



Cayman Islands Human Rights Commission

promoting, protecting and preserving human rights

‘Human Rights’ For Murderers?

‘Human Rights’ are getting in the way of common sense again.

Over the last few years, there has been much debate about the suggestion that those convicted of murder should at some stage in the future be considered for release from prison and reintegration into society.

The most commonly articulated reaction to this is a strong disapproval and demand that ‘life should mean life’, or even a suggestion of a return to the death penalty. Frequently those commenting ask the not unreasonable question ‘What about the victim?’. Blame is regularly laid at the feet of ‘Human Rights’ for demanding the light sentencing of criminals. In the last week this issue has also been discussed in the Legislative Assembly and often these opinions have been articulated there too.

This important debate is sometimes devalued by a fundamental misunderstanding of what the offence of murder entails. Murder is not just one crime – it covers the widest range of offences – and not all of them are of equal seriousness.

If an individual breaks into a house at night and kills several members of the same family that is murder, as is the sadistic killing of a child for sexual gratification, a contract killing, or a terrorist outrage. Few people would suggest that crimes of this nature do not deserve amongst the most severe sentences that society has the power to inflict.

However, the mercy-killing of a loved spouse in agony with terminal cancer who asks ‘Please help me to die’ is also murder. And the man who, defending his family from violence, uses too much force and kills an armed attacker is also a murderer. Again, no rational person would begin to suggest that these individuals should be sentenced in the same way as child murderers and terrorists. A number of people might suggest neither should even go to prison.

Any sentencing regime must take into account all the circumstances of an offence, the victim and the offender – not just the name by which lawyers call it, which may be very different from what the public perceive it to be. Of course consideration must be given to the rights of the victim and their family – ‘Human Rights’ demands that too. But anything that removes the discretion of a sentencing judge to assess the seriousness of a case is likely to result in injustice.

So have the debate. Express your strongly-held and important views. But don’t just blame ‘Human Rights’ – they’re not as far removed from common sense as you might think.

*The Human Rights Commission and the former Human Rights Committee have both reviewed these issues in greater technical detail and their reports can be found on the Commission's website www.humanrightscommission.ky.