Capital Punishment: An Overview.

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The article presents general information on capital punishment. The author reviews the history of capital punishment in Canada including its abolition in 1976 and governmental responses to capital punishment in other nations. Particular focus is given to the clemency policy instituted by the Conservative government in 2007 which states that Canada will no longer seek clemency for Canadians sentenced to **death** in other countries provided they received a fair trial.

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Capital Punishment: An Overview

Despite being abolished in 1976, capital punishment remains a controversial issue in Canada today. The re-implementation of the **deathpenalty** has been the subject of two debates in the House of Commons. Furthermore, a large percentage of the population, though not the majority, is in favour of re-establishing the **death** **penalty** for certain crimes. Those who support capital punishment argue that it is the ultimate deterrent to committing crime, and serves as the most satisfying retribution for the victims of the crimes committed. Opponents of capital punishment contend that life imprisonment is a better form of deterrent, and point out that innocent people may be sentenced to **death** as a result of wrongful convictions.

Also of importance in regard to the debate surrounding capital punishment in Canada is how the government responds to capital punishment in other countries, particularly when the punishment is carried out against Canadians. The extent that Canada condemns capital punishment internationally is also a source of contention: international humanitarian organizations, such as Amnesty International, have emphasized the importance of Canada's role as a voice against capital punishment as the ultimate violation of basic human rights.

[**Understanding the Discussion**](http://web.b.ebscohost.com/pov/detail/detail?vid=6&sid=e49faad7-1598-408c-9b45-ba70def1f984%40sessionmgr198&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

**Abolitionist:**An individual who campaigns to eliminate a law or practice, such as slavery or capital punishment, from society.

**Clemency:**Leniency or mercy. Clemency often refers to the actions of an individual or group who pleads for the life of a person sentenced to**death**.

**Fundamental Justice:**Fairness in all judicial proceedings. This is a right granted to Canadians in the Charter of Rights and Freedoms.

[**History**](http://web.b.ebscohost.com/pov/detail/detail?vid=6&sid=e49faad7-1598-408c-9b45-ba70def1f984%40sessionmgr198&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

Sentencing, or punishment, of someone convicted of a crime is an activity with four primary purposes. It must demonstrate to the public that the individual is paying an appropriate recompense to society for the criminal action. Further, that demonstration is to provide a deterrent force to discourage others from committing crimes. Punishment must also serve to protect the public by sequestering the criminal apart from society. Finally, the ultimate goal of punishment is the rehabilitation of the criminal into a positive member of society. It is this final aspect of punishment that is abrogated by the use of capital punishment.

Until the abolition of the **death** **penalty** in 1976, **death** by hanging was Canada's sole method of execution. While nearly 1,500 Canadians were sentenced to **death**, 710 were actually executed. Of these, 697 were men and thirteen were women. Canada's method of hanging, known as the "long drop," was considered more humane than a regular hanging, which killed the person by strangulation. The long drop method ensures that the individual's neck is broken at the end of the fall once the gallows door was opened. However, even the long drop method resulted in a few botched attempts at hanging, which spearheaded the abolitionist movement.

In 1976, when the Canadian government held the free vote in Parliament to eliminate the **death** **penalty** from the Criminal Code, it passed by only six votes (130-124). While this is the official date of the elimination of capital punishment from Canada, the **death** **penalty** was actually abolished a number of years prior. In 1967, a bill was passed by the administration of Prime Minister Lester Pearson (1963-1968) that enacted a five-year moratorium on the **death** **penalty** unless it involved the murder of a police or corrections officer. On December 10, 1962, convicted murderers Arthur Lucas and Robert Turpin became the last people to be hanged by the Canadian justice system.

In 1984, as part of his campaign for the post of prime minister, Conservative Brian Mulroney promised to hold a free vote in Parliament on the use of capital punishment in Canada. The resulting debate started in the House of Commons on June 30, 1987, at 1 a.m. and lasted for thirty-eight hours. While it was predicted that the vote would be in favour of reimplementing capital punishment in Canada, the motion was eventually struck down in a vote of 148-127. Capital punishment remained outlawed in Canada.

It has generally been the practice of the Canadian government to request an assurance that any Canadian criminal extradited to another country will not face the **death** **penalty**. In 1998, two Canadian citizens, Glen Sebastian Burns and Atif Ahmad Rafay, were accused of murdering three of Rafay's family members in Seattle, Washington. When the American government asked that Rafay and Burns be extradited to the United States for trial, Justice Minister Allen Rock decided against asking for leniency in the trial, which would have eliminated the **deathpenalty** from the sentencing options. Rafay and Burns objected and turned to the Supreme Court of Canada. The Court ruled in favour of Rafay and Burns, and stated that extradition to locales where the **death** **penalty** is used to mete justice goes against the Charter right of fundamental justice. For some, this marked a decisive step in condemning the United States' use of capital punishment. Others saw it as an infringement upon the United State's authority.

[**Capital Punishment Today**](http://web.b.ebscohost.com/pov/detail/detail?vid=6&sid=e49faad7-1598-408c-9b45-ba70def1f984%40sessionmgr198&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

In October 2007, Stockwell Day, the minister of foreign affairs, surprised the House of Commons with the announcement that Canada would no longer seek clemency for Canadians facing the **death** **penalty** in other countries if the prisoner had received a fair trial. The news particularly impacted Ronald Allen Smith, the only Canadian on **death** row in the United States. In 1983, Smith was convicted of killing two people in Montana, where he was sentenced to **death**. Between 1983 and 2007, the Canadian government had communicated a number of different appeals for clemency, asking that Smith's sentence be transferred to life in prison at a Canadian penitentiary.

Until 2007, it had been the policy of the Canadian government to officially petition for the life of any Canadian sentenced to **death** in any country. However, with Minister Day's announcement, in 2007, the Conservative party, under the protest of all opposition parties, ceased all such petitions. Stéphane Dion, leader of the official opposition Liberal Party, along with Jack Layton of the New Democratic Party and Gilles Duceppe of the Bloc Québécois, began sending appeals to the governor of Montana. Their appeals stated that while they did not represent the position of the official government of Canada, they represented the position of the majority of Canadians in regard to capital punishment. A survey conducted by Angus Reid Strategies in October 2009, however, indicated that 53 percent of Canadians polled considered capital punishment to be “morally acceptable.”

A poll conducted by Harris-Decima found that 50 percent of Canadians were opposed to the Conservative government's new clemency policy. The policy was publicly condemned by various international human rights organizations such as Amnesty International, the Council of Europe, and Human Rights Watch. The government defended its new policy and stated that the government of Canada respected the judicial system of the United States to appropriately deliver justice. The Conservative government reasoned that since Smith was given a fair trial in a democratic country, the verdict was sound.

In November 2007, Stephen Harper faced criticism when his administration decided against co-sponsoring a United Nations (UN) treaty calling for a ban on the **death** **penalty**. Seventy-two other countries had signed on, and Canada had been expected to be a signatory party. Many Canadians, including former Prime Minister Jean Chrétien, interpreted the actions of the Harper administration as a veiled attempt to gauge support for capital punishment in Canada.

While capital punishment has little chance of ever being reinstated in Canada, a large percentage of the population still favours it, particularly in Western Canada. Prime Minister Stephen Harper has stated he has no intention of bringing the issue up in the House of Commons. However, the application of capital punishment in Canada, and Canada's reaction to its implementation around the world, remain contentious issues.

The debate has been fueled recently by the Conservative government's political uses of the general crime issue and the perception that the Canadian judicial system has been “soft” on crime. The official “tough on crime” plan of the Harper government is to implement anti-crime measures much like those that have been used in the United States up to the present. Criminologists and many other judicial professionals, however, argue that those measures have proved remarkably ineffectual in the United States, which is currently taking actions to reduce its prison population amid admissions that the system does not work effectively and requires major changes. The utilization of the **death** **penalty** is perhaps the most obvious failure as a deterrent to violent crime, and is seen often as no more than an emotion-driven retribution response rather than the administration of justice.

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