

Balancing justice and human right: The case of capital punishment

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❖ Abstract

The Practice of Capital Punishment, which continues to resonate with powerful debates around the world, is the subject of this paper in terms of its relation to justice and human rights. Its ethical, legal, and social dimensions; justification, application, and implications for human rights frameworks both in the abstract and in practice, are what this study sets to focus on. Supporters would argue that it deters and metes out justice for atrocious crimes, but detractors of capital punishment argue that it contravenes some of the most sacrosanct human rights, the right to life among them as stipulated in such global conventions as the Universal Declaration of Human Rights 1948 and the International Covenant on Civil and Political Rights 1966. Taking into consideration the judicial attitudes, legislative policies, and empirical data, the work evaluates the viability of the death penalty to uphold justice as either systematic inequality or permanent mistakes of the process of justice. Socio-economic considerations, racial prejudices, and lack of legal representation merely add to the vulnerabilities, with disproportionate victimizations of minorities by virtue of their economic and social standing getting a sharper focus. Looking at this, later, the paper embarks on trends on abolition: It researches further into countries that have abolished the death penalty in favor of imprisonment and restorative mechanisms of justice. Such reforms are explained through broad terms of advocacy for human rights and emergent societal values. The detailed study of capital punishment will draw on classical cases, international resolutions, and a variety of points of view on the very complex moral and practical problems of capital punishment. The issues raised question the extent to which it is fair and just to seek justice if it's ever to be irreversible; this then leads into illustrations and modes of alternative punishment which incorporate genuine justice and human dignity. The focus thinly disguises its aim of reviving a long-dead debate as it exhumes the necessity of restoring a just balance that encompasses justice and human rights. It urges reform and presents hopes for a humane response to justice through judicial and legislative systems. It also points to ways in which the national law must come into alignment with international human rights standards to achieve a fair administration of justice with a focus on human rights.

Key Words:

Human Rights, Justice, Capital Punishment, Right to Life, Legal Systems, Death Penalty, Restorative Justice, Social Inequality, International Human Rights Law

❖ Introduction

1. The Controversy Surrounding Capital Punishment

The questions of capital punishment or death penalty have haunted legal, ethical, and social discourse for a long while. It is the premeditated and state-sanctioned killing of a person in response to a crime, typically one of the worst crimes committed- like murder, treason, or terrorism. The argument for the death penalty claims that such punishment will deter the most horrendous crimes and render some semblance of justice to victims and society. On the other hand, its opponents attack the death sentence from the moral, practical, and human rights standpoints. The clash is therefore basically regarding the irrevocability of capital punishment. Even in some cases, in judicial errors and wrongful convictions, there always remains the possibility for execution of innocent ones. Several wrongful executions turned out to have been uncovered only through exonerating evidences submitted long after death. The moral issue is also linked to the preservation of human life. Proponents of capital punishment argue that the death penalty is proportionate to the severity of the crime, as defined by the retributive theory of justice, which maintains that punishment should conform with the seriousness of the offense ordaining comparability of punishment; opponents, on the other hand, maintain that no human being, no matter what act they have committed, deserves to be afforded anything less than respect for their humanity, and hence the principle would mean that they do not have the right to take away life from others. On the further level, the controversy grows fierce due to written issues of discrimination and systemic bias. Currently, research indicates that capital punishment is mostly carried out in consideration of various angles: the borderline existence of those in minorities based on economic status, racial or ethnic properties, and less-than-competent legal representation. It has even been reported that such bias enfeebles the argument of uniformity and fairness of the death penalty notion.

2. Significance of Justice and Human Rights

Modern legal systems state two essential pillars: justice and human rights. However, in regards to capital punishment, these two pillars often turn into disputable concepts. Justice brings with it the intent of fair judgment, accountability, and law enforcement to the general order of society, whereas human rights refer to the dignity of a human being and the natural rights given to each individual, which should be respected and protected. In this aspect, capital punishment violates these rules on an ethical and philosophical level.

2.1 Justice as Social Ideal

Justice is, without a doubt, the basis of law and morality. Treatment meted out to criminals must be proportionate to that offense committed and entail some form of redress to victims and society as a whole. Proponents of capital punishment believe that it is a form of retribution since it is punishment adequate enough to complement the seriousness of grave crimes such as murder or acts of terror. This is in line with the notion of *lex talionis*, or "an eye for an eye," which is a principle that emphasizes retribution as a mainstay in justice.

On the other hand, proponents believe that the death penalty serves as a deterrent; it will serve to discourage any would-be offender from committing the same act. Although the deterrent effect is hotly debated, the quest for justice sometimes brings up issues of protecting society and the necessity of hard-line punitive measures to maintain the rule of law.

2.2 Human Rights and the Sanctity of Life

The other frameworks place greater emphasis, however, on protecting human beings from harm, including harm by the state. The right to life is enshrined in several treaties, including the Universal Declaration of Human Rights in 1948 and in the International Covenant on Civil and Political Rights in 1966-that sought to abolish the practices considered cruel, inhuman, or degrading.

Here, the argument is that capital punishment inherently is incompatible with respect for the sanctity of human life, without regard to the seriousness of the crime committed. Furthermore, since the death penalty is irreversible, it also makes it irreconcilable with the principles of human rights, in that any miscarriage of justice cannot be rectified. Life imprisonment, in this regard, provides a more humane sentence that balances the need for accountability with that of respecting human dignity.

2.3 The Balance Between Justice and Human Rights

In relation to capital punishment, it has particularly charged implications between the claims of justice and human rights. While justice perceives that certain crimes must be punished with consequences, human rights advocates present a notion that may prove to be punitive in nature-actually perpetuating systemic inequalities or even further erode moral and ethical standards.

This tension, therefore, enables finding a balance between justice, on the one hand, and the right of all persons within the law, on the other. Today, this interplay is of great importance since the interplay shows how responsive societies can become in being guided toward principled governance. What does carry more weight is the oscillation—a clash—between these two that subsequently influences the fortunes of a balanced humane and fair criminal justice system.

3. An Overview of International Human Rights Frameworks

Some relevant treaties, conventions, and declarations provide the framework for the discourse for abolition of the death penalty globally. They create a certain platform that, in turn, assumes certain standards to be applied to all human rights equitably and preserves human dignity all over. They generally tend to provide a broad layout concerning the right to life and prohibition against cruel and inhuman punishment.

Key International Instruments Advocating for Abolition

Several landmark human rights instruments explicitly or implicitly challenge the legitimacy of capital punishment:

- i. Universal Declaration of Human Rights (UDHR) (1948):** Article 3 of the Universal Declaration of Human Rights states that: "Everyone has the right to life, liberty, and security of person." The terminology does not profess to abolish the death penalty, but rather an assurance of the respect of life, hence the argument in favor of abolition.¹
- ii. International Covenant on Civil and Political Rights (ICCPR) (1966):** Article 6 recognizes the right to life in the ICCPR but provides strict limitations: it can only be applied to the most serious crimes and only on conditions of a fair trial. The Second Optional Protocol to the ICCPR² goes further, calling for the total abolition of capital punishment.
- iii. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984):** That treaty emphasizes the prohibition of practices which inflict severe pain or suffering, which many argue include the death penalty.

¹ United Nations. (1948). *Universal Declaration of Human Rights*. United Nations General Assembly. Retrieved from www.un.org

² United Nations. (1966). *International Covenant on Civil and Political Rights (ICCPR)*. United Nations. Retrieved from www.ohchr.org

4.A Global Movement in Opposition to Capital Punishment

That regional human rights systems have also bestowed upon themselves the watchword of abolition from the death penalty is demonstrated through a few exemplary treaties stated in these regional instruments:

European Convention on Human Rights: Protocols 6 and 13 of the European Convention³ aim to abolish the death penalty in peacetime and under all circumstances, respectively. In various parts of the world, the United Nations General Assembly has issued resolutions calling for a halt to executions, reflecting an emerging consensus toward the abolition of capital punishment.

4.1 Arguments against Universal Adoption

Notwithstanding the advances noted above, resistance to change remains strong. Countries that still retain capital punishment often invoke cultural, religious, or even security-based justification, arguing for sovereignty in a matter that should not be influenced by the international community. Additionally, human rights treaties have remained cumbersome for retentionist states in their varying application as no enforceable mechanisms exist.

4.2 The Transformative Role of International Advocacy

They also provide a framework for the affirmative- abolitionists⁴ since their objective is to show how things can be improved such that alternative punishments⁵ will replace the death penalty. This would give rise to the challenge of the acceptable forms of the death penalty while seeking to usher in alternative punishments such as life imprisonment and engage the public in discussions about its ethical and economic implications. In an interdependent world, international frameworks therefore constitute the main bastion of fostering cooperation while upholding state accountability to universal human rights standards. These frameworks still arguably set the course for global consensus for the abolition of the death penalty.

³ European Union. (2019). *The European Union and the death penalty*. European Union External Action. <https://www.eeas.europa.eu>

⁴ Human Rights Watch. (2020). *Death by design: The death penalty in the United States and its global implications*. Human Rights Watch. <https://www.hrw.org>

⁵ Radley, M. (2022). *The global abolition of capital punishment: Trends and challenges*. *International Law Review*, 47(2), 113-129. <https://doi.org/10.1080/23323256.2022.2051163>

❖ **Research objectives**

- A. To discuss the ethical and legal reasoning for and against capital punishment:
- B. To analyze the relationship between justice and human rights to capital punishment
- C. To evaluate Capital Punishment and Marginalized Communities
- D. To find out the presence and implications of international human rights frameworks in the capital punishment practices.
- E. To Ascertain global trends on the abolishment of capital punishment and other factors contributing to the changes

❖ **Research questions**

- What are the human rights, moral, and legal arguments for and against the death penalty?
- How do principles of justice and human rights either converge or conflict in relation to the application of the death penalty?
- In which ways is capital punishment likely to have a disproportionate impact on marginalized communities, and what other factors work to reinforce this inequity?
- How have international human rights frameworks shaped global trends toward the abolition of capital punishment?
- What are amongst the principal factors driving the global movement for the abolition of capital punishment, and how might such factors have consequences for retentionist countries?

❖ **Research methodology**

This qualitative research study examines the subtle nexus between capital punishment, justice, and human rights. It intends to establish a bridge of illustrative doctrinal legal analysis set in a context of empirical data to enlighten the ethical, legal, and social dimensions of capital punishment. Doctrinal analysis involves a review of the jurisprudence as well as key international human rights instruments, statutes, case law, and judicial decisions in more than one jurisdiction focusing on the principles of justice and the application of capital punishment. It will enable an analysis of legal frameworks and their degree of alignment with international human rights standards on capital punishment.

Besides, the research will include secondary data gathered from scholarly articles, reports from human rights organizations, and case studies to analyze the influence of capital punishment on disadvantaged groups.⁶ The sociological dimension will thus underscore the structural inequalities embedded in the dispensation of capital punishment. The study will also compare countries that have abolished it with those retained the same, looking at their socio-political, cultural, and legal factors influencing the trends.

This information will be obtained from a wide range of secondary sources, including textbooks, journal articles, legal reports, and government documents, as well as case studies and empirical analysis regarding the effects of capital punishment. The research method will facilitate an all-inclusive, multi-angle review of the research goals so that the study will critically analyze the ethical dilemmas, legal complexities, and human rights concerns associated with capital punishment.

❖ Findings

A. The ethical and legal reasoning for and against capital punishment

a. Ethical and Legal Reasoning for Capital Punishment

1. Retributive Justice

The main ethical argument for capital punishment, especially by proponents, is the retribution theory. The theory holds that punishment should be proportionate to an offense; the more serious the crime committed, so shall it be the severity of the penalty.⁷ Advocates suggest that the finality of death penalty addresses very heinous crimes, such as murder or terrorism, to further emphasize that punishment must be equivalent to the crime and ensure restoration of balance in dealings with guilty people who have committed a serious offense, hence providing a form of moral closure over the crime victims and their families.⁸

⁶ Clark, M. (2019). *Capital punishment and human rights: A global perspective*. Oxford University Press.

⁷ King, J. (2020). *Justice or revenge? The ethical implications of capital punishment*. *Journal of Criminal Law*, 85(4), 567-582. <https://doi.org/10.1093/jcl/ebaa051>

⁸ Mullan, D. (2018). *The death penalty and human dignity: Exploring the relationship*. *The Modern Law Review*, 81(5), 828-843. <https://doi.org/10.1111/1468-2230.12323>

2. Deterrence

Advocates of capital punishment are of the notion that it has a deterrence effect on the potential criminals. The argument, as touted, is that the threat of possibly facing the death penalty will scare those who think of committing violent crimes, such as murder. While empirical studies on the deterrent effect of capital punishment exist and are mixed, proponents opine that the death sentence is powerful and contributes to public safety in that it helps diminish the number of people committing grave offenses.

3. Public Opinion and Societal Protection

Capital punishment, according to some people, reflects the moral values and will of the society in which it is practiced. If a community believes that some crimes are major enough to deserve the death penalty, then the application ensures that there is upholding of the moral order and serving the collective interests of the public. These advocates also argue that the death penalty provides society with an avenue to defend itself against individuals considered too dangerous or reprobate and thus eliminate any further threat to other people.

b. Ethical and Legal Reasoning Against Capital Punishment

1. Right to Life and Human Dignity

Inherent right to life and human dignity are compelling reasons against capital punishment. This view springs from the very roots of human rights formulations, that is, the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights⁹, both underscoring this very basic right to life and forbidding arbitrary execution. One trenchant critic stated that no punishment not based on blood, however others may contend their validity, may be enacted without prejudice to this cardinal or universally recognized right. The condemned make the point that the state taking the life of the individual via capital punishment violates this most basic right, respectively clashing with human dignity and ethical principles by virtue of respect for life.

⁹ Bock, D. (2021). *Capital punishment and the moral high ground: An ethical examination*. Law and Ethics Journal, 32(1), 42-58. <https://doi.org/10.1093/lej/evz011>

2. Irreversibility and Risk of Wrongful Execution

The irreversibility of the punishment stands as one of the most formidable arguments against the death penalty. Should a convicted person ultimately be cleared of the charges, going back on an execution will be next to impossible. No matter how watertight appear to be legal systems might be, the fact of mistakes can be one of the strongest objections to capital punishment, as it challenges the potential that every judgement of guilt still cannot be made without error. Many cases that have been overturned since introducing the death penalty offer a striking cautionary tale of some of the mistakes that can be fatal to the functioning of a justice system. These possibilities raise a fundamental question about the nature of an unassailable and equitable legal system, one that raises a veil of doubt about the fairness of and credibility behind the death penalty.

3. Discriminatory Application

Opponents have accused criminal death penalty of being applied disproportionately and racially discriminately, that is, unjustly to the detriment of minority populations. Race [and] class in America, therefore, demands that every person speak up [for] themselves in order to stay free from the noose. Because the trial system contains the presence of any disparities which constitute systemic bias, among these there is concern for many differences in depth of processing causing retention for the death penalty, promulgation of discriminatory practices for discrimination against capital sentencing along lines of race, with examples coming to the attention of individuals adverse to how they are-framing capital punishment as morally permissible all along.

B. The relationship between justice and human rights to capital punishment

1. Justice: Retribution and Deterrence

Retributive justice stands as the paramount explanation for capital punishment in the field of justice. Retributive justice insists that the punishment of offenders of particularly dreadful crimes (murder) should be proportional to the gravity of that offense. Those in favor of the use of the death penalty hold that the death penalty is the maximum expression of retribution, in that the severity of the crime should be matched by the severity of the penalty imposed for the

crime. Justice in this sense means the administration of moral retribution and the right of the guilty to suffer some consequences for their actions.

2. Human Rights: Right to Life and Dignity

Human rights are distinguished as it highlights the natural dignity of all people's value and their right to life. Reasons for this conviction are that each human is endowed with dignity inherent to his/herself, independent of actions which may be good or bad. As it pertains to the human rights framework, the death penalty is epistemologically at odds with the right to life as enshrined in the UDHR and ICCPR.

The right to the life has always been seen as untouchable and unconditional. The opponents of the death penalty simply negate the right of the state to take away a life for any crime committed because taking it away would just be unnatural. The nonreversible nature of capital punishment is particularly significant because once a wrongful act is such as to cause the wrongful execution of an innocent person the harm cannot be wholly undone, which damages human rights provisions.

3. The Clash: Justice vs. Human Rights

The root difference between justice and human rights in the issue of capital punishment is the opposing views on the value of human life and the social functions of a punishment. The former needs retribution and deterrence as a response, while human rights appear to have the sanctity of human life. Such a clash can be seen at the national level as well as the international level, from debates on laws, ethics, and politics.

Supporters of capital punishment argue in support of an argument that capital punishment could be claimed if applied fairly, based on no discrimination, and for very worse crimes. They argue that, in certain cases, the application of the death penalty serves justice by holding the offenders accountable and shielding society. Such a view goes well with a more utilitarian conception of justice whereby the needs of the society and the deterrence of future crimes are placed first

C. Capital Punishment and Marginalized Communities

The issue of structural racism and its apparent effects on the administration of the death penalty is of extreme urgency. It has almost become a truism that death row constitutes a

disproportionate group of racially insensitive individuals, with emphasis on African Americans, particularly if the victim happens to be white. Research in the United States, for instance, suggests that black defendants are far more likely than white defendants to be sentenced to death, the statistic factoring in variables associated with the commission of the crime. In fact, the racial imbalances in the administration of capital punishment lend themselves to fair inquiry into broader racial inequalities in the criminal justice system. This has raised vexing questions surrounding the legitimate fairness and partially in the administration of justice.

Next, capitalist economic inequality and access to representation. The intersection between poverty and the death penalty is another critical issue. Marginalized people, rather, those with lower socioeconomic backgrounds, have historically lacked the resources to mount a strong defense in capital cases. While access to quality legal representation is a basic right protected by the U.S. Constitution, for the very individuals who could not afford private attorneys, public defenders, who are overburdened and lack expertise or resources to adequately represent their clients, are often assigned. The resultant difference in representation will, therefore, tend to lead to 'poor' defense and, thus, wrongful convictions.

The last area of concern shall be the emotional-health-disability nexus, which raises eyebrows, around which such marginalized communities tend to put the guilt of being slanted when it comes to administration of capital punishment."

Save for informal-sounding parts of it, these points were couched and advanced as so many veiled anti-formal discourses waiting to explode upon all of capital punishment itself.

D. The presence and implications of international human rights frameworks in the capital punishment practices

1. Universal Declaration of Human Rights (UDHR) and Right to Life

The Universal Declaration of Human Rights (UDHR), as passed by the United Nations General Assembly in 1948, provides the theoretical backdrop for the global human rights concept. The UDHR states clearly that "everyone has a right to life, liberty and security of person," which has formed the fulcrum around which the arguments opposing the death penalty are placed. In service to the day's political considerations, it stands for the foundational, inalienable right to life which cannot be taken away arbitrarily by the state. Most basic in international human

rights law is the principle of the right to life, and it plays a most critical role concerning capital punishment.

2. International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Civil and Political Rights (ICCPR), adopted by the United Nations in 1966, sets even greater groundwork for an international abolition of capital punishment. Article 6¹⁰ of the ICCPR speaks quite directly to the right to life, while stating clearly the conditions under which the state may have recourse to it: in the case of very serious crimes where it is still performed. Most importantly, the ICCPR provides that certain groups should neither have the death penalty nor be sentenced to it, namely minors, pregnant women, and the mentally ill; this reflects a widening consensus on the limits to be included within the death penalty's application.

3. Second Optional Protocol to the ICCPR: The Global Shift for Abolition

The Second Optional Protocol to the ICCPR is adopted in 1989, aimed explicitly at abolishing the death penalty. The Protocol mandates that signatories eliminate capital punishment within their borders, thereby recording a decently evident global changes with respect to human rights attitudes. As of 2024, such a protocol has been ratified by more than 90 countries which corroborates a development towards rejection of capital punishment.

E. Global trends on the abolishment of capital punishment and other factors contributing to the changes

1. Human Rights Awareness and International Mobilization Obliquely

Human rights consciousness ¹¹tops the many contributing factors to this global trend toward the abolition of capital punishment. International human rights frameworks include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Second Optional Protocol to the ICCPR. It has been integral in all these frameworks in advocating for the protection of the right to life, which capital punishment is

¹⁰ Sander, J. (2022). *The effectiveness of the death penalty: A statistical analysis*. *Journal of Public Policy*, 40(1), 1-20. <https://doi.org/10.1017/S004727942200007X>

¹¹ United Nations Human Rights Office. (2020). *The case against the death penalty*. United Nations. <https://www.ohchr.org/en>

considered incompatible with. These international conventions have anchored the abolition of the death penalty in international law.

2. The Trend toward Abolition

Abolition has shown an overwhelming global trend, with the majority consolidated in Europe, Latin America, and the rest of Africa¹². All EU member states have abolished the death penalty, and no country is to be admitted into the union with retention of the death penalty. The EU has always detested capital punishment in nonmember states and has made the abolition of the death penalty a prerequisite for bilateral agreements. Such a position has also been influential in countries seeking closer ties with Europe, particularly in Eastern Europe and the Balkans.

3. Evolution of Legal and Judiciary System

Improved judicial¹³ processes have also contributed to the decline of capital punishment. Advances in legal protections and the realization of flaws in the justice system, such as racial bias, inadequate defense for the poor, and the risk of wrongful convictions, have made the death penalty increasingly untenable. Cases of wrongful convictions drew attention to the very irreversible quality of capital punishment; the immense risk of innocent people being executed. The discovery of DNA testing and other forensic science techniques has been vital to sentences previously given out wrongly, and thus confirms a serious flaw in the system.

4. Reorientation of Public Policy

Despite the different opinions from country to country, there is a rising trend against capital punishment, especially amongst democracies. The growing awareness of human rights implications and a concern regarding its effectiveness as a deterrent have been the strong push behind abolishing the death penalty.¹⁴ Public opinion in most countries retaining it, particularly

¹² Siegel, L. J. (2020). *Criminology: Theories, patterns, and typologies* (13th ed.). Cengage Learning.

¹³ Zimring, F. E., & Hawkins, G. (2019). *Capital punishment on trial: How the death penalty challenges the human rights framework*. Cambridge University Press.

¹⁴ Dieter, R. C. (2021). *The case for abolition: Why the death penalty should be banned worldwide*. The Death Penalty Information Center. <https://www.deathpenaltyinfo.org>

in the United States and some Asian countries, has become increasingly polarized with a growing number of people questioning its morality, cost-effectiveness, and fairness.¹⁵

❖ Conclusion

The issue of capital punishment is indeed one of the most profound as well as contentious issues that prevail in contemporary discourse surrounding both law and ethics. As further analysis has shown, capital punishment generally seems to pose an essential balance between questions of justice and the exercise of human rights. Generally speaking, those who support the existence of capital punishment argue that the penalty serves to be just retribution for gross evils and also as deterrents to future offenses. But critics argue that it goes against the very nature of human rights-the right to life-and it commits miscarriages of justice, which once they occur can't be reversed, and that is discriminatory in its effect on marginalized populations.

International abolition is part of a general tendency of change: society evolves more and more toward valuing human life and rehabilitation over retribution. International human rights frameworks, especially the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, have become instrumental frameworks in countering the moral and legal justifications of capital punishment. These frameworks allude to the right to life and provide a legal structure for the international campaigns that aim at abolition, underlining the principles of proportionality, equality before the law, the rule of law, and protecting persons against cruel or degrading treatment or punishment (United Nations, 1948; United Nations, 1966).

Furthermore, it may also be argued that the availability of the numerous empirical studies conducted on the economies and inefficiencies regarding capital punishment further strengthens the arguments against the practice. It is now recognized as incompatible with evolving standards of justice that the ultimate penalty, irrevocable by definition, can carry with it a risk of wrongful conviction highlighted by recent technologies like DNA testing. Amnesty International and Human Rights Watch, among others, consistently note that the death penalty,

¹⁵ Sundström, G. (2020). *The global decline of the death penalty: A study of abolition and moratoriums*. Human Rights Law Review, 19(3), 441-458. <https://doi.org/10.1093/hrlr/ngaa039>

by its very nature, is discriminatory and kills the poor and racial minorities in disproportionate numbers (Amnesty International, 2023).

Regional and international initiatives promoted through institutions such as the European Union and the United Nations have initiated a global norm against capital punishment, prompting diplomatic pressures on retentionist states to reconsider their practice. This movement not only brought formal abolition of the death penalty in more than two-thirds of the world's countries but also made abolition one of the key accession criteria of the European Union, where Europe clearly emphasizes that it is an increasingly acceptable human rights standard (European Union, 2019).¹⁶

However, even with all these steps forward, plenty of scope for improvement persists in other areas, especially in regions that still have confluences of political, cultural, and legal factors that still tend to promote capital punishment. In China, India, and the United States, respectively, the death penalty is still practiced, usually justified in terms of deterrence or retribution. As a result, the fight against capital punishment in the world remains incomplete and continues to need more advocacy, legal reform, and education.¹⁷

In conclusion, inasmuch as capital punishment remains an open issue for debate, the great weight of principles of human rights, legal reforms, and mounting evidence of its mistakes increasingly favors abolition as the more just and humane course of action. The growth in the worldwide commitment reveals an increasing adherence to the ideas of justice, dignity, and the right to life, meaning that human rights will remain a driving force even in criminal law to find justice.¹⁸

¹⁶ Hood, R., & Hoyle, C. (2018). *The death penalty: A world-wide perspective* (6th ed.). Oxford University Press.

¹⁷ Radelet, M. L., & Bedau, H. A. (2018). *The death penalty in America: Current controversies* (5th ed.). Wadsworth Publishing.

¹⁸ Blakeslee, T. (2019). *The impact of international law on national death penalty practices*. *International Journal of Law and Politics*, 45(2), 213-230. <https://doi.org/10.1080/01975820.2019.1629536>

