

Speech – Jason Samson Rweikiza
Parliamentary Roundtable and Consultations on the
Abolition of the Death Penalty in Ghana

Towards the abolition of the death penalty - challenges to abolition (misconceptions, constitutional process), the role and contribution of Parliamentarians on the abolition of the death penalty

Accra

4 March 2016

- I am Jason Samson Rweikiza, member of the Parliament of Tanzania, Chair of the Committee on Administration and Local Governments and a PGA Member. As most of you know, PGA is a non-profit and non-partisan international network of 1,300 legislators from 140 Parliaments over the world who aim at contributing to the creation of a rules-based international order for a more equitable, safe and democratic world.
- In 2013, PGA launched its Global Parliamentary Platform and Campaign for the Abolition of the Death Penalty in order to take full advantage of its international network, which is ideal to make a difference on the abolition of the death penalty. Indeed, PGA parliamentary platform and campaign can provide key support, as well as enhance and maximise the impacts of parliamentary initiatives on this issue. The platform can also be a great space to exchange information, raise awareness of the death penalty issue and help overcoming misconceptions, and provide parliamentarians with technical assistance.
- We are gathered today for this Roundtable to exchange about the abolition of the death penalty in Ghana, but also in the African region more broadly, including the challenges to abolition and in particular the role and contribution of Parliamentarians on the abolition of the death penalty. While doing so, we will argue against stereotypes surrounding the imposition of the death penalty.
- First and foremost, I would like to address the question of the deterrent effect of the death penalty. As of today there is no conclusive empirical evidence that the death penalty has any deterrent effect on criminals. Indeed, several studies have addressed this question and concluded that there is no causal link between the death penalty and crime prevention, and that there is no evidence of it having a stronger deterrent effect than life imprisonment. The proof of what we say can be found in the USA: in some States the death penalty is not applied, and the crime rate is comparatively lower than the one of States in which the death penalty is still applied. In addition, while the alleged deterrent effect is one of the main argument of authorities in general (and worldwide) to maintain the death penalty, it has often been noticed that the main reason to maintain the death penalty was retribution and not deterrence.
- Secondly, the public support in favour of the death penalty is often raised by Governments as a reason to maintain the death penalty. Notwithstanding, genuine public opinion is highly difficult to measure accurately, usually they way the surveys are

undertaken are flawed and do not allow for a complete vision of the situation. It is however interesting to note that in a recent survey, the Accra Centre for Criminology and Criminal Justice released a report on the public opinion on the death penalty in Ghana in October 2015 that highlighted that 48.3% of the respondent were “intensely opposed to the death penalty” while only 8.6% “expressed intense approval of it”. Moreover, reforms and public policies should not be dictated by public opinion only. Necessary reforms are often unpopular but it is the parliamentarians’ role to act as visionaries on these important issues linked to human rights and to lead public opinion to understand the necessity to move away from revenge and retaliation.

- Then, we have observed that the death penalty is discriminatory, unfair and is often used disproportionately against the poor, the mentally ill, those from racial and ethnic minorities, and in some places in the world because of discrimination related to sexual orientation or religion. Tanzania and Ghana is no exception, and the problem of corruption has accentuated this situation.
- Moreover, the administration of the death penalty represents cruel, inhuman, and degrading treatment as defined in UN, inflicts pain on the families of those on death row and causes great pain to the family members of those who have been executed. The death penalty can also prolong suffering for the families of the victims, who often are not in favour of it which can be a traumatizing experience often making them relive the pain and suffering of the death of their loved one for many years.
- In addition, the public should be aware of the human error factor. Innocent individuals may be wrongly sentenced to death as judicial institutions are human institutions that can and most likely will commit mistakes. However, unlike other prison sentences, the death penalty is irrevocable and irreversible. A potentially overlooked fact by the public is that since no judicial system in the world is infallible, a government issuing capital punishment sentences is most likely to kill innocent individuals. It also entails the idea that the system is retributive and aimed at punishing instead of rehabilitating, when it has been observed that systems using a rehabilitative approach have reduced recidivism rates than the others.
- Besides, I would like to highlight that under International Law, the most serious crimes of concern to the International Community which include genocide, crimes against humanity, war crimes and the crime of aggression do not even have the death penalty as a sanction, as seen with the International Criminal Tribunal for Rwanda or the International Criminal Court. So for lesser crimes why would we keep the death penalty?
- Finally, I would like to point out, as we are all gathered in Ghana today, that no executions took place in Ghana since 1993 and the country reduced the number of crimes that can be punished by the death penalty.. Moreover, former Presidents of the Republic of Ghana frequently commuted death sentence into life imprisonment. Indeed, the actual President John Dramani Mahama, has been following this path by granting many amnesty. In this context I do not think that the death penalty has a deterrent effect here, it hasn’t been used since such a long time that it should not be a problem to remove it. It will not affect anyone, except for those who have been in death row for years waiting for an execution that may never come but in the meantime this wait can constitute torture or inhumane and degrading treatment as recognised by many Human Rights Courts.

- In the promotion and advancement of the abolition issue, Parliamentarians have a crucial role to play. Indeed, they have the prerogative of drafting and amending legislation, as well as national policies, and can as a consequence have a central role in the movement to restrict the use of the death penalty and eventually abolish it. As parliamentarians, we can also share experience with fellow legislators and proceed to peer-to-peer exchange on best practices on the path to abolition.
- As a matter of fact, PGA members across the world have achieved significant results toward worldwide abolition. This has been the case in Suriname and Cote d'Ivoire where the commitment and support of our members led last year to the abolition of the death penalty. Also in Togo with the swift ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (OP2-ICCPR) in July 2015.
- In Tanzania as well we have been active on this issue. In May 2015, PGA organized a Roundtable on the abolition of the death penalty in Tanzania in order to analyze the national and international legal frameworks on the death penalty as well as the particular situation of the death penalty in Tanzania and Uganda, its impact and challenges in view to identify the measures to overcome those obstacles. This event also aimed to highlight the strong role of Parliamentarians towards the abolition of the death penalty in both abolitionist countries and retentionist countries. At this occasion, PGA members from Tanzania reaffirmed that the abolition of the death penalty enhances human dignity and therefore the abolition is at the heart of a society respectful of the Rule of Law. They also highlighted the necessity for Parliamentarians to use their political and legislative prerogatives to raise awareness, inform and educate on this issue to overcome the obstacles and challenges identified and to take the necessary measures to definitely abolish it. As a consequence, they agreed to introduce a bill abolishing the death penalty through relevant amendments to the criminal code and, if necessary, the criminal procedural code, with the technical assistance of PGA. We will work within the Parliament to ensure a broad support of this bill.
- I encourage my fellow colleagues here to take similar initiatives by either introducing private members' bills (which might then encourage governments to themselves support the bill or introduce one), by approaching their governments so that they take the necessary steps to introduce relevant legislation to be adopted by Parliament and also as we are elected leaders, by sensitizing the population on the importance to respect the right to life and to move away from revenge and retribution. Thank you for your attention, and I wish to everyone a successful and mutually inspiring discussion.