

Facts and Figures on the Death Penalty (1 January 2007)

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1. Abolitionist and Retentionist Countries

Two-thirds of the countries in the world have now abolished the death penalty in law or practice.

Amnesty International's latest information shows that:

- ! **88** countries and territories have abolished the death penalty for **all crimes**
- ! **11** countries have abolished the death penalty for **all but exceptional crimes** such as wartime crimes
- ! **29** countries can be considered **abolitionist in practice**: they retain the death penalty in law but have not carried out any executions for the past 10 years or more

making a total of **128** countries which have abolished the death penalty in law or practice.

- ! **69** other countries **retain** and use the death penalty, but the number of countries which actually execute prisoners in any one year is much smaller.

2. Progress Towards Worldwide Abolition

Over **45** countries have abolished the death penalty for all crimes since 1990. They include countries in **Africa** (recent examples include Cote d'Ivoire and Liberia,), the **Americas** (Canada, Mexico, Paraguay), **Asia and the Pacific** (Bhutan, Samoa, Philippines) and **Europe and the South Caucasus** (Armenia, Bosnia-Herzegovina, Cyprus, Montenegro, and Turkey).

3. Moves to Reintroduce the Death Penalty

Once abolished, the death penalty is seldom reintroduced. Since 1985, **55** countries have abolished the death penalty in law or, having previously abolished it for ordinary

crimes, have gone on to abolish it for all crimes. During the same period only **four** abolitionist countries reintroduced the death penalty. **Two** of them, Nepal and Philippines have since abolished the death penalty again. There have been no executions in the other two (Gambia, Papua New Guinea).

4. Death Sentences and Executions

During 2006, at least 1591 prisoners were executed in 25 countries and 3,861 people were sentenced to death in 55 countries. These figures include only cases known to Amnesty International; the true figures are certainly higher.

In 2006 **91 per cent** of all known executions took place in China, Iran, Iraq, Sudan, Pakistan and the USA. Based on public reports available, Amnesty International estimated that at least 1,010 people were executed in China during the year, although these figures are only the tip of the iceberg. Credible sources suggest that between 7,500 to 8,000 people were executed in 2006. The official statistics remain a state secret, making monitoring and analysis problematic.

Iran executed at least 177 people, Pakistan at least 82, and Iraq and Sudan each 65 but the totals may have been higher. Fifty-three people were executed in 12 states in the USA.

The worldwide figure for those currently condemned to death and awaiting execution is difficult to assess. The estimated number at the end of 2006 was between 19,185 and 24,646 based on information from human rights groups, media reports and the limited official figures available.

5. Methods of Execution

Executions have been carried out by the following methods since 2000:

Beheading – (in Saudi Arabia, Iraq)

Electrocution – (in USA)

Hanging – (in Egypt, Iran, Japan, Jordan, Pakistan, Singapore and other countries)

Lethal injection – (in China, Guatemala, Philippines, Thailand, USA)

Shooting – (in Belarus, China, Somalia, Taiwan, Uzbekistan, Viet Nam and other countries)

Stoning – (in Afghanistan, Iran)

Stabbing – (in Somalia)

6. Use of the Death Penalty Against Child Offenders

International human rights treaties prohibit anyone under 18 years old at the time of the crime being sentenced to death. The International Covenant on Civil and Political Rights, the American Convention on Human Rights and the Convention on the Rights of the Child all have provisions to this effect. More than **100** countries whose laws still provide for the death penalty for at least some offences have laws specifically excluding the execution of child offenders or may be presumed to exclude such executions by being parties to one or another of the above treaties. A small number of countries, however, continue to execute child offenders. In 2006 **Iran** executed four child offenders and **Pakistan** one.

Nine countries since 1990 are known to have executed prisoners who were under 18 years old at the time of the crime – China, Congo (Democratic Republic), Iran, Nigeria, Pakistan, Saudi Arabia, Sudan, USA and Yemen. China, Pakistan, USA and Yemen have now raised the minimum age to 18 in law. The USA and Iran each executed more child offenders than the other seven countries combined before the US Supreme Court ruled in March 2005 that the execution of children under the age of 18 was unconstitutional. Iran has now exceeded the USA's total since 1990 of 19 child executions.

7. The Deterrence Argument

Scientific studies have consistently failed to find convincing evidence that the death penalty deters crime more effectively than other punishments. The most recent survey of research findings on the relation between the death penalty and homicide rates, conducted for the United Nations in 1988 and updated in 2002, concluded: "... *it is not prudent to accept the hypothesis that capital punishment deters murder to a marginally greater extent than does the threat and application of the supposedly lesser punishment of life imprisonment.*"

(Reference: Roger Hood, *The Death Penalty: A World-wide Perspective*, Oxford, Clarendon Press, third edition, 2002, p. 230)

8. Effect of Abolition on Crime Rates

Reviewing the evidence on the relation between changes in the use of the death penalty and crime rates, the study conducted for the United Nations cited above stated: "The fact that all the evidence continues to point in the same direction is persuasive *a*

priori evidence that countries need not fear sudden and serious changes in the curve of crime if they reduce their reliance upon the death penalty".

Recent crime figures from abolitionist countries fail to show that abolition has harmful effects. In Canada, for example, the homicide rate per 100,000 population fell from a peak of **3.09** in 1975, the year before the abolition of the death penalty for murder, to **2.41** in 1980, and since then it has declined further. In 2003, 27 years after abolition, the homicide rate was **1.73** per 100,000 population, **44** per cent lower than in 1975 and the lowest rate in three decades. Although this increased to **2.0** in 2005, it remains over one-third lower than when the death penalty was abolished.

(Reference: Roger Hood, *The Death Penalty: A World-wide Perspective*, Oxford, Clarendon Press, third edition, 2002, p. 214)

9. International Agreements to Abolish the Death Penalty

One of the most important developments in recent years has been the adoption of international treaties whereby states commit themselves to not having the death penalty. Four such treaties now exist:

- ! The **Second Optional Protocol to the International Covenant on Civil and Political Rights**, which has now been ratified by **60** states. **Eight** other states have signed the Protocol, indicating their intention to become parties to it at a later date.
- ! The **Protocol to the American Convention on Human Rights to Abolish the Death Penalty** which has been ratified by **eight** states and signed by **one** other in the Americas.
- ! **Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights)**, which has been ratified by **45** European states and signed by one other.
- ! **Protocol No. 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights)**, which has been ratified by **37** European states and signed by **7** others.

Protocol No. 6 to the European Convention on Human Rights is an agreement to abolish the death penalty in **peacetime**. The other two protocols provide for the **total abolition** of the death penalty but allow states wishing to do so to retain the death penalty in wartime as an exception. Protocol No. 13 to the European Convention on Human Rights provides for the **total abolition** of the death penalty in all circumstances.

10. Execution of the Innocent

As long as the death penalty is maintained, the risk of executing the innocent can never be eliminated. Since 1973 **123** US prisoners have been released from death row after evidence emerged of their innocence of the crimes for which they were sentenced to death. There were six such cases in 2004, two in 2005 and **one** in 2006. Some prisoners had come close to execution after spending many years under sentence of death. Recurring features in their cases include prosecutorial or police misconduct; the use of unreliable witness testimony, physical evidence, or confessions; and inadequate defence representation. Other US prisoners have gone to their deaths despite serious doubts over their guilt. The state of Florida has the highest number of exonerations: 22.

The then Governor of the US state of Illinois, George Ryan, declared a moratorium on executions in January 2000 which remains in force. His decision followed the exoneration of the **13th** death row prisoner found to have been wrongfully convicted in the state since the USA reinstated the death penalty in 1977. During the same period, **12** other Illinois prisoners had been executed. In January 2003 Governor Ryan pardoned four death row prisoners and commuted all 167 other death sentences in Illinois.

The problem of the potential execution of the innocent is not limited to the USA. In 2006, Tanzania released Hassan Mohamed Mtepeka from death row. He was condemned to death in 2004 for the rape and murder of his step daughter. The Appeal Court found that his conviction overwhelmingly rested on circumstantial evidence which “did not irresistibly point to his guilt”. In Jamaica, Carl McHargh was released from death row in June 2006 after being acquitted on appeal.

11. The Death Penalty in the USA

In 2004, New York's highest court found the state's death penalty statute unconstitutional. By early 2007, this law had not been replaced.

In 2006, the New Jersey legislature imposed a moratorium in that state, and established a commission to study all aspects of the death penalty in New Jersey. In its final report in January 2007, the commission recommended abolition of the death penalty.

During 2006 executions in a number of other states were effectively on hold because of legal challenges and concerns relating to the lethal injection process.

- ! **53** prisoners were executed in the USA in 2006, bringing to **1,057** the total number executed since the use of the death penalty was resumed in 1977.
- ! Around **3,350** prisoners were under sentence of death as of 1 January 2007.
- ! **38** of the 50 US states provide for the death penalty in law (but see reference to New York above). The death penalty is also provided under US military and federal law.