



## **Progressive abolition of the death penalty and the implementation of humane alternative sanctions after a moratorium or abolition**

Penal Reform International launched on 17 November 2012, a two-year project to support human rights through the progressive abolition of the death penalty and the implementation of humane alternative sanctions in four regions of the world.

This project is being implemented with the financial assistance of the European Union, under the Instrument for Democracy and Human Rights (EIDHR), and the Government of the United Kingdom under the Department for International Development (DfID).

**Penal Reform International (PRI)** is an international non-governmental organisation working on penal and criminal justice reform worldwide.

PRI has Consultative Status with the United Nations (ECOSOC) and the Council of Europe. It has Observer Status with the African Commission on Human and Peoples' Rights and the Inter-Parliamentary Union. PRI is also a registered civil society organisation with the Organization of American States (OAS).

PRI is on the Steering Committee of the World Coalition against the Death Penalty (WCADP).

### **Abolition of the death penalty and alternative sanctions**

PRI believes that the death penalty is the ultimate cruel, inhuman and degrading punishment. It represents an unacceptable denial of human dignity and integrity. The death penalty violates the fundamental right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment as set out in the Universal Declaration of Human Rights. It is irrevocable, and where criminal justice systems are open to error or discrimination, the death penalty will inevitably be inflicted on the innocent.

There has been a global trend towards the abolition of the death penalty and a restriction in the use of capital punishment over the last fifty years. As of 31 December 2012, 97 countries had abolished the death penalty in law for all crimes, 8 had abolished the death penalty in law for ordinary crimes (meaning the penalty is permitted for exceptional crimes such as those carried out under military law), 35 countries were abolitionist in practice (meaning that they had not carried out an execution for more than ten years), and 58 countries retained the death penalty.<sup>1</sup> Many states have ratified international and regional instruments that provide restrictions on the use of the death penalty and its ultimate abolition. Seventy-five Member States of the UN have ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. However, despite the encouraging trend, a large number of executions are still being carried out and many countries retain the death penalty *de facto* or in their legislation.

In many countries that retain the death penalty there is a wide scope of application: the crimes punishable by death are not restricted to the 'most serious crimes' as defined by international law, and minimum safeguards are not upheld. The death penalty is often imposed disproportionately on society's 'other', such as the poor, Indigenous people, ethnic, sexual and religious minorities, and other vulnerable groups such as those with mental health problems or learning disabilities. Prisoners on death row are often detained in conditions that are far worse than those of other prisoners and which cause physical and/or mental suffering.

The challenges within the criminal justice system do not end with the institution of a moratorium or abolition. Many countries that institute moratoria do not create humane conditions for prisoners held indefinitely on 'death row', or they substitute alternative sanctions that amount to torture or cruel, inhuman or degrading punishment, such as life imprisonment without the possibility of parole, solitary confinement for long and indeterminate periods of time, and inadequate basic physical or medical provisions. Punitive conditions of detention and less favourable treatment are prevalent for reprieved death row prisoners.

## Specific objectives of the project

1. Governments restrict and reduce the application of, and implement international minimum standards for, the death penalty and those facing an execution, which lead to moratorium and eventual abolition.
2. Governments restrict and reduce the application of, and implement international minimum standards for, life/long-term imprisonment following moratorium or abolition, leading to the implementation of ultimate and maximum sentences which are fair, proportionate and respect international human rights.
3. The capacity of civil society to raise awareness and exchange information regarding the application of the death penalty and alternative sanctions is developed and strengthened.

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<sup>1</sup> Amnesty International, *Death Sentences and Executions in 2012*, 2013, pp. 50-51.

## Main activities

1. Build the technical capacity and provide targeted and practical support to parliamentarians and other key decision-makers to undertake legal and policy reforms towards abolition and humane alternative sanctions.
2. Strengthen the capacity of prison officials on minimum international human rights standards and norms appropriate to protecting the rights of those facing the death penalty or serving a life/long-term prison sentence.
3. Strengthen the capacity building of local and regional civil society organisations to develop and implement effective and sustainable advocacy and public awareness-raising strategies.
4. Support local journalists to publish independent, evidence-based articles on the application of the death penalty and alternative sanctions. Launch a global investigative reporting competition for journalists.
5. Publication of research papers on emerging issues and various information and policy briefings and fact-sheets.
6. Undertaking advocacy and lobbying activities at the international, regional and national level.

PRI's project aims to challenge society's attitudes in relation to the effect and efficacy of the death penalty, to increase public awareness toward abolition, and to support governments and other stakeholders in progressing towards abolition, including establishing moratoria on sentencing and executions, reducing the number of death penalty applicable crimes to only the most serious, reducing the number of death sentences passed, abolishing mandatory death sentences, and increasing awareness of the relevant international human rights standards and norms. PRI will also work to raise awareness that the death penalty is often carried out as a tool for political repression or used in a discriminatory manner.

PRI will lobby states to ratify and/or implement relevant international human rights instruments, including the ICCPR, the Second Optional Protocol to the ICCPR, the Convention Against Torture (CAT), the Optional Protocol to CAT (OPCAT), and the Standard Minimum Rules for the Treatment of Prisoners (SMR).

PRI will work with governments to improve conditions of detention for those facing a death sentence/awaiting execution or serving a life/long-term sentence, and raise awareness that those on death row or those serving a life/long-term sentence should be entitled to the same basic rights as any other category of prisoner. PRI will challenge governments to consider carefully whether sanctions intended to replace the death penalty, such as life and long-term imprisonment, comply with international standards and norms.

PRI promote greater transparency and accountability in the criminal justice and penal systems through holistic policy development and legal reform, including encouraging reform processes aimed at humanising prison conditions and implementing rehabilitation programmes.

## Geographical scope of the project

- Central Asia: Kazakhstan and Tajikistan.
- East Africa: Kenya, Tanzania and Uganda.
- Eastern Europe: Belarus and Russia.
- Middle East and North Africa: Jordan, Morocco and Tunisia.

The project will be implemented through PRI's regional offices based in Astana, Amman and Moscow.

The East Africa section of the project will be implemented by PRI's project partner Foundation for Human Rights Initiative (FHRI) based in Kampala, Uganda ([www.fhri.or.ug](http://www.fhri.or.ug)).

The project will be overseen by a dedicated Project Manager based in PRI's head office in London.

## For further information, please contact

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