

# Capital punishment and human rights essay sample

[Law](#), [Crime](#)



Capital punishment violates human rights and therefore cannot be justified for any reason. According to the Universal Declaration of Human Rights, every human has the inalienable right to life and the right not to be tortured or subjected to any cruel, inhuman or degrading punishment. The death penalty is not always smooth and painless, and therefore it is torture. Every legal system is fallible, and it would therefore be very possible for innocent lives to be extinguished. The death penalty can be unfairly administered to the poor and minorities. The death penalty does nothing to improve society as it takes away any chance of rehabilitation and redemption. It is also immoral that some countries execute children and pregnant women. The death of a criminal is not for humans to decide, and will only serve as revenge for the victims, not justice.

According to the Universal Declaration of Human Rights, everyone has the inalienable right to life<sup>1</sup>. It is a clear breach of this right if the death penalty is used. This right cannot be forfeited even by committing a crime. The death penalty only serves the purpose of revenge, not justice. The relatives of criminals do not usually support the death penalty because they 'know' the person and circumstances and feel that it is not warranted. The death penalty is more likely to be supported by the victims of crime who go by the "eye for an eye" ideology of revenge. However, the purpose of the legal system is not to deal out revenge, but justice. The death penalty is just state-sanctioned murder and revenge.

Every human has the right "to not be tortured or subject to any, cruel, inhuman or degrading punishment." <sup>2</sup> Yet methods of capital punishment

such as stoning, lethal injection and electrocution, are painful and slow, and can be classified as torture. They are also inhumane; in Vietnam and China, prisoners are faced with the humiliation of being executed by firing squad in front of the public and their relatives are not told until after the execution. In Iran, adultery is met with execution by stoning. It is a cruel exercise in which “...the stones should not be too large so that the person dies on being hit by one or two of them; they should not be so small either that they could not be defined as stones.”

Capital punishment violates human rights because as they are created by humans, all legal systems are fallible. It is extremely unwise to have the death penalty because there is always the possibility of error. It is unacceptable that even one innocent person could be executed. Where the presumption of innocence holds true, a guilty man walking free should be preferred to an innocent man being wrongfully convicted. Since 1973, 122 death-row prisoners in America have been released due to evidence proving their innocence. In Vietnam the trial process does not meet international standards. In both China and Vietnam court processes are corrupt, unfair and are often interfered with by politicians who want death sentences to achieve certain outcomes.

Despite the existence of the International Right that “ every law shall prohibit ... discrimination on any ground such as race, colour, sex, language, religion, opinion, origin, property, birth or other status” 4, the death penalty is unfair as it is disproportionately administered. China has used the death penalty to suppress minority religions and activists. The poor in many

countries are disadvantaged as they have insufficient money to afford good legal representation, if any at all. In Arabic countries, women are executed for crimes like adultery that do not demand execution for men.

The death penalty does not give criminals the opportunity to redeem themselves or get rehabilitated. Whatever the crime, the criminal should be given a chance to lead a normal life after their sentence has been served. Stanley Williams, in the US, was convicted of the murder of four people and was sent to death row. While in prison, although he maintained his innocence, he saw the errors in his way of life, wrote books and was nominated for the Nobel Peace Prize. Nevertheless, he was not granted clemency and was executed. This person made a genuine attempt to redeem himself but was executed anyway.

What was the point in Williams changing for the better when he was still going to be executed? The death penalty should be abolished because criminals in death row are not even encouraged to change their behaviour for their own moral benefit let alone for the rest of society. In Singapore, drug trafficking is a capital offence, and recently, Mr Van Nguyen was executed for it. In these countries, mitigating circumstances where the criminal may not be fully responsible for the crime are not taken into consideration. Nguyen committed the crime to help his twin brother who was in debt. Surely, this is a situation where the government could have granted clemency, as it was clear that the offence would not be repeated, and Nguyen had even been sent to a rehabilitation centre for two years.

Death sentences should not be carried out on "... persons below eighteen years of age and...pregnant women." 5. This is because children cannot be responsible for all their actions and have barely experienced life. Executing pregnant women is wrong because it terminates the baby which has done no wrong and does not deserve to die. Since 1990, eight countries are known to have executed minors - China, Congo, Iran, Nigeria, Pakistan, Saudi Arabia, USA and Yemen. The USA executed nineteen minors between 1990 and 2003 - more than any other country. It can be assumed that many women who have been executed for adultery in countries such as Iran were also pregnant.

It has been proved that capital punishment is not a deterrent of crime as many death penalty advocates have suggested. For instance, Canada's crime rate did not increase when it stopped using it.

The death penalty has been abolished by 123 countries; this is a majority over the 73 that still have it. Fifty countries have eliminated capital punishment from their legal system since 1985 and none of those countries have reinstated it. 6 This shows that many countries now understand the significance of everyone's human rights.

In conclusion, there is no way that capital punishment can be justified in relation to human rights. Every human has the right to life and the right not to be tortured or subjected to any, cruel, inhuman or degrading punishment. The death penalty can be torture as it rarely is smooth and painless. All legal systems are fallible, so executing an innocent person is not hard to imagine

happening. Corrupt politicians can use it to suit their own agendas. The death penalty does not allow criminals a chance to redeem themselves. It is bad enough that some countries have the death penalty in the first place, and even worse that some execute children and pregnant women. Legal systems need to protect the public and punish criminals, but the punishment of execution is unnecessary and immoral - it breaches human rights.