

ISSN 0974-763X

SOUTH ASIAN JOURNAL OF MANAGEMENT RESEARCH (SAJMR)

Volume 14, No. 2

March, 2024

SPECIAL ISSUE



**Chhatrapati Shahu Institute of Business
Education & Research (CSIBER)**

(An Autonomous Institute)

University Road, Kolhapur-416004, Maharashtra State, India.

E-mail : editorsajmr@siberindia.edu.in

Website : www.siberindia.edu.in

SOUTH ASIAN JOURNAL OF MANGEMENT RESEARCH (SAJMR)

ISSN 0974-763X

(An International Peer Reviewed Research Journal)



Published by

CSIBER Press, Central Library Building

Chhatrapati Shahu Institute of Business Education & Research (CSIBER)

University Road, Kolhapur - 416 004, Maharashtra, India

Phone : 0231-2535706, 2535707. Fax : 0231-2535708

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**Chhatrapati Shahu Institute of Business
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**South Asian Journal of Management Research
(SAJMR)**

Volume 14, No. 2, March 2024

Editor: Dr. Pooja M. Patil

Publisher

CSIBER Press

Central Library Building

Chhatrapati Shahu Institute of
Business Education & Research (CSIBER)
University Road, Kolhapur – 416004, Maharashtra, India.
Phone: 91-231-2535706/07, Fax: 91-231-2535708,
Website: www.siberindia.edu.in
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ISSN 0974-763X

Price: INR 1,200/-

Editor:Dr. Pooja M. Patil

Publisher

CSIBER Press

Central Library Building

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Business Education & Research (CSIBER)
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Editorial Note

South Asian Journal of Management Research (SAJMR), is a scholarly journal that publishes scientific research on the theory and practice of management. All management, computer science, environmental science related issues relating to strategy, entrepreneurship, innovation, technology, and organizations are covered by the journal, along with all business-related functional areas like accounting, finance, information systems, marketing, and operations. The research presented in these articles contributes to our understanding of critical issues and offers valuable insights for policymakers, practitioners, and researchers. Authors are invited to publish novel, original, empirical, and high quality research work pertaining to the recent developments & practices in all areas and disciplines.

Cross-functional, multidisciplinary research that reflects the diversity of the management science professions is also encouraged, the articles are generally based on the core disciplines of computer science, economics, environmental science, mathematics, psychology, sociology, and statistics. The journal's focus includes managerial issues in a variety of organizational contexts, including for profit and nonprofit businesses, organizations from the public and private sectors, and formal and informal networks of people. Theoretical, experimental (in the field or the lab), and empirical contributions are all welcome. The journal will continue to disseminate knowledge and publish high-quality research so that we may all benefit from it.

Dr. Pooja M. Patil
Editor

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Human Rights-Based Approaches to Capital Punishment: An Analysis of International Viewpoints

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Abstract

There is not a single criminological justification for the death penalty that is more persuasive than those grounded in human rights. Because there is still a dearth of scientific evidence to support the death penalties superior efficacy over other forms of punishment, the argument that the death penalty is required to deter crime has lost credibility. The widely accepted criminological goal of the offender's rehabilitation is undermined by the death penalty. Conversely, death penalty has been deemed to be in violation of the right to life and dignity of the person. This article explores the human rights-based approach to death penalty by assessing international standards and viewpoints, predominantly from the UN.

Keywords: Human Rights, Right to Life, Death Penalty, Limitations, Rights Based Approach

Introduction

The right to life and the right to be free from harsh, inhumane, or degrading treatment are two fundamental human rights that are violated by the death sentence, according to Amnesty International (Bardarova *et al*, 2013). The Universal Declaration of Human Rights, other international and regional human rights documents, as well as national constitutions and legislation all acknowledge both of these rights. When law enforcement officers must act quickly to save their own lives or the lives of others, or when a nation is at war, the defense of life and the defense of the state may, in some circumstances, be seen to justify the taking of life by state officials. Even under these circumstances, the use of lethal force is constrained by generally recognized human rights and humanitarian law principles to prevent misuse. However, the death penalty is not a measure used in response to a direct threat to life. It is the deliberate execution of a prisoner for punishment—a goal that can be achieved by other means (Van Den Hagg, 1969).

It is clear that torture is horrible (Anas, 2005). An execution is a severe physical and emotional attack on a person who has already been made powerless by government agents, much like torture. The harsh nature of the death penalty is evident not just in the execution but also in the time a person spends in prison while waiting to be executed since they are continuously thinking about dying at the hands of the state. No matter how heinous the offence was for which the prisoner was found guilty, this cruelty cannot be condoned. How can it be acceptable for public officials to target not merely the body or the mind, but the prisoner's very life? If it is unlawful to subject a prisoner to electric shocks and mock executions, how can it be legal to assault the prisoner's very life? One of the most terrifying types of torture is threatening to kill a prisoner. It is forbidden to use torture. How is it acceptable to subject a prisoner to the same danger of a court-ordered death sentence that will be carried out by the prison administration?

Beyond the victim, the death sentence is harsh to the victim's family, the prison guards, and the government officials responsible for carrying out the execution (Graessner *et al*, 2001). According to data from different regions of the world, being an executioner can be incredibly unsettling, if not traumatizing (Ebury, 2021). If the duties demanded of them in the execution of the death penalty contradict with their own ethical beliefs, judges, prosecutors, and other officials could also encounter morally challenging situations. The two human rights that are most frequently referenced in discussions regarding the death sentence are the right to life and the right to be free from harsh, inhuman, or degrading treatment. But other rights are also violated by the death sentence.

According to Amnesty International's own evidence and the annual findings of the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, inmates are frequently sentenced to death in proceedings that do

not follow international standards for a fair trial. Prisoners who could receive the death penalty are frequently represented by unskilled attorneys, and occasionally by no attorneys at all. If the defendants are unfamiliar with the language used in court, they may not understand the accusations or the evidence brought against them. Court documents' interpretation and translation services are frequently insufficient.

The right to appeal to a court with greater authority and the ability to request clemency or a commuted death sentence are sometimes denied to inmates. In some jurisdictions, summary procedures are used to hear capital cases in special or military courts. Such actions go against accepted norms in international human rights instruments and undercut the right to a fair trial. Articles 2 and 7 of the Universal Declaration of Human Rights are violated by the frequent disparate application of the death sentence to members of socially marginalised groups. It represents the utmost rejection of the human person's worth and dignity, as stated in the preamble of the Universal Declaration of Human Rights.

No criminological argument in favour of the death sentence would be stronger than arguments based on respect for human rights. The claim that the death sentence is necessary to deter crime has lost credibility due to the persistent dearth of scientific evidence to support its superior effectiveness over alternative forms of punishment. The death sentence undermines the widely acknowledged criminological objective of rehabilitation of the offender.

Restriction Though International Human Rights Standards

The evolution of international human rights norms has favored ever-tighter limitations on the use of the death sentence. The majority of states that still impose the death penalty actually follow this trend of progressive shrinking in practice. The UN General Assembly declared in a resolution on the death penalty in 1971 that "the main objective to be pursued is that of progressively restricting the number of offenses for which capital punishment may be imposed, with a view to the desirability of abolishing this punishment in all countries" (resolution 2857 (XXVI) of 20 December 1971). The UN Commission on Human Rights in resolutions 1997/12 of April 3, 1997, and 1998/8 of April 3, 1998, as well as the European Union in the Guidelines to EU Policy towards Third Countries on the Death Penalty ("EU Guidelines"), adopted in 1998, all reaffirmed the goal of progressive restriction of capital offenses. The General Assembly first stated this goal in 1977 (resolution 32/61 of December 8, 1977).

Article 6(2) of the International Covenant on Civil and Political Rights (ICCPR), which was adopted by the UN General Assembly in 1966, specifies that the death penalty may only be enforced in nations that have not abolished it. The Human Rights Committee established in accordance with the ICCPR stated in a general comment on Article 6 of that treaty that "the expression 'most serious crimes' must be read restrictively to mean that the death penalty should be a quite exceptional measure" (general comment 6, adopted by the Committee at its 16th session on July 27, 1982). The UN Economic and Social Council (ECOSOC) stated in the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, adopted in 1984 ("ECOSOC Safeguards"), that the death penalty should only be applied to the most serious crimes and that the definition of these crimes "should not go beyond intentional crimes with lethal or other extremely grave consequences."

Various explicit guidelines and declarations regarding the offences for which the death sentence shouldn't be applied have been made. According to Article 4(4) of the American Convention on Human Rights (ACHR), "political offenses or related common crimes" are not subject to the death penalty. According to the Human Rights Committee, "the imposition... of the death penalty for offences which cannot be characterized as the most serious, including apostasy, committing a third homosexual act, engaging in illicit sex, embezzlement by officials, and theft by force, is incompatible with article 6 of the Covenant" (UN document No. CCPR/C/79/Add.85, 19 November 1997, paragraph 8). According to the UN Special Rapporteur on extrajudicial, summary, or arbitrary killings, the death sentence "should be eliminated for crimes such as economic crimes and drug-related offences" (UN document No. E/CN.4/1997/60, 24 December 1996, paragraph 91).

The approach generally reflects the worldwide standard that only the most serious offences, particularly those with grave effects, are eligible for the death penalty. The majority of states that do carry out executions now only do so for murder, however some still may have the death penalty as a legal punishment for other offences.

Furthermore, the number of executions in the most of these nations has decreased to the point where it now only accounts for a very small portion of all reported homicides. (The most notable exception is China, which executes convicts for non-violent offences including theft and embezzlement and continues to execute prisoners more frequently than all other nations combined.) The adoption of the International Criminal Court Statute by a global conference in Rome in July 1998, which does not include the death penalty for the crimes that many consider to be the most heinous of all—genocide, other crimes against humanity, and war crimes—is another development in the restriction of capital offences. Similar to this, when the International Criminal Tribunals for the former Yugoslavia and Rwanda were founded in 1993 and 1994, the UN Security Council did not include the death sentence as a punishment for these serious crimes. The implication of these rulings is that the death sentence should not be used, given the well-established criteria that it should only be applied to the most egregious offences in nations that have not yet abolished it.

International norms have also evolved in such a way that they now prevent an increasing number of categories of persons from being utilized as targets for the death sentence in nations that still use it. Juvenile offenders—those who were under the age of 18 at the time of the offense—are excluded from many legal and social contexts that it is beginning to resemble a standard of customary international law. The Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War and the two Additional Protocols of 1977 to the Geneva Conventions of 1949, as well as more recently in the Convention on the Rights of the Child (Article 37(a)), which has been ratified by all UN member states with the exception of two, prohibit the execution of juvenile offenders.

In reality, most people abide by the rule. Only 18 juvenile offenders were executed globally between January 1990 and October 1998, according to Amnesty International, who kept track of the executions in six different nations. Only one nation, the United States of America, was responsible for carrying out half of the executions. It is also common practice to exclude pregnant women, new mothers, and those over 70 years old, as specified in various ways by the ICCPR, the ACHR, and the ECOSOC Safeguards. ECOSOC also recommended that UN member states abolish the death penalty "for persons suffering from mental retardation or extremely limited mental competence, whether at the stage of sentence or execution" (emphasis added) in resolution 1989/64, which was adopted on 24 May 1989. The ECOSOC Safeguards also state that executions shall not be carried out on "persons who have become insane" (emphasis added). These exclusions are not as frequently noticed. Amnesty International has recorded numerous instances of convicts with extremely low mental capacities who were given death sentences and occasionally executed, mainly in the USA.

The ICCPR's Article 6 and the ACHR's Article 4, as well as the ECOSOC protections and other UN resolutions, repeat and expand on the procedural protections that must be followed in all death sentence cases. All international standards for a fair trial are included, as well as the rights to appeal to a higher court and request clemency. The UN has repeatedly expressed its desire to ensure the strictest legal procedures and the greatest protections for those accused in capital cases in nations where the death penalty has not been abolished in General Assembly resolution 2393 (XXIII) of November 26, 1968, and subsequent resolutions. The requirement to uphold minimal standards in cases involving the death penalty is also evident.

Although the safeguards are in place in theory in many nations that still utilize the death penalty, they are frequently not upheld in practice, and even in cases when an effort is made to uphold them, the death sentence is frequently nevertheless applied arbitrarily. Some defendants receive death sentences and are executed while others convicted of the same crimes are not, due to factors including insufficient legal representation and prosecutorial discretion. The protections haven't been able to stop the death sentence from being applied arbitrarily or from being applied to those who are innocent of the crimes for which they were convicted.

The Emergence of Abolition as a Human Rights Norm

International organisations have become more vocal in their support for abolition on human rights grounds and have adopted pronouncements to that effect. National court rulings declaring the death penalty to be unconstitutional are starting to support these remarks and policies. The UN General Assembly said in resolution 2857 (XXVI) on December 20, 1971, that abolishing the death sentence worldwide is desirable. The General Assembly's resolution 32/61 of December 8, 1977, and most recently the UN Commission on Human Rights' decision 1998/8 of April 3, 1998, both reaffirmed the need to eliminate the death sentence. The Human Rights

Committee observed that Article 6 of the ICCPR "refers generally to abolition [of the death penalty] in terms which strongly suggest... that abolition is desirable" in its general comment therein. The Committee comes to the conclusion that "all abolitionist measures should be viewed as advancements in the enjoyment of the right to life... "

The UN Commission of Human Rights stated in resolution 1997/12 dated 3 April 1997 that it was "convinced that the abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights." The Commission on Human Rights reaffirmed this remark in resolution 1998/8 on April 3, 1998.

The UN Special Rapporteur on extrajudicial, summary, or arbitrary executions has stated that he "strongly supports the conclusions of the Human Rights Committee and emphasizes that the abolition of capital punishment is most desirable in order to fully respect the right to life" (UN document No. E/CN.4/1997/60, paragraph 79). He has urged governments of nations that still use the death sentence to "deploy every effort that could lead to its abolition."

The Parliamentary Assembly of the Council of Europe declared in resolution 727 dated 22 April 1980 that "capital punishment is inhuman" and urged member nations that still had the death penalty for crimes committed during peacetime to abolish it. The request was expanded in resolution 1044 (1994), which was passed on October 4, 1994, and urged "all parliamentary bodies throughout the world, which have not yet abolished the death penalty, to do so promptly in line with the majority of Council of Europe member states." It declared that it "considers that the death penalty has no legal place in the criminal justice systems of modern civilized communities, and that its administration may readily be likened to torture and be considered as harsh and degrading punishment within the context of modern civilized societies.

Three international treaties that call for the elimination of the death penalty have been ratified by the international community. The other two are regional, while one is global in scope. They are the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming to abolish the death penalty, adopted by the UN General Assembly in 1989, the Protocol to the American Convention on Human Rights, concerning the abolition of the death penalty, and Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms ("European Convention on Human Rights"), adopted by the Council of Europe in 1982. The other two treaties provide for the complete abolition of the death penalty, but they also permit states parties to retain the death penalty in times of war if they make a declaration to that effect at the time of ratification or accession. Protocol No. 6 to the European Convention on Human Rights provides for the abolition of the death penalty in peacetime.

In compared to the total number of parties to the parent treaty, Protocol No. 6 has been ratified by the most states (28 as of October 1998) and signed by an additional five. As of the same date, 33 governments had ratified the Second Optional Protocol to the ICCPR, and another three had signed it. In contrast, six states had ratified and one had signed the Protocol to the American Convention on Human Rights to Abolish the Death Penalty. States parties and signatories are both continuing to increase in number. Only in 1998 did Estonia and Latvia ratify Protocol No. 6, and Nepal and Costa Rica signed the Second Optional Protocol to the ICCPR.

The Road to Abolition – Conclusion

Although it seems that abolition is on the rise, the fight must yet be waged repeatedly. Before finally - we hope - rejecting the death penalty, each nation must go through a process that is frequently drawn out and unpleasant, considering for itself the arguments for and against. There can be calls to reinstate the death penalty even after it is abolished. The arguments must be reviewed again if the calls are serious enough. The administration and lawmakers must decide whether to abolish the death sentence. Even though the majority of people favor the death penalty, this decision can still be made. This has most likely always been the case historically. However, it rarely causes a significant public uproar when the death sentence is abolished, and once abolished, it nearly always remains so.

This must imply that while a majority of the populace in a certain nation supports the death penalty, a majority of the populace is also open to accepting its abolition. When respondents are asked to indicate their position on

the death sentence in surveys, this aspect of public opinion is typically not mentioned. The surveys would likely provide a greater knowledge of the complexity of public opinion and the extent to which it is founded on an accurate awareness of the actual state of criminality in the country, its causes, and the tools available to battle it if the questions were more complex. Despite the numerous studies that have been conducted, the claim that the death penalty deters crime more successfully than alternative penalties has now been substantially refuted by the lack of scientific evidence. However, a large portion of the populace thinks it does. The evidence from science contradicts their viewpoint. In other words, the scientific knowledge of the death penalty's deterrent effect is lacking among the general people.

References

- Annas, G. J. (2005). 'Unspeakably cruel: Torture, medical ethics, and the law.' *New England Journal of Medicine*, 352, pp.2127.
- Bardarova, S., Jakovlev, Z., Serafimova, M. and Koteski, C. (2013). The role of amnesty international in protecting of human rights.
- Ebury, K. and Ebury, K. (2021). 'Justice and punishment in executioners' life-writing.' *Modern Literature and the Death Penalty, 1890-1950*, pp.89-116.
- European Union in the Guidelines to EU Policy towards Third Countries on the Death Penalty
- Graessner, S., Gurriss, N. and Pross, C. (2001). *At the side of torture survivors: Treating a terrible assault on human dignity*. JHU Press.
- International Covenant on Civil and Political Rights (ICCPR)
Protocol No. 6 to the European Convention on Human Rights
UN document No. CCPR/C/79/Add.85, 19 November 1997, paragraph 8.
UN document No. E/CN.4/1997/60, 24 December 1996, paragraph 91.
- Van Den Hagg, E. (1969). 'On deterrence and the death penalty.' *J. Crim. L. Criminology & Police Sci.*, 60, pp.141.