

DOES THE DEATH PENALTY DETER CRIME?

GETTING THE FACTS STRAIGHT

MYTH

The death penalty deters violent crime and makes society safer.

FACT

Evidence from around the world has shown that the death penalty has no unique deterrent effect on crime. Many people have argued that abolishing the death penalty leads to higher crime rates, but studies in the USA and Canada, for instance, do not back this up. In 2004 in the USA, the average murder rate for states that used the death penalty was 5.71 per 100,000 of the population as against 4.02 per 100,000 in states that did not use it. In 2003 in Canada, 27 years after the country abolished the death penalty the murder rate had fallen by 44 per cent since 1975, when capital punishment was still enforced. Far from making society safer, the death penalty has been shown to have a brutalizing effect on society. State sanctioned killing only serves to endorse the use of force and to continue the cycle of violence.

MYTH

The death penalty reduces drug crime.

FACT

In March 2008, the Executive Director of the UN Office on Drugs and Crime called for an end to the use of the death penalty for drugs offences: "Although drugs kill, I don't believe we need to kill because of drugs."

The use of the death penalty for drug offences is a violation of international law. Article 6(2) of the International Covenant on Civil and Political Rights states: "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes." In April 2007, the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, acting as an expert witness in a challenge to Indonesia's Constitution, told the Constitutional Court that "[d]eath is not an appropriate response to the crime of drug trafficking." Apart from Indonesia, China, Iran, Malaysia, Saudi Arabia and Singapore are some of the countries which execute people for drug offences. However, there is no clear evidence that the use of the death penalty for such crimes acts as a stronger deterrent than long terms of imprisonment.

MYTH

Individuals are less likely to commit violent crimes, including murder, if they know they will face punishment by execution.

FACT

This argument supposes that criminals study and anticipate the consequences of getting caught, and decide that a long term of imprisonment is acceptable, whereas execution is not. Many crimes are committed on the spur-of-the-moment, leaving little opportunity for potential punishments to influence whether the crime is committed in the first place as criminals do not believe they will be caught and held to account. The death penalty may even cause further violence. Execution is the ultimate sanction a state can inflict upon a person. Once criminals have knowingly committed a capital offence, they no longer have any interest in lessening their potential punishment by not committing further murders or other offences. For example, if armed robbery carries the death penalty, the robber loses nothing by committing murders while attempting to flee.



MYTH

The threat of execution is an effective strategy in preventing terrorism.

FACT

Those people willing to commit large-scale acts of violence aimed at inflicting terror upon a society do so knowing that they could come to serious physical harm and therefore show little or no regard for their own safety. Executions of such people often provide welcome publicity for the groups they belong to and create martyrs around which further support may be rallied for their cause. Yet many countries have attempted to control terrorism by using the death penalty. In November 2005, Iraq passed the Iraqi Anti Terrorism Law. This law provides only a vague definition of terrorism and lists a number of terrorist acts all of which – even those where there has been no loss of life – carry the death penalty. Scores of executions have been carried out in Iraq under this and other laws.

MYTH

The death penalty is fine as long as the majority of the public support it.

FACT

Amnesty International recognizes the right of nations to create laws. However, such laws must be formulated within the boundaries of respect for human rights. History is littered with human rights violations that were supported by the majority but in modern times are looked upon with horror. Slavery, racial segregation and lynching all had widespread support in the societies where they occurred but constituted gross violations of the victims' human rights.

It is understandable that populations look to their leaders to take decisive action against violence, and express anger at those guilty of brutal crimes. Amnesty International believes politicians should lead the way in standing up for human rights by opposing the death penalty and explaining to their constituents why such actions cannot be undertaken by the state.

After more than 30 years of research on the death penalty, Amnesty International believes that public support for capital punishment is overwhelmingly based on a desire to be free from crime. This is illustrated by polls in the USA and other countries which show significant drops in support for the death penalty when life imprisonment without the possibility of parole is offered as an alternative. In the USA, a May 2006 poll by the Gallup company found support for the death penalty dropped from 65 per cent to 48 per cent when life imprisonment without parole was offered as an option.

MYTH

Executions provide the most cost-effective solution to violent crime.

FACT

A society cannot condone violence and sacrifice human rights as a cost-cutting measure. The decision to take a human life should not rest on financial motives. Using the death penalty to reduce prison populations is futile. For example, the USA has a prison population of approximately 2.2 million but only around 3,000 prisoners are condemned to death. If the entire population of death row were executed, it would make no discernible difference to the prison population.

