

EXTERNAL

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## FACTS AND FIGURES ON THE DEATH PENALTY 30 June 1995

### 1. Abolitionist and Retentionist Countries

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

Amnesty International's (AI's) latest information shows that:

- **55** countries have abolished the death penalty for **all crimes**
- **15** countries have abolished the death penalty for **all but exceptional crimes** such as wartime crimes
- **27** countries can be considered **abolitionist de facto**: 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 **97** countries which have abolished the death penalty in law or practice.

- **97** other countries **retain** and use the death penalty, but the number of countries which actually execute prisoners in any one year is much smaller (see below, item 4).

(Reference: List of Abolitionist and Retentionist Countries, AI Index: ACT 50/01/95 [updated])

### 2. Progress Towards Worldwide Abolition

More than **two** countries a year on average have abolished the death penalty in law since 1976 or, having abolished it for ordinary crimes, have gone on to abolish it for all crimes.

**21** countries have abolished the death penalty for ordinary crimes or for all crimes since 1989. They include countries in **Africa** (examples include Namibia, Mozambique, Gambia, Guinea-Bissau), **Latin America** (Paraguay), **Asia** (Cambodia, Nepal), **eastern Europe** (Slovenia, Hungary, Croatia, Romania, the Czech and Slovak republics), **western Europe** (Greece, Italy, Switzerland) and the **Pacific** (New Zealand).

(Reference: List of Abolitionist and Retentionist Countries)

### 3. Moves to Reintroduce the Death Penalty

Once abolished the death penalty is seldom reintroduced. Since 1985, **24** 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 **3** abolitionist countries reintroduced the death penalty. One of them - Nepal - has since abolished the death penalty again, and there have been no executions in the other two (Papua New Guinea, Philippines).

(References: List of Abolitionist and Retentionist Countries, p. 6; AI, When the State Kills, pp. 86-90)

#### **4. Death Sentences and Executions**

During 1994, **2,331** prisoners are known to have been executed in 37 countries and **4,032** sentenced to death in 75 countries. These figures include only cases known to AI; the true figures are certainly higher.

As in previous years, a small number of countries accounted for the vast majority of executions recorded. AI received reports of **1,791** executions in China, **139** executions in Iran and over **100** in Nigeria. These three countries alone accounted for **87%** of all executions recorded by AI worldwide in 1994. AI received reports of several hundred executions in Iraq but was unable to confirm most of these reports or to give an exact figure.

(Reference: Death Sentences and Executions in 1994, AI Index: ACT 51/01/95)

#### **5. Use of the Death Penalty Against Juveniles**

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 UN Convention on the Rights of the Child all have provisions to this effect. More than **100** countries have laws specifically excluding the execution of juvenile 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 juvenile offenders.

**5** countries since 1990 are known to have executed prisoners who were under 18 years old at the time of the crime - Iran, Pakistan, Saudi Arabia, USA and Yemen. The majority of known executions of juvenile offenders was in the USA (**6** since 1990).

(Reference: USA: Developments on the death penalty during 1994, AI Index: AMR 51/01/95, p. 12)

#### **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 UN in 1988, concluded that "This research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment. Such proof is unlikely to be forthcoming. **The evidence as a whole still gives no positive support to the deterrent hypothesis.**"

(References: AI, When the State Kills, pp. 5, 10-14; Roger Hood, The Death Penalty: A World-wide Perspective, Oxford, Clarendon Press, 1989, p. 167)

## 7. Effect of Abolition on Crime Rates

Reviewing the evidence on the relation between changes in the use of the death penalty and crime rates, a study prepared for the UN in 1988 stated that "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 on the death penalty".

Recent crime figures from abolitionist countries fail to show that abolition has harmful effects. In Canada, 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 remained relatively stable. In 1993, 17 years after abolition, the homicide rate was **2.19** per 100,000 population, **27** per cent lower than in 1975. The total number of homicides reported in the country fell in 1993 for the second straight year.

(References: AI, When the State Kills, pp.11-12 [updated]; Roger Hood, The Death Penalty, p. 124, paragraph 148)

## 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. Three such treaties now exist:

- The **Second Optional Protocol to the International Covenant on Civil and Political Rights**, which has now been ratified by **28** states. **4** other states have signed the Protocol, indicating their intention to become parties to it at a later date.
- The **Sixth Protocol to the European Convention on Human Rights**, which has now been ratified by **23** European states and signed by **3** others.
- The **Protocol to the American Convention on Human Rights to Abolish the Death Penalty**, which has been ratified by **3** states in the Americas and signed by **4** others.

The Sixth Protocol 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.

## 9. Execution of the Innocent

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

350 people convicted of capital crimes in the USA between 1900 and 1985 were innocent of the crimes charged, according to a 1987 study. Some prisoners escaped execution by minutes, but **23** were actually executed.

A US Congressional report by the House Subcommittee on Civil and Constitutional Rights in October 1993 listed **48** condemned men who had been freed from death row since 1972. The report blamed inadequate legal safeguards to prevent wrongful executions and listed numerous inherent flaws in the criminal justice system. The report concluded: "Judging by past experience, a substantial number of death row inmates are indeed innocent, and there is a high risk that some of them will be executed."

(References: AI, When the State Kills, p. 32; "United States of America: Developments on the Death Penalty during 1993", AMR 51/02/94, p. 14)