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LEGISLATIVE FOCUS

Congress Condemns Executions by Stoning

by Chanté Lasco*

Introduction

In March 2002, a Sharia Court in Nigeria sentenced Amina Lawal, a 30-year-old Nigerian woman, to death by stoning for having a child outside of wedlock. Despite the fact that the Sharia penal code is unconstitutional under Nigerian law, the federal government of Nigeria has not required those northern states of Nigeria that have chosen to institute Sharia law to abolish such codes in favor of secular penal codes. Amina Lawal's case brought international attention to the issue of execution by stoning, and was highly publicized in the media by organizations such as Amnesty International and on programs including the Oprah Winfrey Show. The international community expressed outrage at the cruelty of the penalty itself, as well as the sexual discrimination apparent in any legal system that punishes women for adultery at a disproportionate rate. In response to such publicity, the Nigerian government has made assurances that it will not carry out the penalty against Lawal.

Unfortunately, Amina Lawal is not the only potential victim of this barbaric practice. In 2001, Safiya Hussaini was sentenced to death by stoning in a case very similar to Lawal's. Fortunately, Hussaini's case was dismissed on appeal in March 2002. In response to these and other similar cases, Representative Betty McCollum (D-MN) introduced House Concurrent Resolution 26 in the U.S. House of Representatives, a bill "condemning the punishment of execution by stoning as a gross violation of human rights."

An Overview of the Legislation Introduced in the House

House Concurrent Resolution 26 highlights the fact that stoning is often "applied to women who have been accused of adultery, some of whom are coerced into prostitution, or even raped." While the bill does not focus solely on women, it recognizes that "women around the world continue to be disproportionately targeted for discriminatory, inhuman, and cruel punishments." Additionally, the resolution argues that execution by stoning is an "exceptionally cruel form of punishment that violates internationally accepted standards of human rights, including those set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." The resolution also cites Amnesty International in characterizing "execution by stoning as 'a method specifically designed to increase the victim's suffering.'" The bill concludes by requesting that the president formally communicate the resolution to governments imposing this cruel punishment and urge the suspension of death by stoning. It also requests that the president direct the secretary of state to work with the international community to repeal stoning laws and adhere to international human rights standards.

Implications of House Concurrent Resolution 26

For those individuals condemned to death by stoning, this resolution provides support that is more symbolic than

practical. Expressing congressional condemnation can help call attention to an issue and perhaps exert diplomatic pressure on nations employing this method of execution. The effectiveness of this resolution, however, is hampered by the fact that the United States continues to use the death penalty, even if it does so by way of methods it considers more humane, such as lethal injections and electrocution, rather than stoning. This practice places the United States in the company of such countries as Afghanistan, China, Iraq, Libya, and Myanmar, while 111 countries have abolished the death penalty entirely.

As the International Helsinki Federation for Human Rights has noted, "The use of the death penalty by the USA is a 'failure of moral leadership.'" This organization further stated that there is a need for the United States "to abide by Helsinki principles and international standards if we are to convince other states of the importance of those standards to human rights and freedoms." Amnesty International has also addressed the likelihood that the United States may be viewed as hypocritical, focusing on the fact that the United States executes prisoners for crimes they committed as minors, in violation of international law. In addressing this concern, Amnesty International stated that "The USA's repeated claims that it is the most progressive force for human rights in the world are contradicted by its blatant flouting of the global moral and legal consensus that killing people for their childhood crimes is wrong." According to Amnesty International, other organizations such as the Organization of American States, the UN High Commissioner for Human Rights, Defense for Children International, and the American Bar Association have also called for an end to the execution of prisoners for crimes committed before the age of 18. In the face of such widespread opposition to U.S. death penalty policy by international human rights organizations, it is difficult for U.S. lawmakers to convince other death penalty countries that methods such as stoning are inhumane.

Conclusion

House Concurrent Resolution 26 calls attention to a very important issue and denounces the brutal practice of stoning, noting specifically that it is predominantly used against women. It is commendable that our lawmakers are taking a stand to help those sentenced to stoning, particularly condemned women, around the world. Until the United States joins the international community in renouncing the death penalty entirely, however, the U.S. government will continue to lack the moral legitimacy required to effect real change on this issue. 🌐

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