



# Capital Punishment in the Commonwealth

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**Commonwealth Law Conference 2021**

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# The Death Penalty Project

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**The Death Penalty Project (DPP) is a legal action NGO with special consultative status before the United Nations Economic and Social Council**

**We provide free representation to people facing the death penalty worldwide, with a focus on the Commonwealth. We use the law to protect prisoners facing execution and promote fair criminal justice systems, where the rights of all people are respected**

**We believe the death penalty is a cruel and inhuman punishment that discriminates against the poorest and most disadvantaged members of society. We want to see it consigned to history**







# What we do?

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We litigate on behalf of prisoners on death row, and are currently working in over 30 countries in the Caribbean, Africa and Asia

**Our work provides vulnerable prisoners, including juveniles, those suffering from mental health issues and victims of domestic abuse, with access to justice**

We deliver targeted and practical capacity building programmes to judges, lawyers and mental health professionals

**We commission original research and engage with decision makers to support informed and constructive debate, laying the foundations for lasting change**

# Abolition of the death penalty

In 1971 the United Nations General Assembly set the goal to achieve universal abolition of the death penalty

## **ICCPR Article 6**

**6 (6).** 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.

## **Human Rights Committee (CCPR) General Comment 36 - Adopted November 2018**

50. Article 6, paragraph 6 reaffirms the position that States parties that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future. The death penalty cannot be reconciled with full respect for the right to life, and abolition of the death penalty is both desirable and necessary for the enhancement of human dignity and progressive development of human rights. It is contrary to the object and purpose of article 6 for States parties to take steps to increase de facto the rate and extent in which they resort to the death penalty, or to reduce the number of pardons and commutations they grant.

# The death penalty worldwide 2021



109

Abolitionist for all crimes

8

Abolitionist for ordinary crimes

55

Retentionist states

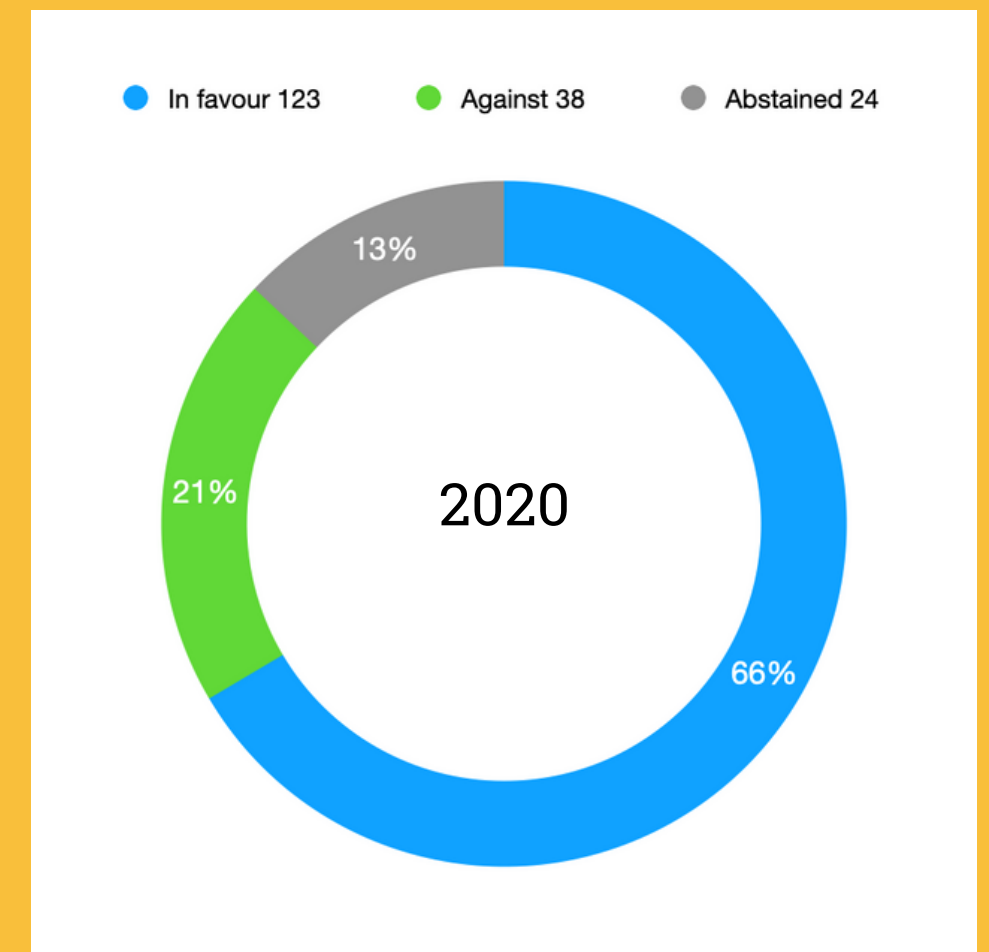
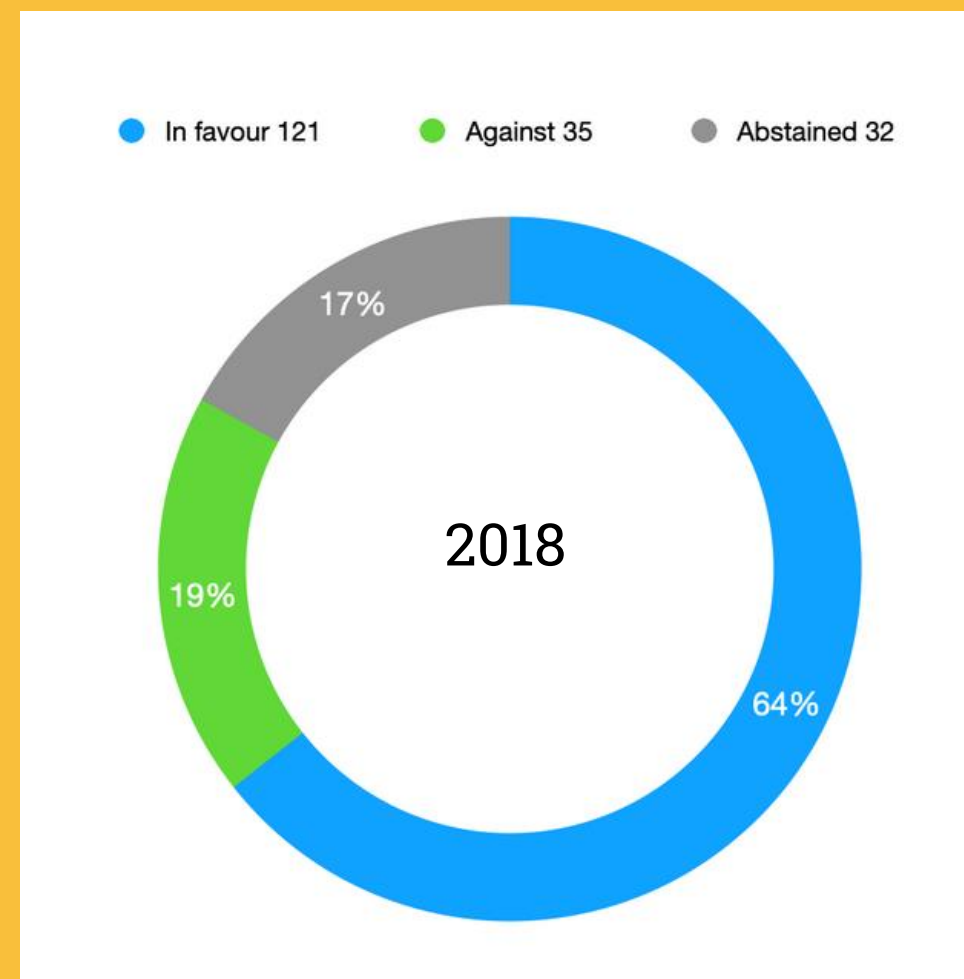
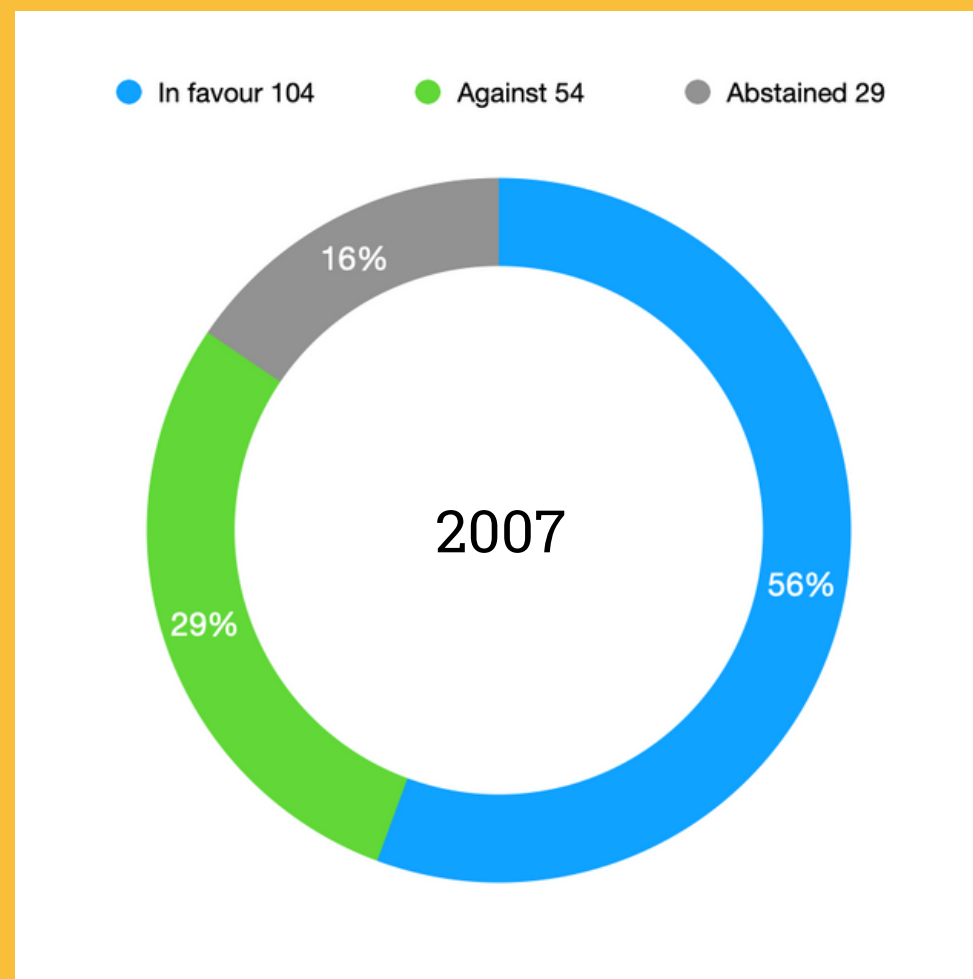
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Abolitionist in practice - (States where the death penalty is implemented but no executions have been carried out for at least 10 years and have a policy or established practice of not carrying out executions)



# Global pace of change

UN General Assembly Resolution - Moratorium on the use of the Death Penalty held every two years



Number of abolitionist countries has increased at an unprecedented rate since 1988. The pace of change is reflected in the voting patterns at the UN. Successful votes in 2007, 2008, 2010, 2012, 2014, 2016, 2018 and 2020 strengthen the call for a global moratorium on executions, with an increased level of support at each time.





# Death sentences and executions 2020

483 executions in 18 countries

At least 28,567 people on death row by end of 2020

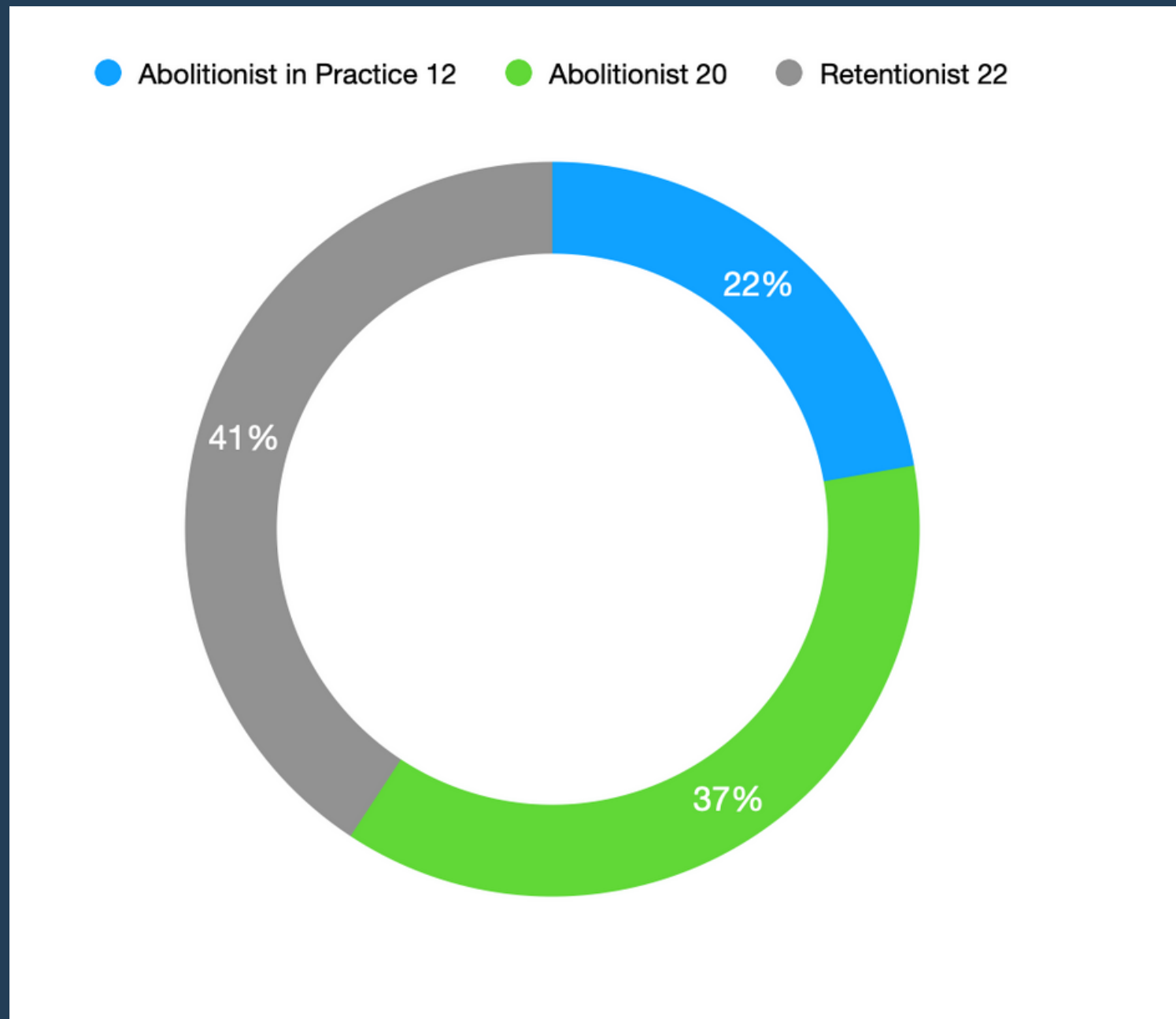
2020 saw a decrease of 26% compared to 2019's 657 executions, and a fall of 70% from a peak of 1,634 executions in 2015

88% of global executions in 2020 occurred in China, Iran, Egypt, Iraq and Saudi Arabia

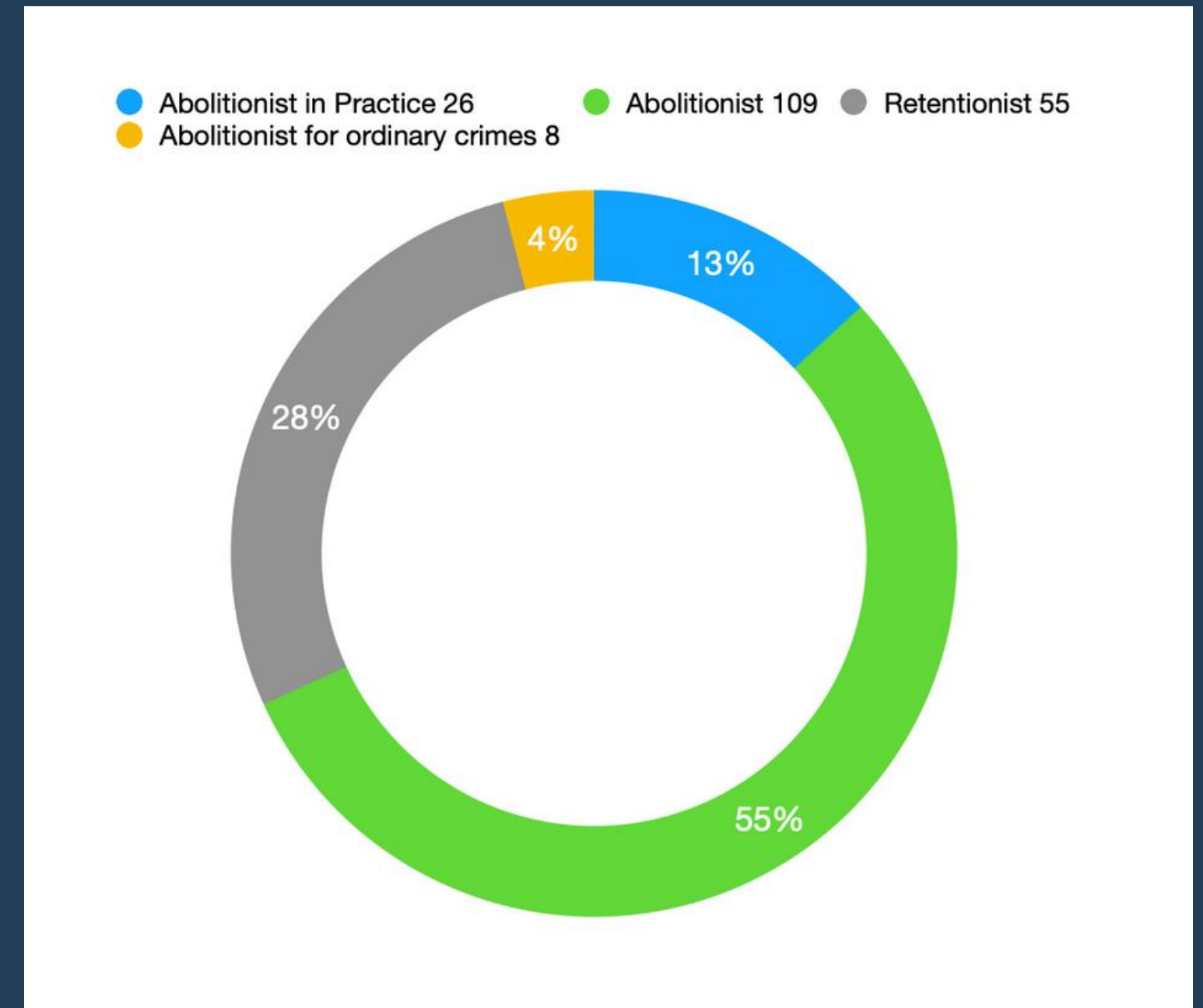
40 British nationals detained on charges which could attract the death penalty if they are found guilty



# Pace of abolition in the Commonwealth



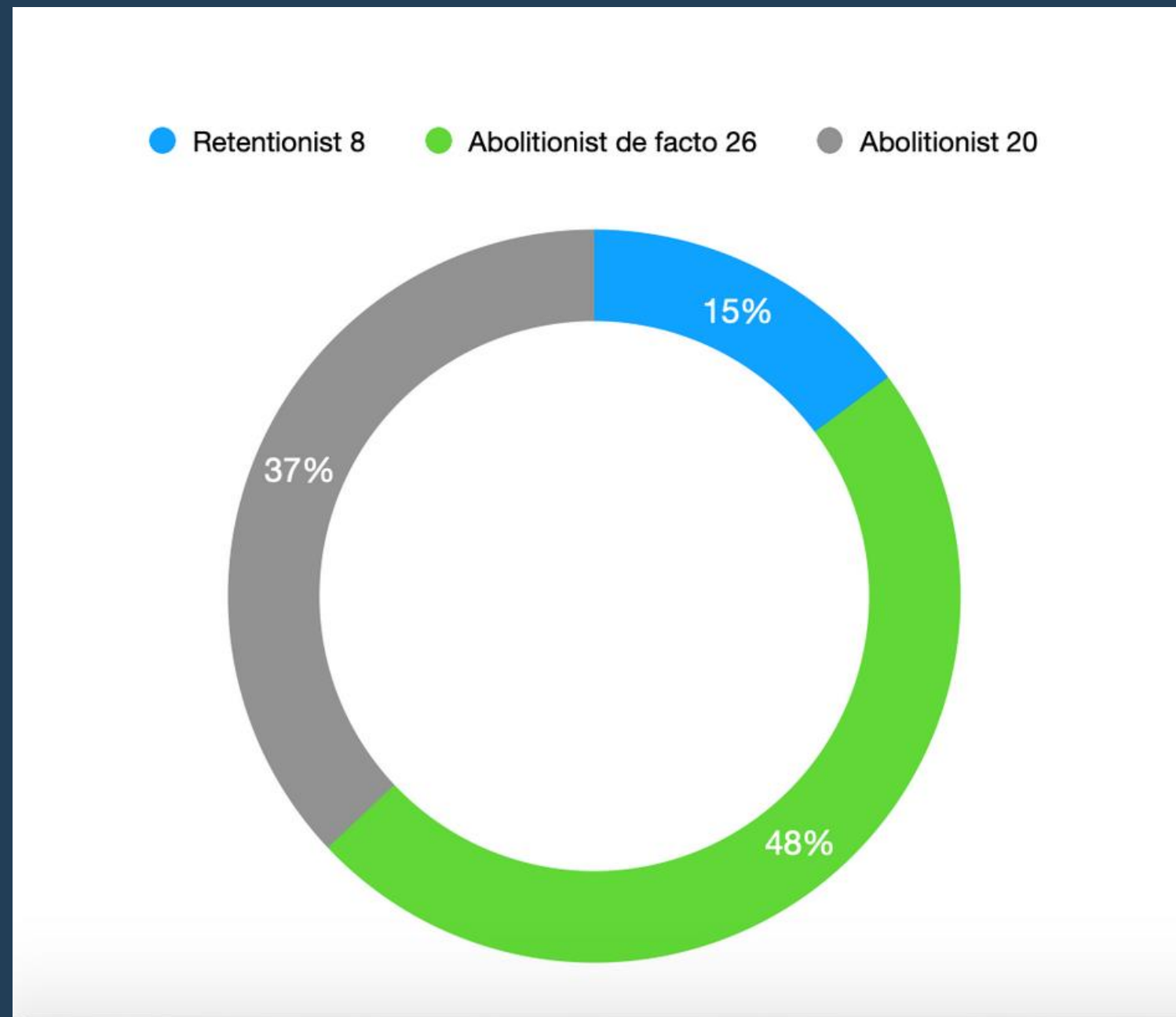
Abolition in the Commonwealth  
2021



Abolition globally  
2021



# The enigma of de facto in the Commonwealth



Abolition de facto in the Commonwealth

Using the UN definition of de facto - 10 years plus without an execution - the number of Commonwealth countries who have abolished the death penalty de jure falls to 37% - well below the global figures

The majority in the Commonwealth (63%) are either "active retentionists" or "retentionists but abolitionist de facto"

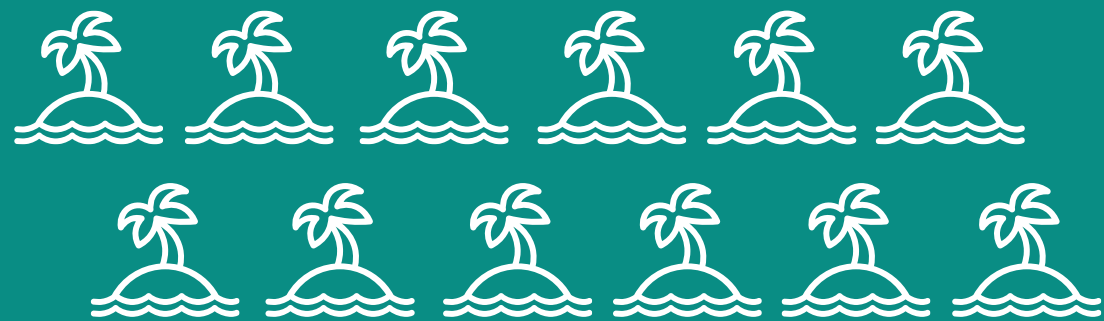
The question that arises in the Commonwealth context is why the majority of countries strongly resist the appeal to finally abolish the death penalty?

# Countries of the Caribbean Commonwealth

## THE ENGLISH SPEAKING CARIBBEAN

There are 10 independent island nations and two independent mainland nations in the Caribbean region that are members of Commonwealth;

Antigua and Barbuda, The Bahamas, Barbados, Dominica, Grenada, Jamaica, St Kitts and Nevis, Saint Lucia, Saint Vincent and The Grenadines, Trinidad and Tobago, Guyana and Belize



## DEATH SENTENCES AND EXECUTIONS



There have been no executions carried out in the region since 2008

Approximately 85 people are on death row in the region, but in the majority death rows are empty



## SO WHY RETAIN THE DEATH PENALTY?

In 2020, The Death Penalty Project and the University of the West Indies undertook empirical research in the 6 member states of the Organisation of Eastern Caribbean States (OECS) as well as Barbados interviewing opinion formers to uncover possible reasons as to why the status quo remains



# Sentenced to death without execution

## THE COUNTRIES STUDIED



Barbados and the OECS; Antigua & Barbuda, Dominica, Grenada, St Kitts and Nevis, Saint Lucia and Saint Vincent and The Grenadines

## INITIAL SUPPORT FOR THE DEATH PENALTY

52%



48%

in favour of abolition

in favour of retention

## TRENDS IN RESPONSE



56% of those working in politics favoured retention



65% of those from legal backgrounds favoured abolition



59% of those in civil society favoured retention



60% of religious leaders favoured abolition

## RATIONALE FOR RETENTION

84% stated a need for retribution

10% believed it was an effective deterrent

0% were influenced by public preference

## RATIONALE FOR ABOLITION

66% felt it had no deterrent effect and/or that it was a human rights abuse and could risk wrongful conviction

8% felt it pointless with no executions carried out

## DEATH PENALTY AND DETERRENCE

90%

did not select the death penalty as an effective deterrent at all

63% of these who favoured retention did not wish to see any expansion in the use of the death penalty or in the number of executions.



10%

Despite 48% supporting the death penalty only 10 endorsed more executions as a way to reduce violent crime

Only 2% ranked the death penalty as the most effective deterrent against murder



## INTERNATIONAL INFLUENCE



0% of the retentionists felt influenced by the global move away from the death penalty

## THOUGHTS ON PUBLIC ATTITUDE TO ABOLITION

76%

76% of all the opinion formers, believed the public would come to accept abolition

Only 19% thought 'there would be demonstrations of strong public dissatisfaction in the media and elsewhere' if governments were to abolish the death penalty

19%

## PREFERRED MEASURES TO REDUCE SERIOUS CRIME

More effective policing

Better moral education of young people

Poverty reduction

## LEVEL OF KNOWLEDGE AROUND THE DEATH

90%

knew when the last execution had been carried out in their country & 70% knew the last time someone was sentenced to death in their country

**Thank you**



**Are there any questions?**