

## **Right to life and the death penalty - Summary**

Perhaps no other topic has been subject to so many heated discussions like the topic of my thesis, in which there is a conflict between everyone's fundamental human right, namely the right to life on the one part, and the state's right to impose death penalty on some individuals that have committed a been convicted of certain crimes on the other part. Both advocates for and objectors to death penalty list many arguments for and against the capital punishment. As results from the conclusions I made in my thesis, some of the retentionists' arguments are seriously flawed. I was not able to prove the deterrent effect of death penalty and the related generally preventive function of capital punishment in relation to the most serious crimes. On the contrary, there are many cases where nations that do not have capital punishment in their legal systems have a lower level of the most serious criminality than nations using death penalty. The clear-up rate and the inevitability of punishment have a bigger effect than the harshness of punishment. The argument that the public opinion is significantly in favour of death penalty and thus the abolition of death penalty could result in less trust in the law is also very weak. A high level of support for capital punishment in some countries such as Japan may result from the secret and discreet execution of capital punishment and thus insufficiently objective information about it. It must also be mentioned that in recent years, capital punishment has been growing less and less popular among the public even in countries that have a long and rich tradition of death penalty. Public opinion fluctuates a lot, and what matters is the situation of the society, the level of legal consciousness and the understanding of moral values. Therefore, there is more power in abolitionists' arguments. The most persuasive argument against death penalty is its irreparability in the event of a miscarriage of justice, which has been proven in many cases in the past, as well as the possibility of abuse for political purposes and its discriminating nature. In addition, some aspects of death penalty like its execution still remain questionable.

There has been an ever growing trend towards the abolition of capital punishment worldwide. It has manifested itself in recognizing the life to life inviolable and untouchable not only in the constitutions of an ever growing number of countries but also in many international treaties and documents at both universal and local level. In spite of the trend, there are still 59 countries that keep absolute punishment as part of their legal system. Those are mostly less developed countries, totalitarian states or countries professing

Islamism. However, there is also capital punishment in democratic countries respecting the rule of law. Due to the above-mentioned differences between countries, consisting in different history, tradition, culture, religion and political situation, I do not think the abolition of death penalty in the near future is possible, even though it would certainly be appropriate.

### **Klíčová slova:**

- **Právo na život**
- **Trest smrti**
- **Popravy**

### **Key words:**

- **Right to life**
- **The Death Penalty**
- **Executions**