

Example of capital punishment is categorised into four categories according to am...

[Law](#), [Capital Punishment](#)



\n[toc title="Table of Contents"]\n

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1. [Introduction](#) \n \t
2. [7\(4\) % have abolished it.](#) \n \t
3. [40\(20\) % maintain the death penalty in both law and practice.](#) \n \t
4. [In 1832 the death penalty was abolished for death penalty?](#) \n \t
5. [The Council of Europe](#) \n \t
6. [Conclusion](#) \n \t
7. [Cited Works](#) \n

\n[/toc]\n \n

Introduction

Capital punishment has been evolving over the centuries all over the world. The reasons for the use capital punishment were many which led to abuse of the system. More countries that were practicing capital punishment have ceased to do so in the modern world. Some of the methods used for the executions became unacceptable leading to the drive to eradicate the practice. This paper will show that the use of death penalty/capital punishment as a crime control method is declining around the world and on the way out, replaced by more civilised methods of punishment.

- Capital punishment in the world today

A number of countries have abolished the death sentence of all crimes according to Amnesty International. Two thirds of the world countries have done away with capital punishment in law and in practice. Capital punishment goes back many centuries. In ancient times punishments were in

different forms, ranging from stoning, burning, boiling, dismemberment, crucifixion, slicing, crushing, drowning and many others.

These penalties were used for many different reasons that may not be used in the civilised world today. There were at least 682 executions which are known to have been carried out around the world. Amongst them are the 195 countries which are independent states that are UN members, though this figure does not include those executions that were carried out in China because of the secrecy in which the regime operates.

90% of the world's population not using it,

100 (51) % who have abolished it

7(4) % have abolished it,

48(25)% permit its use for ordinary crimes, but have not used it for at least ten years and believed to have established practice of not carrying out death sentences, or is under moratorium

40(20) % maintain the death penalty in both law and practice.

In Africa there are 54 members of the United Nations with almost half of them having abolished the death penalty or not having used it in ten years.

In some countries in Europe those members who join the European community abolished the death penalty in order to be part of a single community which hold the same values. Turkey removed the death penalty in August 2002 and in 2004 amended its constitution so it could remove the capital punishment in order to join the EU membership.

The death penalty (Capital Punishment) has been slowly dying in recent

years. In many countries, capital punishment is only used for specific crimes not minor offences like petty theft or disturbance of the peace. As civilisation developed a realisation that there was no need for capital punishment began in the modern world, fuelled by some International organisations, making the abolition of the death penalty a requirement of membership, especially in Europe.

- United Kingdom

In the United Kingdom before 1989, the form of executions used for traitors were more of a torturous form. The convict would be carried to a place of execution, the pronounced sentence required that they should be dragged along the ground by a cart of horses. For men, they would be hung by a noose around the neck until almost dead and then made to watch as they are being dismembered. However these tortuous sentences were amended in 1814.

In 1832 the death penalty was abolished for death penalty?

In 1870 attainder was abolished.

In 1965 capital punishment had been abolished for almost all crimes, but could still be used for treason.

In 1998 under section 36 of the Crime Act Order Act 1988[49], the maximum punishment for a person convicted of treason is life imprisonment or any shorter term. The United Kingdom moved from death penalty to more humane punishment. Great Britain also practiced this in its colonies as a way of repression with the indigenous people being hanged for minor crimes. The British Colonial regime left behind the practice of death penalty for any

infidels which is still in some of its former colonies

- Canada

In Canada crimes such as murder, treason and rape would be punished by a death sentence which was in the form of hanging. In 1961 murder was classed as capital and non capital offences. There had to be premeditated murder of police officers and guards and the sentence was hanging. In 1962 Execution was carried out. In 1966 Capital punishment became limited to the killing of an officer who is off-duty or prison guard.

1976 Capital punishment was taken off from the Canadian Criminal Code, and in place a mandatory life sentence was introduced with no possibility of parole for at least 25 years for all first degree murders.

1987 A motion to bring back the death penalty was defeated by a free vote in the Canadian House of Commons.

1998 The Canadian National defence Act was changed to remove the death penalty and replace it with life imprisonment.

2001 The Supreme Court of Canada ruled that in cases of extradition there should be assurance that death sentence if it is imposed an execution should not be carried out.

- Australia

Historically the death sentence were carried out under Aboriginal customary laws either directly or through sorcery. In some cases the person condemned would be denied mortuary rites. Capital punishment was part of the Australian legal system since the 19th century. The crime that carries the death sentence ranged from burglary, sheep stealing, forgery, and sexual offences . About 80 people were hanged every year in Australia.

In 1973, Australia became part of the Commonwealth and the Death penalty Act 1974 came into force at the same time. The Commonwealth abolished the death penalty for federal offences. s3 of the Act applied to any offence against a law of the common wealth and s4 prohibited punishment of death for any offence.

The Death Abolition Act 1973 was passed which was replaced by the introduction of life imprisonment as the maximum punishment. On 11 March, 2010 the Federal Parliament passed law stopping the death penalty from being reintroduced by any of its territories in Australia. Australia banned capital punishment state by state basis throughout the 20th century - European Union countries

On the 15th of April 1999, the death penalty in the time of peace was abolished by the ratification of the protocol for Human Rights Convention . In 2002 Latvia signed protocol 13 to the ECHR which concerned the abolition of the death penalty in relation to all circumstances. The s13 ratification of the protocol was adopted on October 13, 2011 and the protol was entered into force on May 2012. This brought Latvia into line with the rest of European Union.

It was found that murder rate in Europe and England for instance reduced to 90% between the 14th century and the present day regardless of the fact that there are more lethal weapons which are readily available. This shows that when society works for the emancipation for the people, violence decreases as no one wants to harm the other. Civilisation has played an instrumental role in the shifting of people's mentality in the drive to eradicate capital punishment.

- Africa

In Africa the commonly method used for serious offences were execution by firing squad and hanging. In Moslem states use stoning in some countries.

The Guardian 10 April, 2011 reported that 16 countries in Africa had abolished capital punishment and in 2007 according to Amnesty

International some developments regarding capital punishment in 5 African countries especially Rwanda which abolished the death penalty in July 2007.

About 600 inmates were commuted to life imprisonment. Rwanda was the 14th African country to stop the capital punishment for all. Most of the

African countries practice the death penalty if someone is suspected of witchcraft or murder. However the countries that were formally under the

British rule, the murder has to be of such violence or mass murder for a

person to be hanged. Political and economic stability in these countries has seen a change in attitudes towards the death penalty.

Nigerian government in May 2007 announced that all the prisoners who are over the age of 70 including those over 60 who had spent more than 10

years on death row would be granted amnesty. In Guinea the Justice Minister stated that the Guinea Government was opposed to the death penalty and no executions would be carried out.

Mali in June 2007, A1 reported that under the new re-elected parliament of Kassoum Tapo, the initiator draft bill to abolish death penalty was to be

tabled before parliament. Mauritania, an anti death penalty association was established which was the first joined together with several human rights

organisations in August 2007. In September 2007 Gabon's council of Ministers also voted for the abolition of the death penalty.

In the African countries where there are conflicts it is still used as a weapon of terror such as in Egypt, Syria and many others. However this situation is fuelled by political rivalry. Where a country is at peace there is stability and governments can pass just and fairer laws. The death penalty is used in some African countries to squash the opposition. Some countries in Africa such as Zimbabwe have the death sentence but have not used it in more than ten years they use moratorium instead but has recently hired a hangman.

7. NORTH AFRICA AND THE MIDDLE EAST

It was hoped that after the Arab spring, the death sentence would be abolished in the region sadly the countries are still executing prisoners most for political reasons. Countries such as Saudi Arabia, United Emirates, Iraq, Egypt, Syria and Yemen have continued using the death penalty. However other countries have been observing moratoriums for some years. These countries include Tunisia from 1991, Morocco and Algeria since 1993, Lebanon since 2004 and Jordan since 2006 showing that these countries are not so keen on using the death penalty. Since the world is ever developing more markets are opening the need to be part of a global village is increasing with many nations seeking to trade.

8. ASIA

Drug trafficking is still prevalent in some Asian countries despite the fact that those caught are given a death penalty. In the last decade many people were executed for drug trafficking. It was believed that this would deter others from the trade. This though did not achieve the desired outcome as drug trafficking is still thriving in places such as Iran where executions are

still being carried out.

In some countries in Asia where drug trafficking offences is punished by death penalty has now been reduced to life imprisonment due to international pressure. Some of the countries have abolished the death penalty for drug trafficking and those convicted had their sentences reduced to life imprisonment.

Several other persons who were convicted of drug trafficking offences were sentenced to life imprisonment in place of death sentence such as Singapore which relaxed the penal code to mandatory death penalty for drug trafficking and homicide offences in 2012.

According to the Anti-Drug Penalty Asia Network (ADPAN) 16 Asian nations still retain the death penalty laws on their books for drug offences such as drug trafficking in Bangladesh, China, Pakistan, North Korea, Brunei, India, Thailand, South Korea, Singapore, Tai wan and Vietnam as reported by Hood and Hoyle 2008: 139

9. Latin America

Most Latin American states have completely abolished the use of capital punishment except Brazil which has retained death penalty in exceptional cases such as treason committed during war time.

10. The Americas and Caribbean

The majority of the American continent is abolisits besides the United States which the only country still carrying out the death penalty.

11. United States Of America

In the United States, however some states not most of the states have abolished capital punishment. However, states such as that of New Jersey,

New Mexico, Illinois and Connecticut have abolished the abolished the death penalty. Maryland is now the 128th state to abolish the death penalty.

According to Death Reality Information Centre, the number of people executed fell from 98 as in 1999 to 43 in 2011 and 12.

Many other states have bills on of the abolition pending. California has still has about 736 death row inmates. The two most used methods used in the US are lethal injection and electrocution. These methods have brought about the debate on inhuman treatment leading to weighing the benefits of the different methods.

The Inter-American Commission on Human Rights opposes the death penalty and speaks against executions in the United States of America and other countries that are still practicing the death penalty. Death penalty just like slave trade will soon be a thing of the past.

The Council of Europe

The Council of Europe today is viewed as the only region in the entire world where there is no practice of the death penalty 47 of its member states has abolished the death sentence or is practicing moratorium. Its determination is to eradicate capital punishment as shown in Protocol No6 to the European Convention of Human Rights which follows an initiative from the Parliamentary Assembly to abolish the death penalty in peacetime.

It was adopted in 1983 and in 2002 a further step was taken with the adoption of Protocol No. 72 on the abolition of capital punishment under all circumstances including those acts committed during war.

The Parliamentary Assembly is still continuing to monitor the capital

punishment issue it has gone as far as extending its actions to countries who are enjoying observer status with it such as the likes of Japan and the United States of America. This goes to show that the war to abolition of this heinous form of punishment is intensifying and will rage on till the whole world come together as one.

The work of many agencies such as religious groups, Humanitarian organisations around the world are continuing on the final abolition of this evil practice that does not give a second chance for a convicted offender to change. In Early times the people then did not know any better than to use capital punishment applying the cruelest methods possible.

The countries observing de facto moratoriums are on the increase. Maldives since 1952, Sri Lanka since 1976, India since 2004 and Pakistan has had a moratorium since 2009. Laos since 1989 and South Korea since 1997.

Conclusion

As a result of many miscarriages of justice in some capital cases some states began to question in justice in the use of capital punishment. William Blackstone who was influenced by Cesare Becerra's contemporary treatises on criminal law and punishment, *On Crimes and Punishment* published in 1764 put his emphasis on rationality in the imposition of punishments in place of the indiscriminate application of harsh punishments as the death penalty.

The use of capital punishment (Death Penalty) as a way of punishment is increasingly regressing across the globe. Only 21 out of 195 countries carried out the death penalty. There are only 91 countries that actual uses

execution as a way of punishment in the past year. This shows that the practice of using capital punishment/death penalty is on the door step of its death leading to a future with no place of such an evil practice in a civilised world.

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