higher than the rest of the world combined. This sort of abuse of capital punishment is seriously compromising fears about transparency, justice, and the protection of human rights.

The death penalty in China is not only applied to violent crimes such as murder but also to non-violent crimes such as the smuggling of drugs, bribery, and certain economic crimes. This extensive application is at variance with international standards of human rights, which hold the view that the death penalty, if used at all, has to be reserved for "the most serious crimes." To this, one would have to add the comment that legal protection is often in short supply in China. The defendants are frequently denied proper legal representation, and there have been cases where confessions have been obtained by torture and coercion. These are violations of international fair trial standards and significantly increase the risk of wrongful executions. China has introduced some minor reforms to its death penalty system. For instance, since 2007, the Supreme People's Court has had to examine all death sentences before their carrying out with a view to restricting miscarriages of justice. There are suggestions that this has reduced executions, but in the absence of public release of full data, it cannot be measured as an improvement.

Moreover, the government also controls media and civil society, and independent examination of death penalty cases is virtually impossible. China's application of the death penalty is but one manifestation of a broader struggle between state power and human rights. Although the government rationalizes its use as a way of maintaining social stability and preventing crime, its opponents argue that it is applied inconsistently and discriminatorily and that it disproportionately victimizes marginalized groups. Lacking real transparency and reform, China's application of capital punishment is inherently at odds with international human rights standards.

Local Perspective

At the local level, the death penalty disproportionately affects poor and marginalized communities. In the United States, for example, African Americans make up 41% of death row inmates despite comprising only 13% of the total population—highlighting deep-rooted racial and economic inequalities. In India, capital punishment is applied inconsistently, often in response to high-profile cases like the 2012 Delhi gang rape. While the executions in that case were hailed by many as justice, they failed to address systemic issues such as gender-based violence and severe delays in the legal system. The emotional and economic burden of the death penalty also falls heavily on local communities. Death penalty cases are significantly more expensive than non-capital cases due to prolonged trials and appeals, resources that could instead be used for crime prevention or victim support services. Moreover, the risk of wrongful convictions underscores the irreversible nature of this punishment. A striking example is the Rajiv Gandhi assassination case in India, where 14 individuals were acquitted after spending two decades on death row. In response, grassroots movements around the world are calling for abolition and promoting restorative justice approaches. In countries like Kenya and the Philippines, national campaigns are focused on tackling the root causes of crime such as lack of education and poverty rather than relying on harsh punitive systems. These efforts seek systemic reform aimed at protecting vulnerable populations and upholding human rights.

Courses of action

To address the abolition of the death penalty, several courses of action can be considered.  One effective approach is the complete abolition of the death penalty by replacing it with life imprisonment without parole. International organizations, such as the United Nations and regional bodies like the European Union, can utilize public campaigns and diplomatic means to promote reforms in retentionist nations. Furthermore, governments and civic organizations can unite to inform the public about the loopholes and injustices of the death penalty, such as the wrongful conviction of innocent people, racial and economic imbalance, and that it is not a deterrent to crime like other penalties. The second most crucial step is the call for a moratorium on the death penalty. Suspension would allow the accurate measurement of the death penalty system, impartiality, transparency, and conformity with international human rights norms. Governments would also get a chance to strengthen legal protections, i.e., access to professional defense lawyers, credibility of forensic evidence, and elimination of entrenched biases in the judiciary. For example, organizations like the Innocence Project have used DNA evidence to exonerate defendants, which underlines the importance of robust legal protections. Moreover, public campaigns and education can play a crucial role in shaping societal attitudes and influencing policymakers. By shedding light on the moral, practical, and ethical shortcomings of the death penalty, they can help create public pressure in favor of abolition. Restorative justice programs, based on rehabilitation and reconciliation rather than retribution, can be espoused as an effective and compassionate alternative to capital punishment. Finally, international pressure, economic or diplomatic, can compel retentionist governments to adopt abolition, creating an international mood concerning the protection of human rights and human dignity.

Evaluation of sources

I got my research from International bodies such as the United Nations Office of the High Commissioner for Human Rights (OHCHR) and Amnesty International.  The sources gave powerful arguments against the death penalty, highlighting how it violates basic human rights, particularly the right to life. The sources also provided useful statistics on the trends in abolition, executions, and the risks of wrongful convictions. The information provided by these organizations is trustworthy and convincing when advocating for abolition, as they are typically well-respected and have a solid foundation in human rights legislation.

But as I looked at a larger variety of viewpoints, I also encountered oppositional opinions from national governments and legal experts who support the death penalty's continued application, especially in nations like China, the US, and several Middle Eastern countries. These viewpoints frequently contend that the death penalty is essential for both giving justice to the families of victims and discouraging violent crime. For instance, some Chinese legal experts stress the importance of the death penalty in upholding public order and contend that its repeal could erode trust in the judicial system, particularly in cases where alternatives like life in prison are not regarded as enough punishment.

Reflection

At first, I thought the death penalty made sense as a form of justice for serious crimes. But the more I researched, the more I realized that it’s not that straightforward. However, as I explored various sources and perspectives, particularly those from international organizations and real-life cases, my opinion began to shift. I started to see how harsh the death penalty may be, particularly in nations like China, where trials aren't necessarily fair or open. Some countries may receive harsher treatment than others, and people may be wrongfully convicted. This led me to reflect deeply on the question. Justice cannot be served at the cost of human rights and irreversible mistakes. I am now more than convinced that the death penalty needs to be abolished and replaced with sanctions that are fair, humane, rehabilitation-based, and long-term justice-based.