



Research on the Death Penalty

Briefing Note for the Nigerian Governors' Forum – February 2025

The role of empirical research for death penalty advocacy

The Death Penalty Research Unit (DPRU) at the University of Oxford and The Death Penalty Project (DPP) work in partnership with renowned academic institutions and NGOs around the world to produce empirical research on the death penalty.

Myths and misconceptions about public opinion and deterrence are often used to justify retention of the death penalty. Meanwhile, few are fully informed about the risks of wrongful conviction in capital cases and the evidence for the unfair, arbitrary and discriminatory application of the death penalty. The objective of our research is to provide comprehensive and accurate data to inform policy makers and legislators and to encourage data-driven dialogue on the future of capital punishment. Our research findings can facilitate sensitive and practical engagement with the realities of capital punishment, especially in contexts where this is a highly politicised issue.

1) Attitudes to the death penalty – key findings

Our surveys of public opinion tend to find that support for the death penalty is much less entrenched than is claimed by those in favour of keeping it. Research in most countries, including [Malaysia](#), [Trinidad](#), [Japan](#), [Zimbabwe](#), [Kenya](#) and [Indonesia](#), has shown that the public is neither particularly interested nor well informed about the practice of capital punishment. For example, in Indonesia, only 2% of the public considered themselves to be 'very well informed' and only 4% said they were 'very concerned' about the issue. When we undertake these studies of public attitudes, using representative samples of the population, we find that the **public is typically split near the middle:**

- [Kenya](#): **51%** in favour of retaining the death penalty, with 40% abolitionist and 10% unsure (2022).
- [Zimbabwe](#): **61%** in favour of retaining the death penalty, but when confronted with case scenarios, Zimbabweans rejected a death sentence in 5 out of 6 cases.

When presented with country-specific case scenarios, respondents typically opt for alternative punishments. Our studies (see bibliography below) indicate a more balanced picture of public opinion in countries which retain the death penalty, demonstrating that it is not an insurmountable barrier to abolition, if there is political will to do so.

The public are often deeply concerned with flaws in the criminal justice system and in all studies, support for capital punishment declines considerably when respondents learn that the criminal justice process is usually arbitrary, unfair and unsafe. In Indonesia, between a third and a half of the public who initially

supported the retention of the death penalty, indicated that they would change their minds and support abolition if shown: the death penalty was applied unfairly (47%), wrongful convictions occur (46%), there was no deterrent effect (38%), or religious leaders showed support for abolition (37%).

In Nigeria, research by LEDAP found that 51% of Nigerians oppose the death penalty and many had deep misgivings about the fairness and integrity of the justice system. Indeed, only 16% felt that the death penalty was applied fairly and over half were not confident that those sentenced to death for violent crime were guilty of the offence. Almost three quarters were of the opinion that the death penalty is, or may be, a cruel, inhuman and degrading punishment.¹

In most countries when asked how they would respond if the government were to abolish the death penalty, the majority of the public, whether retentionist or abolitionist, say that they would accept this position. For example, in Kenya, 59% of the public who were initially in favour of retention said that they would accept a new policy of abolition.

We also **interview ‘opinion formers’** – those in positions of decision-making authority, who are considered influential in shaping and responding to national views. In all such studies, the vast majority of those who are well informed about the administration of the death penalty and in positions of power or influence are strongly in favour of abolition. For example, we have found:

- [Kenya](#): **90%** of opinion formers were in favour of abolition, with 82% strongly in favour. 88% of opinion formers believed that wrongful convictions occur fairly regularly.
- [Zimbabwe](#): **90%** of opinion formers were in favour of abolition. 79% believed wrongful convictions occur, and 64% believed the death penalty damaged the country’s reputation.

2) Profiles of people on death row – key findings

In most countries around the world that retain the death penalty, there is little empirical evidence about the types of people who are sentenced to death, the offences they were convicted for, or their experiences of the justice process or incarceration. Even in the US, where research is more developed, there are few empirical studies of prisoners on death row, and those that are published have typically captured a relatively small proportion of the death sentenced population.

Notwithstanding methodological limitations, research suggests that death row prisoners in America tend to be from among ethnic minority communities, the poor, and those with low educational achievement, modest functional literacy capabilities, learning disabilities, experiences of substance abuse, and neurological disorders – often triggered by physical and emotional trauma. They are also those without resources for private and competent legal representation.

In other countries, we do not know if those on death row have committed the most heinous offences or if they are simply the most disadvantaged and precarious people, whose biographies and experiences have shaped those behaviours that led to capital offending and death sentences; people with experiences of

¹ Unpublished report on file with the authors.

poverty, neglect, abuse and discrimination, whose lifestyles have exposed them to criminogenic risk factors and, ultimately, to incarceration for violent crime.

An exception to the paucity of detailed empirical evidence beyond the US is [a rigorous empirical study](#) conducted by the Indian NGO Project 39a at the National Law University of Delhi. Interviews were conducted between 2013 and 2015 with 373 of the 385 prisoners under sentence of death across India, and some of their families. These focused on socio-economic and cultural data, as well as experiences of the justice system. Like the American research, the Indian study showed that the death penalty is disproportionately imposed on vulnerable and socio-economically disadvantaged people. Furthermore, people were often sentenced to death after pre-trial investigations and trials that did not observe due process of law; indeed, the vast majority had experienced torture in police custody, and most had not been represented by a lawyer.

Our comprehensive and representative [study of 671 prisoners across 12 prisons in Kenya](#), who had been sentenced to death, the majority (56%) for robbery with violence, showed that they were the poor, uneducated and disadvantaged, and not the worst of the worst offenders. Indeed, only just over 1 in 10 had a prior conviction, more than two thirds had only completed primary school and more than one in 10 had no formal education at all. Only one in ten were in permanent full-time employment, with most (79%) in the lowest two categories of employment – ‘semi-routine’ or ‘routine’ occupations. Not surprisingly, their salaries were below the Kenyan minimum wage. Notwithstanding their precarious employment status, almost all were responsible for supporting dependents, with a third being in debt. Their decisions to offend were related to their financial positions, with economic motivations driving most. Had they not been in such dire financial and social positions, they may not have committed robbery or other offences. However, they could not have been deterred from such crimes given that 95% of those convicted of robbery did not know that crime was punishable by death.

Given their education and poverty levels, it is alarming that over half were not given the right to communicate with a lawyer and half had felt compelled to confess to their offences. Almost half were subject to either psychological or physical abuse during interrogation and a quarter were denied legal assistance at trial, with almost half not understanding what was happening at trial. Given their vulnerability and disadvantage and poor pre-trial and trial processes, it is not surprising that about two thirds reported a deterioration in their mental health since incarceration.

3) Deterrence – key findings

Human rights advocates challenge—on both empirical and principled grounds—the claim that the death penalty must be retained, especially its enforcement through executions, as an essential weapon of criminal justice, without which there would be a *greater incidence* of murder and other capital offences.

The [best evidence](#), based on sophisticated econometric analysis, has failed to provide convincing data in support of the assumption that the threat of execution is a uniquely effective deterrent to murder. If capital punishment had a clear deterrent effect, we would expect that when executions cease the number of murders committed *inevitably* increases. In fact, there are many examples of falling rates. Prior to the abolition of the death penalty in Canada the homicide rate had been increasing, but 40 years after

abolition it was 44 per cent lower than it had been in the year of abolition. Figures in the [UNODC study of trends in global homicide](#), published in 2011, show, for instance, that the homicide rate in five countries of central and Eastern Europe (Czech Republic, Hungary, Moldova, Poland, and Romania, all of which had abandoned the death penalty in the 1990s) declined from 2000. Furthermore, comparisons between states that have similar demographic and socio-economic profiles show no greater reduction in homicides in those which employ the death penalty. A [review of the literature](#) shows that between 1974 and 2009, the homicide rates of Texas, California, and New York followed almost exactly the same fluctuating trends even though Texas had executed 447 people compared with 13 in California and none in New York.

A [comparative study of Singapore and Hong Kong](#) showed that the homicide rates had declined greatly, in lock step, over the same period in both countries, despite the fact that the former was an executing city and the latter had no death penalty. Even the most sophisticated statistical attempts in the United States to take account of all variables that may affect both the rate of executions and the rate of those 'capital murders' threatened with death (that is, not with all homicides) have failed to provide a clear answer to the deterrent issue.

Even if capital punishment could produce a *marginal* deterrent effect, it could likely only be achieved by high rates of execution mandatorily and speedily enforced. This would increase the probability of innocent or wrongfully convicted persons being executed and also lead to the execution of people who, because of the mitigating circumstances in which their crimes were committed, do not deserve to die.

4) Error and wrongful convictions – key findings

One of the most compelling forces behind the evolution of international attitudes towards capital punishment in recent decades has been the increasing recognition of the potential for error in its use – that those states that choose to retain the practice may be taking the lives of innocent individuals.

In the [United States of America](#), super due process and a raft of post-conviction review procedures have failed to save innocent people from the sentence of death and even from execution. Since 1973, when new rigorous procedural protections in capital cases were introduced, 200 people who were wrongfully convicted and sentenced to death in the US have been exonerated. Indeed, for every 8 people executed in the United States, one person has been wrongfully condemned to death and later exonerated. Knowledge of this has led to abolition in some states of America over the past decade and to a [declining appetite for capital punishment](#) among the American public.

Egregious examples of death row exonerations have been documented around the world. Among the most notable is the case of [Iwao Hakamada](#), who was released from death row in Japan in 2014 at the age of 78, having served 47 years in solitary confinement while subject to the ongoing threat of execution. His innocence was not confirmed until 2024, when he was acquitted in a retrial when the prosecution waived its right to appeal. His conviction had been based on DNA testing later found to have been fabricated and a forced confession made during police interrogation which involved torture. The Japanese court system had continually failed in providing safeguards against this miscarriage of justice. His case mirrored those of four other Japanese men exonerated during the 1980s after serving between 28 and 33 years in solitary confinement, having been convicted under similar circumstances.

Taiwan has also been criticised for [failing to meet its obligations in relation to the ICCPR](#). Research has established that [wrongful convictions leading to death sentences are highly likely to occur](#) and that even legislators are concerned about inadequate procedural safeguards in capital cases.

Of course, data on exonerations only accounts for those whose wrongful convictions have been established and legally accepted, whereas the wrongful convictions of many others may remain unproven, given the systemic challenges to reviewing convictions, particularly in jurisdictions with poor safeguards and inadequate appellate processes, such as Taiwan.

That said, one of the most persuasive arguments against the death penalty among those unsympathetic to principled objections is that no safeguards can be devised that can absolutely rule out wrongful convictions and executions. Research evidence to date suggests that this is true of each and every state that retains the death penalty.

Bibliography

All of our research studies can be found on our website: www.deathpenaltyproject.org.

Attitudes to the death penalty

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- *Kenya*
 - [The Death Penalty in Kenya: A Punishment that has Died Out in Practice, Part One - A Public Ready to Accept Abolition \(2022\)](#)
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Profiles of people on death row

- [Living with a Death Sentence in Kenya: Prisoners' Experiences of Crime, Punishment and Death Row \(2022\)](#)
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Deterrence

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- [*Deterrence and the death penalty \(2022\) – DPP Briefing Note*](#)
- [*Dealing with Punishment: Risks and Rewards in Indonesia's Illicit Drug Trade \(2022\) - This is part of an ongoing research study on the deterrent effect of the death penalty for drug-related crimes in Indonesia.*](#)

Error and wrongful convictions

- [*Wrongful convictions and the death penalty \(2022\) – DPP Briefing Note*](#)
- [*The Inevitability of Error: The administration of justice in death penalty cases \(2014\)*](#)
- [*Unsafe convictions in capital cases in Taiwan \(2019\)*](#)