

Solutions on how to abolish the death penalty essay example

[Law](#), [Death Penalty](#)



Significant developments have taken place in the recent past with regard to the application of the death penalty that point at a global trend in a bid to have it abolished. Death penalty is a form of capital punishment, and it refers to the legal process in which an individual is condemned to death by his or her state as a form of punishment for having committed a capital crime. It is perceived by many to be inhuman as it results in the loss of life thus ultimately denying one his or her human rights. This heinous act is allowed to happen in the pretext of ensuring justice. It goes against the provisions in the Universal Declaration of Human Rights as it denies one the right to life. Therefore, there are measures aimed at ensuring the practice is abolished and have humane ways of dealing with criminals to deter crime.

In the year 2011, there was a sharp decline in the number of states that used to execute capital offenders as compared to the number in the previous year. Currently, about two thirds of all states in the whole world are known to have abolished this form of capital punishment, both in law and practice.

Apart from being seen as a way through which one's right to life is lost, the death penalty at times results in the loss of innocent lives. A good number of innocent individuals end up being subjected to the death sentence. There are situations where some individuals who had been sentenced to death have had to be released from death rows because of the presence of evidence showing that they were convicted wrongfully.

In addition, the death penalty has been known to be racially biased, is expensive and causes a diversion of resources from the real activities of controlling crime. The penalty seems to be biased towards a given race and

thus disliked. As compared to other available alternative forms of sentence, the death penalty has proven expensive. This is because much of the costs involved in this option are usually before the trial and during the trial itself. This form of punishment has been shown to be ineffective as a deterrent to crime according to FBI reports that depicted the states without the death penalty as having the lowest homicide rates in the United States.

Death penalty is in most cases arbitrary and also unfair. Most victims on death row are usually constrained financially so that during trial they are unable to be represented by a personal attorney. In addition, the direction the ruling will go is subject to plea bargaining, influence from local politicians and the crime scene among others. The process is therefore unfair since it is subject to external interference. Other than that, within the United States any state is free to enact the federal death penalty even when they themselves lack the death penalty. There are persons who have had to be executed in the US despite them being mentally ill. Although international law is against the execution of insane persons, there are minimal protections in the US constitution for those with mental illness. The rights of foreign nationals are not taken into account in the US with regard to the death penalty and a number of foreign nationals have had to be executed within the US.

This form of capital punishment as explained is riddled with racial bias, economic bias and is subject to human error. Such activities as educating members of the public about the flaws of capital punishment, giving support to activism against death penalty and addressing individual cases of injustice

are instrumental in ensuring the abolition of the death penalty. Of course, the road towards abolition would not be smooth, and challenges would arise along the way. The best place to start from in the vision to have a world that is free of this form of punishment is to narrow available provisions on the capital punishment's use. This would entail reducing the number of crimes that require punishment by death penalty. The execution of insane persons, juveniles, pregnant mothers or mothers having small children and the elderly should be restricted. After this has been realized, it will be easy to advocate for its complete abolition.

As proposed that only serious crimes should be subjected to this form of punishment, states should ensure there's fair trial at all stages, including clemency and appeal proceedings. The practices should also be reviewed and caution taken to ensure that the process is not discriminatory, and neither is it arbitrary. In case executions occur, those involved should ensure that even as the process takes place, the least possible suffering should be inflicted. Such practices as stoning and public executions should be prohibited. Conditions for death row inmates should be in accordance with international standards of human rights.

It is important to have constitutional and legislative reforms in the step towards abolition. This should also be accompanied with putting in place the most essential judicial reforms, a review of the prison system and empowering agencies that deal with the enforcement of the law. These are genuine steps towards the abolition process. In parts where those in authority are adamant to calls for the penalty's abolition, principles of

accountability and transparency in the process of execution should be upheld. The full facts about the application of this sentence should be published. Before the system is abolished, there should be an official moratorium pertaining to the death sentences and executions as well.

Carrying out public debates to sensitize the public concerning the death's penalty's efficiency in deterring future crimes and its effects on other aspects of their lives; social, political and economic aspects. The public should be made to understand that the idea to abolish the death penalty is not in any way directed towards causing a decline in public security nor undermine justice. Engaging political leaders, the media, and religious leaders, law enforcing officers, judicial officers, NGOs and civil rights groups in educating the public would ensure the success of this endeavor.

An alternative to the death penalty should be proposed so that people are free to compare and see the shortcomings of the former. A sanction regime that is humane and is in line with international standards and norms concerning human rights should be proposed. When advocating for the abolition of the death penalty, it should be noted that in some places there are people already on death row, and therefore, humane conditions for these persons should be advocated for. Their treatment should consider international standards for prisoners' treatment. Their sentences can as well be commuted where possible.

Any binding international agreements as well as any existent regional instruments that relate to the issue of the death penalty should be signed

and ratified to show commitment to abolishing the punishment. Such applicable treaties include the Convention against Torture, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child among others. In such places as in the United States, the penalty was banned between 1972 and 1976 but was later reintroduced, and therefore this implies abolishing it again will not be practically difficult because of this kind of background.

There's no scientific justification that demonstrates that the application of the death penalty in any state would lead to more effective deterrence of crime as compared to other available forms of punishing criminals. In Europe, all nations in the European Union follow a system of criminal justice that aims at rehabilitating the offender and resocializing him or her back into society. Therefore, in such a case, the use of the death penalty will be against the philosophy these nations pursue. They also advocate for the promotion of the respect for human rights.

Instead of serving as a means to deter crime, the death penalty is a form of revenge, commonly referred to as 'an eye for an eye'. This makes a country's system of justice to be perceived as a tool for serving private vengeance. As a system, it encourages revenge and with time a cycle of revenge is developed. The death penalty is irreversible in nature and once an execution takes place and it is later discovered that the executed person was innocent justice cannot be granted. It is therefore disadvantageous because in case of miscarriage of justice the ruling cannot be reversed and

an innocent life ends up being lost. This aspect of it being irrevocable makes it unsuitable for ensuring justice

One very common alternative to the death penalty is the life sentence as it also considers very serious acts of crime. It is revocable, is relatively cheap, is not arbitrary and does not encourage a cycle of revenge. It is effective in deterring crime as it provides for the rehabilitation of the offender as well as resocializes him back to society. Individuals can offer to support the abolition calls by joining such groups as the National Coalition to Abolish the Death Penalty in the United States, making donations to the organizations whose work is to advocate for the abolition of the death penalty, and pushing their representatives to the legislature to present their best interests when debating bills touching on this issue among others.

Instead of using numerous valuable resources in death penalty, I rather, the same should be applied in dealing with the causes of crime, developing programmes for crime prevention, as well as strengthening the state's law enforcement capacity. These are sure ways of ensuring the rate of crime is controlled. Strong political governance, political will as well as a well-designed strategy are all essential in ensuring the push for the abolition of the death penalty acquires global support. The Second Optional Protocol to the International Covenant on Civil and Political Rights is a step undertaken by the UN General Assembly to ensure the use of the death penalty and is a step in the right direction that would help in the actual abolition.

Works Cited

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