

Good Reasons to Oppose the Death Penalty



Innocence and the Death Penalty:

The wrongful execution of an innocent person is an injustice that can never be rectified.



International Trends: The vast majority of countries in Western Europe, North America and South America - more than 139 nations worldwide - have abandoned capital punishment in law or in practice.



Inadequate Legal Representation:

Perhaps the most important factor in determining whether a defendant will receive the death penalty is the quality of the representation he or she is provided.

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Deterrence: Scientific studies have consistently failed to demonstrate that executions deter people from committing crime any more than long prison sentences.



Arbitrariness in the Application of the Death Penalty:

Politics, quality of legal counsel and the jurisdiction where a crime is committed are more often the determining factors in a death penalty case than the facts of the crime itself.



Death Penalty Can Prolong Suffering for Victims' Families:

Many family members who have lost love ones to murder feel that the death penalty will not heal their wounds nor end their pain; the extended legal process prior to executions can prolong the agony experienced by victims' families.

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Alternatives to the Death Penalty:

In many states that retain the death penalty, there is the option of sentencing convicted capital murderers to life in prison.

(Source: <http://www.deathpenalty.org/>)



Delegation of the European Union to India

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10 October

European and World Day
against the Death Penalty



Facts and figures about the death penalty

- Miscarriages of justice, which are inevitable in any legal system, are irreversible.
- The death penalty does not deter crime more effectively than other punishments.
- Abolition of the death penalty does not lead to an increase in crime.
- Imposing the death penalty contravenes the right to life and the right not to be subject to cruel, inhuman or degrading punishment.
- Prisoners on death row can include juveniles, mentally ill or mentally retarded persons, pregnant mothers.
- There is a worldwide trend towards abolition: between 1993 and 2010, the number of countries that abolished the death penalty by law for all crimes, grew from 55 to 96.
- As of December 2010, 139 countries - more than 2/3 of the countries of the world - were abolitionist in law or practice.
- Of the 58 retentionist countries, in 2010, 23 countries/territories were known to have carried out executions.

The EU at the forefront of international efforts to abolish the death penalty

- The EU considers capital punishment to be a cruel and inhuman punishment, which fails to provide deterrence to criminal behaviour and represents an unacceptable denial of human dignity and integrity.
- All EU Member States have abolished the death penalty. Abolition is a requirement for EU membership.
- Europe is a unique regional entity: only Russia has yet to formally abolish the death penalty. Only Belarus still carries out executions.

- Based on the consensus among all EU Member States, the EU is the leading institutional actor in the fight against the death penalty worldwide. This campaign is a priority of the EU's High Representative for Foreign Affairs and Security Policy, Catherine Ashton.
- The EU works towards the abolition of the death penalty, if necessary with the immediate establishment of a moratorium with a view to abolition. Where the death penalty still exists, the EU calls for its use to be progressively restricted and insists that it be carried out according to international minimum standards.
- The EU has a multitude of tools and instruments for systematic action on the death penalty. These include general demarches, specific demarches in cases which violate minimum standards, specific reporting on the death penalty in third countries and common action in multilateral fora aimed at introducing a moratorium on the use of the death penalty and, in due course, abolition.
- The EU gives worldwide support to civil society projects against the death penalty worldwide under its Instrument for Democracy and Human Rights (EIDHR):
 - € 8 million was allocated in 2008 in support of 16 abolitionist projects at global scale.
 - In addition, 6 projects are funded through EIDHR in-country schemes for a total allocation of more than €11 million.
 - The latest call for proposals on the death penalty has been launched on 15 June 2011, with an allocation of € 7 million.Funded activities include: Lobby and support for legal and constitutional reform to restrict or abolish the death penalty and the implementation of the UN Moratorium; campaigns to increase public pressure/awareness; respect for "minimum standards" for the application of the death penalty; development of a global abolitionist movement; assistance to prisoners in the death row; securing access for death row inmates to appropriate levels of legal support; training judges and lawyers to restrict the application in retentionist countries

Worldwide trends and challenges

- The Report of the UN Secretary-General on "Capital Punishment and Implementation of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty" (December 2009) confirms a very marked trend towards abolition and restriction of the use of capital punishment in most countries.
- Countries that retain the death penalty are, with rare exceptions, significantly reducing its use in terms of numbers of persons executed and the crimes for which it may be imposed.
- Where capital punishment remains in force, there are serious problems with regard to the respect of international norms and standards, notably in the limitation of the death penalty to the most serious crimes, the exclusion of juvenile offenders from its scope, and guarantees of a fair trial.
- The report contains some recommendations:
 - States that have abolished the death penalty but have not yet ratified the relevant international instruments should proceed with such ratification.
 - States that have abolished the death penalty should deny extradition to States where the death penalty might be imposed, unless assurances are given that the individual concerned could not be sentenced to death or, if sentenced to death, the penalty would not be carried out.
 - States that retain the death penalty should apply all safeguards, *inter alia*:
 - limit the application of the death penalty to the most serious crimes;
 - apply fair-trial standards and the presumption of innocence;
 - ameliorate conditions on death row in accordance with international standards;
 - collect and provide statistical data on cases involving the death penalty, including data disaggregated by gender;
 - apply General Assembly resolution 62/149, entitled "Moratorium on the Use of the Death Penalty".