

Discarding Death Penalty: The Role of UNO and Other World Communities

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ABSTRACT

The current study is meant to pinpoint the efforts and exertions United Nations and other International Institutions like Amnesty International and Human Rights Commission are putting in order to abolish death penalty all around the world. The study has highlighted that this type of punishment is a severe violence of human rights i.e. right to live and others. It has also illustrated the needs to put efforts from the parts of public office holders as well as public icons to prepare the mind set and public opinion along with legal agencies to assist and make the criminal laws to save and protect the life by means of fair trial. The findings indicate that it is almost unanimous verdict of UNO, Amnesty International, Human Right Commission, NGOs, legal forum, media personals and social activists that punishments like death penalty has no clue what so ever in the 21st century.

KEYWORDS: Death Penalty, World Community, UNO, Human Rights, Right to Live

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INTRODUCTION

United Nation has time and again opposed death penalty all around the globe because it is a severe threat to right to live along with other severe human rights concerns. It is asserted that in most of the cases it is utilized as an oppressing tool on racial, political, sexual or ethical contexts. UNO deems it as a harsh, cruel and inhuman treatment that degrades human beings and severe defilement of human rights. In 2012, High Commission meant for human rights have initiated a series of discussion of global panel belonging to legal and civil gentries of the spectrum on the essentiality to disband death penalty. Moreover, General Assembly of UNO is exerting on an international moratorium to eradicate death penalty. Due to constant efforts of UNO and laborious exert of other related agencies working for the same case 150 members of United Nations out of 193 have either discarded completely the practice of such penalties or have stopped the implementation of such penalties.

Although the members of the United Nations have diverse and distinctive outlook, beliefs, legal and moral codes yet two third of its members states have either put to end the concept of death penalty or have culminated the implementation of such penalties. This situation is encouraging if it is hybrid with the provision that is provided by the Article 6 of "International Covenant on Civil and Political Rights" which has permitted such penalties in a limited and restricted manner "nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant" (para. 6).

Objectives

Keeping in view the prime aims and intents of the research mentioned above subsequent domains of objectives for the current study has been outlined

- To evaluate and analyze the role of UNO and other institutions to abolish death penalty around the world.
- To highlight the motives and consequences death penalty has on societal life of the people.
- To figure out the needs and approaches to discard death penalty all over.

Questions

Bearing in mind the aim and objectives of the study subsequent research questions are formulated and their answers are being tried to figure out

- What is the role of UNO and allied institutions to abolish death penalty in the world?
- What are the motives behind death penalty?
- What are the consequences of death penalty on the individual and societal life in a global arena?
- What are the diverse approaches that are essential to discard death penalty from the world?

LITERATURE REVIEW

Penal Reform International (PRI) has been working for many decades on the issue being discussed about death penalty and its justification from religious point of view. Islam and other code of religious conducts still permit such penalties but there is an open discussion about its relevance in the present situation. PRI is of the view that there is clear cut support that Islam has put in favor of this penalty still it is an organization that is working to “contribute to a courageous debate on the issue, based on the real spirit of the Islamic penal code: that is to save lives, promote justice, and prevent corruption and tyranny”.

The abolition of death penalty is a major change that social, liberal and enlightening reflection has brought to light over the years especially in UK. There are series of event that have led to such situation. Parliamentary debates, seminars, panel discussion, public discomfort, controversial executions in 1950, modification in murder law, social, political and cultural renovation have put the way straight for popular decision in UK to abolish death punishment. Afterward, till now UK has become a strong vocalizing force against death penalty around the globe.

According to a study held the political dynamics of the death penalty has been pinpointed. In view of the study the campaign for abolition of death penalty in the world after second world war has more political than legal and judicial dynamics. Increasing awareness, trend of democracy, right to live have put pressure on those who are in favor of death penalty in the world to discard and give way to those who are opposing this cruel act of inhumanity. Other domains like cultural, social and economic values have a very limited role to play in this regard. So, the trend and effort to abolish death penalty is more of a political then of other dynamics. Hnidka (2016) have illustrated the role of European Union to abolish the death penalty from the world. It is studied that even at present such penalties are carried out in the world and at time is being abused to attain multiple objectives as a common trend in most of the countries. The paper concluded that European Union has an increasing support in discarding of this penalty though in a systematic and gradual way rather than having an abrupt and sudden change of trend. It is in favor of gradual legal and judicial procedure to take effects in each member country rather than having any forceful decision from the principal forum.

METHODOLOGY

Bearing in mind the objectives of the study it is meant to seek answers to certain key question stated above. The chief among them is to explore the role of UNO and other institutions to stop death penalty in the world. The method and strategy being implied is applied one as it is related with the actual world. It is going to let hand to provide up to dated information about the hot topic already investigated by other researchers. For the said intent a qualitative mechanic of study is being opted. It is meant to give a comprehensive glimpse of the issue. As the study is explanatory in nature so it enables the researcher to have the chance to display all the relevant information. Due to which the researcher has induced reasoning and logical in a sequential and systemic way to draw a purposive conclusion out of entire discussion.

Role of UNO and Other Institutions

As regard the efforts taken by UNO against such cruelties of death penalty it is vigorously initiated from a (A/62/149) resolution which was favored by 104 countries and voted against by 54 in 2007. It is further supported by 106 members and voted against by 46 in 2008 under (A/63/168). It is supported by even larger majority in 2010 as a series of resolution which is favored by 109 countries around the world and only 41 voted against it in the 3rd resolution about the decrement of death penalty. Such efforts are supplemented by panel based discussion on the part of legal experts and activists for human rights from the platform of United Nations to culminate this severe human catastrophe which have started to bear fruits in this regard as well and positive trends are indicated with respect to abolition of death penalty.

Federico Mayor who is president of *International Commission against the Death Penalty* is of the notion that “Death penalty is not exclusive to any particular region, political system, world religion, culture or tradition.” Since 2007, various member states of United Nations have put to end death penalties for all types of crimes which is not a simple success. It includes, Togo, Latvia, Gabon, Argentina, Burundi and Uzbekistan. Even in USA several states have discarded such penalties. Dominica has also adopted a new constitution in 2010 which has disbanded such penalties. Djibouti has also followed the same trail in 2010. Australia has a state law prohibited the implementation of current death penalties in 2010 as well. In 2011, Suriname confirmed no references or indications towards death penalty as a practice of the state policy.

In 2012, Human commission for Inter-American Human Rights in collaboration with American States organization assisted to conduct discussion to promote and awake the regional communities against the practice of life taking penalties. Such initiatives were taken even before this in 2008 in African Commission for Human Rights to promote and enhance the rights to live in African countries which are appreciated and recognized in a study conducted in 2012. In addition, Commission for Human Rights have constantly in peruse to reform and in its statement in 2009 declared “Opposition to the death penalty in all circumstances, including the fundamental nature of the right to life, the unacceptable risk of executing innocent people by mistake, the absence of proof that the death penalty serves as a deterrent, and the inappropriately vengeful character of the sentence” (A/HRC/15/19, para 7).

Motives Behind Death Penalties

Those who favor or carry out death penalty in their domain have stated motives and objectives behind this phenomenon to take place even in this modern era of human rights and advocacy of right to live. The chief among them is the idea of deterrence. To them, when criminal and law breakers are put to justice in this way it will demoralize and discourage the other to stay away from such deeds in future. But the opponent put forth the idea that in spite of such penalties in the world since time immemorial crimes and law breakings practices are still in full swings around the world without any illustrious affects.

A study conducted in 2002 put a strong opposition to the idea of deterrence as “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”. Another principal objectives and motive behind death penalty is wrong beliefs and convictions that led to innocent victims to suffer from such life taking events continuously taking place around the globe. The failure of administrative, structural, social and legal facet is yet another illustrious facet behind the continuation and practice of death penalty in severe form. Defective evidence and lack of biological twisted arguments in certain cases also led to such catastrophes to happen.

Consequences of Death Penalty

It is now admitted universally that such kind of penalties are a hindrance and a severe threat to right to live, right to live freely without being oppressed or tyrannized, right of dignity, fair trail and a right to equal treatment and the right for protection. Apart from the individual being hanged or suffered in the hand of cruelty there are so many associated persons, families, groups and loved ones that have to bear and undergo even more mental and psychological traumas that change the entire complexion of their lives ahead at personal, professional, mental, psychological and societal dynamics and hence have consequences.

Children also have serious consequences over their minds and souls whose parents or elder have to undergo such penalties. They become social alien and are treated around the world as the child of criminal. At times such stigma has so much negativity to do with their minds that they eventually become what they were not. Economic crises and break down of the family have even worse and far reaching influences. These along with others have very serious and disastrous consequences which are a hurdle to build national integrity, dignity and social set ups for prosperous and progressive globe ahead. In addition, legal and judicial proceedings are also under dubious and are losing faith for common mob.

Approaches to Abolish Death Penalties

It is also admitted universally that death penalties are imposed and executed on those individuals who are less privileged in the community and either have no excess to legal protection or unable to access such assistance due to economic, political, racial or nationalistic reasons. Commissioner to Human Rights Navi Pillay remarked in this regard is an emblem of eye opening for the world “Death sentence is often imposed on less privileged individuals who do not have sufficient access to effective legal representation.” It is also worth mentioning that situation is the world is gradually changing even in China in 2012 amended its criminal law and let the legal aids and assistance to those who are under trial especially in cases of death penalty.

There are certain approaches and mechanics being adopted around the world in collaboration with universal agencies to promote the right to live and to abolish such activities being carried out to snatch the rights to live. United Nations, Amnesty International, Commission for Human Rights, Social Media Blogs, social activists and print and electronic media are sharing handful amount in this regard and these have been summed up by a demonstrative of Morocco “The abolition of the death penalty in the world. There is the human rights-based approach, the social approach and the security approach. Leaders should see the benefit in at least one of these, if not all.” Moreover, the panel event for Human Rights is addressed by the Secretary General as “Moving away from the death penalty— Lessons from national experiences”

How to Prepare Mind Change to Abolish Death Penalty

Though UNO, Amnesty International, Commission for Human Rights, media and other social activists are paving ways to abolish death penalty around the globe yet there are few segments of global society who have gravest concerns about it. To them, it will increase crime rates as well as indirect moral support to criminals. In this regard, serious and effective campaign needs to be initiated that can not only satisfy their concerns but also discard the societal implications of its abolishment. Society needs to be prepared mentally to accept the change as well as civic sense needs to be awakened to promote peace, and stability in spite of the fact that death penalty for serious crimes has been discarded.

For the said intent political leaders, religious figures, social activists, motivational speakers and public celebrities need to be actively engaged in the process to educate and stabilize the mental facet of the public in their respective domains. Media and legal agencies can also share their immensely valuable contribution to abolish such a menace around the globe. Chairman International Amnesty Zimbabwe is of the view that “Abolition is necessary to protect human rights, but human rights are independent of public opinion”. He further added that mostly public opinion that we care the most is based on emotional rather than rational footing, so it is the duty of the leaders to tackle public opinion and make sure that rational and human rights should prevail rather than mere emotional facet. Hence, justice system should be made compulsory to safe and protect human right and not public opinion.

In addition to shaping public opinion which is very imperative to abolish death penalty the criminal justice system and legal conducts also need a serious thought of revival. It must be drafted to serve human rights protection and right to live not to hang even the

innocence who either fail to produce evidence in his or her innocence or have no access to justice for economic or other gloomy grounds. For that intent media, NGOS, human rights activists and UNO must actively collaborate with legal agencies around the world to provide legal assistance, moral support and to promote the concept of human rights and right to live. Transparency in legal and criminal proceeding preferably an open trail can assist a great deal to handle any discrepancy in this domain which can be a paramount instrument to avert the death penalties.

CONCLUSION

It is almost unanimous verdict of UNO, Amnesty International, Human Right Commission, NGOs, legal forum, media personals and social activists that punishments like death penalty has no clue what so ever in the 21st century. It is deemed and acknowledged as a disastrous threat to human rights, human dignity and violence of basic human rights including the right to live. It has far reaching consequences as far societal, economic and family breakdown are only illustrious to point here. In addition, it is deemed inhuman and cruel act and chief political and organizational bodies heads have voiced strongly against this cruel act and highlighted the need to eliminate this menace from the globe to wash out the stigma from humanity.

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