

Facts and figures on the death penalty

The following document is regularly updated on the death penalty page of the Amnesty International website www.amnesty.org/death_penalty

1. Abolitionist and retentionist countries

Over half the countries in the world have now abolished the death penalty in law or practice.

Amnesty International's latest information shows that:

- **78** countries and territories have **abolished the death penalty for all crimes**
- **15** countries have **abolished the death penalty for all but exceptional crimes** such as wartime crimes
- **24** 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 and are believed to have a policy or established practice of not carrying out executions, making a total of **117** countries which have abolished the death penalty in law or practice.
- **78** 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

In the past decade, **three** countries a year on average have abolished the death penalty in law or, having done so for ordinary crimes, have gone on to abolish it for all crimes. Over **35** countries and territories have abolished the death penalty for all crimes since 1990. They include countries in **Africa** (examples include Angola, Côte d'Ivoire, Mauritius, Mozambique, South Africa), the **Americas** (Canada, Paraguay), **Asia and the Pacific** (Hong Kong, Nepal, Samoa, Timor-Leste) and **Europe** (Azerbaijan, Bosnia-Herzegovina, Bulgaria, Cyprus, Estonia, Georgia, Lithuania, Poland, Serbia and Montenegro, Turkmenistan and Ukraine).

3. Moves to reintroduce the death penalty

Once abolished, the death penalty is seldom reintroduced. Since 1985, over **50** 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. One of them - Nepal - has since abolished the death penalty

again; one, the Philippines, resumed executions but later stopped. There have been no executions in the other two (Gambia, Papua New Guinea).

4. Death sentences and executions

During 2003, at least **1,146** people were executed in **28** countries and at least **2,756** people were sentenced to death in **63** countries. These figures include only cases known to Amnesty International; the true figures are certainly higher.

In 2003, **84** per cent of all known executions took place in China, Iran, the USA and Viet Nam. In China, the limited and incomplete records available to Amnesty International at the end of the year indicated that at least **726** people were executed, but the true figure was believed to be much higher: a senior Chinese legislator suggested in March 2004 that China executes “nearly 10,000” people each year. At least **108** executions were carried out in Iran. **Sixty-five** people were executed in the USA. At least **64** people were executed in Viet Nam.

5. 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 or executed. The International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and the American Convention on Human Rights all have provisions to this effect. More than **110** 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.

Eight 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, USA and Yemen. China, Pakistan and Yemen have raised the minimum age to 18 in law, and Iran is in the process of doing so. The country which has carried out the greatest number of known executions of child offenders is the USA (**19** since 1990).

Amnesty International recorded two executions of child offenders in 2003, one of them in China and one in the USA. Another child offender was executed in Iran in January 2004.

6. 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)

7. Effect of abolition on crime rates

Reviewing the evidence on the relation between changes in the use of the death penalty and homicide rates, a study conducted for the United Nations in 1988 and updated in 2002 stated: "The fact that the statistics continue to point in the same direction is persuasive 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 2002, 26 years after abolition, the homicide rate was **1.85** per 100,000 population, **40** per cent lower than in 1975.

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

8. 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 been ratified by **52** 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 **44** 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 **24** countries and signed by **18** others.

Protocol No. 6 to the European Convention on Human Rights is an agreement to abolish the death penalty in **peacetime**. The Second Optional Protocol to the International Covenant on Civil and Political Rights and the Protocol to the American Convention on Human Rights 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.

9. Execution of the innocent

As long as the death penalty is maintained, the risk of executing the innocent can never be eliminated.

Since 1973, **113** prisoners have been released from death row in the USA after evidence emerged of their innocence of the crimes for which they were sentenced to death. Some 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 then Governor of the US state of Illinois, George Ryan, declared a moratorium on executions in January 2000. 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.

10. The death penalty in the USA

- **65** prisoners were executed in the USA in 2003, bringing the year-end total to **885** executed since the use of the death penalty was resumed in 1977. The **900th** execution was carried out on 3 March 2004.
- Over **3,500** prisoners were under sentence of death as of 1 January 2004.
- **38** of the 50 US states provide for the death penalty in law. The death penalty is also provided under US federal military and civilian law.