

## Death Penalty and Life in Prison Penalty as Violations of the Principles of Human Dignity and Rehabilitation

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**Abstract :** Violent crimes, such as terrorism, organized crime and homicides, are increasing all around the World. This fact calls for the necessity to reflect upon the effectiveness of the deterrence offered by the criminal sanctions set today. The severity of the penalties depends on the social, cultural and even religious background of the State in question. In some States, such as Portugal, the common citizen finds the sentences too soft on the perpetrator and too long to be obtained. On the other hand, in 2023, several States still apply the death penalty, among which the USA, China, and most Middle Eastern countries. As for life in prison without the possibility of parole, the number of countries accepting this possibility in their criminal law is much higher, including England and Wales, the Netherlands, Moldova, Bulgaria, Italy, Ukraine, Poland, Turkey, Russia, and Serbia. This research aims to demonstrate that both the death penalty and life in prison penalty violate the principles of human dignity and social rehabilitation of the perpetrator and propose alternative penalties that can effectively protect society from crime. The research utilizes three main methodologies: the historical method, the comparative method, and the critical method. The historical method is employed to investigate the evolution of criminal penalties over time. The comparative method is used to compare the practices of different states regarding the death penalty and life in prison penalty. Finally, the critical method is applied to analyze and evaluate the shortcomings of these penalties. From a theoretical point of view, there have been drawn several theories throughout the years to support the idea that perpetrators of crimes should be punished. Today, one of the most commonly accepted theories sustains that the penalty will only be legitimate when necessary to protect society from the perpetrator and to rehabilitate him into society. Foremost, the choice of the penalty and the form of its execution should be guided by the principle of human dignity. The death penalty and life in prison penalty fail to achieve the goal of rehabilitation and disregard the human dignity principle. The right to life is a fundamental right declared in the Universal Declaration of Human Rights and stated in most Constitutions in the World. In conclusion, the research demonstrates that the death penalty and life in prison penalty are in violation of the principles of human dignity and social rehabilitation. These penalties fail to achieve their intended goals and disregard fundamental human rights. Although it may sound tempting to some States to rethink the current system of instated penalties to the admission of these penalties, it is imperative to take the inverse road because the protection of society must be achieved with respect to the perpetrator's fundamental rights, so, alternative penalties must be enforced. Society's belief in its citizen's ability to change must be reinforced, and, ultimately, the belief in Humankind. The findings of this research contribute to the discussion on the use of these penalties and aim to contribute to their decreasing usage in society.

**Keywords :** death penalty, life in prison penalty, human dignity, rehabilitation

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