Research question: Should death penalty be abolished to protect human rights? (word count 1726)

Introduction

The death penalty is the ultimate cruel, inhuman, and degrading punishment of executing an individual for a specific crime. Every day, people are executed and sentenced to death by the state as punishment for a variety of crimes – sometimes for acts that should not be criminalized. In some countries, it can be for drug-related offenses, in others this cruel punishment is reserved for terrorism-related acts and murder. Some countries execute people who were [under the age of 18](https://www.amnesty.org/en/latest/news/2015/08/iran-juvenile-offender-due-to-be-executed/) 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 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 analyze 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. It has declined over the past few decades. As of 2023, over 70% of countries (112 nations) have abolished the death penalty according to Amnesty International 2023. Many global institutions argue that the death penalty constitutes cruel, inhuman punishment violating international human rights law. The **Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)**, adopted by the United Nations in 1989, calls for the global abolition of the death penalty. As of 2022, 91 countries have ratified this treaty, reinforcing a global consensus toward abolition (UN Treaty Collection, 2022). **Evidence of injustice and wrongful convictions** on death row supports this international movement. Despite this trend, the death penalty is still employed in a small number of countries, largely because of the myth that it effectively deters crime. A few states also permit the use of the death penalty for crimes other than those of extreme gravity involving intentional killing, including drug-related crimes or terrorism charges. In 2023, the countries with the highest number of executions were China, Iran, Saudi Arabia, Somalia, and the USA – in that order. **China remained the world’s leading executioner** – but the true extent of its use of the death penalty is unknown as this data is classified as a state secret; the global figure of at least **1,153**excludes the thousands of executions believed to have been carried out there. Excluding China, 89% of all reported executions took place in just two countries – Iran, and Saudi Arabia.

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 numbers of executions on the grounds that it is a state secret, Amnesty International and other observers approximate that thousands of people are executed annually—higher than the remaining world put together. 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 often 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 into its death penalty system. For instance, since 2007, the Supreme People's Court has had to examine all death sentences prior to 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. Furthermore, 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

Locally, the death penalty is disproportionately targeting poor and marginalized groups. In the US, for example, African Americans make up 41% of death row inmates while they are only 13% of the population, showing systemic racial and economic bias. Similarly in India, the death penalty is applied sporadically, with sensational crimes like the 2012 Delhi gang rape leading to executions that were seen by many as justice but did not serve any function to address underlying problems like violence against women or delays in courts.The capital punishment also has a cost borne by the local communities, both emotionally and economically. Death penalty cases are significantly more costly compared to non-death penalty cases because of their lengthy trials and appeals, at the expense of crime reduction and victims services. Miscarriages of justice also form part of the injustice, e.g., India's Rajiv Gandhi assassination case where 14 death row prisoners were acquitted after 20 years, showing the irreversibility of judicial mistakes.  
  
More grassroots efforts advocate for abolition and restorative justice. National movements in Kenya and the Philippines emphasize addressing causes of crime such as education and poverty rather than punitive measures. These efforts demand systemic reform to protect vulnerable people and human rights.

.Courses of action

To address the abolition of the death penalty, several courses of action can be considered. One effective approach is completing abolition of the death penalty by replacing it with life imprisonment without parole. International organizations like the United Nations and regional bodies such as the European Union, can use public campaigns and diplomatic means to promote reforms in the 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 shall not be a deterrent to crime as other penalties. The second most crucial step is the call for a moratorium of the death penalty. Suspension temporarily 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 meaning of robust legal protections. Moreover, public campaigns and education can play a key role in changing the attitudes of society and influencing policy makers. By shedding light on the moral, practical, and ethical deficiencies of the death penalty, they can help create public pressure against 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 Offices of the High Commisioner 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 because they are typically well-respected and have a 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. But as I explored different sources and perspectives, especially 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 which are fair, humane, and rehabilitation- and long-term justice-based.

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