

London Declaration

The participants of the London conference¹ “Progressing toward abolition of the death penalty and alternative sanctions that respect international human rights standards” held on 19 and 20 September 2011, at the European Commission’s Representation to the United Kingdom, organised by Penal Reform International,

- *Convinced* that the death penalty undermines human dignity and can amount to cruel, inhuman and degrading treatment or punishment;
- *Noting* that there is no convincing evidence that the death penalty deters criminal behaviour any more effectively than other punishments;
- *Recalling* that where the death penalty is retained at all, it should only be imposed for the “most serious crimes”², and after a fair trial³ has been granted to the accused;
- *Mindful* that the death penalty creates additional victims – the family members of those who have been executed – who are often forgotten, marginalised or stigmatised by society;
- *Mindful* that the essential aim of the penitentiary system should be the “reformation and social rehabilitation”⁴ of prisoners;

1. *Call upon* those states that still retain the death penalty, pending full abolition, to:
 - a. fully comply with the United Nations General Assembly Resolutions 62/149 (2007), 63/168 (2008) and 65/206 (2010) calling for a moratorium on executions;
 - b. ensure that laws and policies at the very least fully comply with the UN Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty⁵;
 - c. reduce the number of death penalty applicable crimes to only the “most serious crimes”, which is limited to an intention to kill resulting in a loss of life;
 - d. abolish mandatory death sentences, and establish sentencing guidelines for capital cases where there are none;

¹ One hundred participants attended the conference, including government officials, and representatives of civil society and inter-governmental organisations from 31 countries (Algeria, Armenia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Canada, China, France, Georgia, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Morocco, Nigeria, Poland, Qatar, Russia, Switzerland, Syria, Tajikistan, Tanzania, Tunisia, Turkey, Uganda, Ukraine, United Kingdom and United States of America).

² Article 6(2), International Covenant on Civil and Political Rights (ICCPR), adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 and entry into force 23 March 1976, in accordance with Article 49.

³ Article 14, ICCPR

⁴ Article 10(3), ICCPR.

⁵ Approved by the UN Economic and Social Council resolution 1984/50 of 1984.

- e. prohibit the use of the death penalty against juveniles, persons who were juveniles at the time when the crime was committed, pregnant women, mothers with young children, and those suffering from mental disabilities;
 - f. provide training for judges and professionals working in the criminal justice system to ensure they are fully aware of the relevant international standards relating to the death penalty;
 - g. provide education programmes and awareness raising activities to ensure people are generally aware of the human rights standards, which apply to the death penalty.
2. *Call upon* those states that have an official or *de facto* moratorium on executions, or a partial abolition, to:
 - a. establish a moratorium on sentencing;
 - b. commute sentences for prisoners on death row, taking into consideration the time already spent in prison;
 - c. take the necessary steps through legislative or constitutional reforms to abolish in law the death penalty for all crimes.
 3. *Call upon* those states that have abolished capital punishment to enact legislation guaranteeing that it cannot be re-instated.
 4. *Recall* the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant of Civil and Political Rights, the Convention Against Torture, and the Optional Protocol to the Convention Against Torture; and *recommend* that all states ratify and implement these human rights treaties, and other relevant international and regional instruments.
 5. In recognition of the important role that regional inter-governmental bodies play in forming standards and norms
 - a. *call upon* the Arab League and the African Commission on Human and Peoples' Rights to initiate negotiations to explore the possibility of adopting regional protocols aiming at the abolition of the death penalty;
 - b. *call upon* the Arab League to amend Article 7 of the Arab Charter for Human Rights to absolutely prohibit the sentencing to death and execution of those under the age of eighteen at the time of the commission of the crime.
 6. *Recall* that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person"⁶ and that death row and life/long-term prisoners are entitled to the same basic civil and political rights as other categories of prisoners.

⁶ Article 10(1), ICCPR.

7. *Call upon* states to:

- a. implement alternative sanctions to the death penalty that are fair, proportionate and respect international human rights standards, including the right to adequate accommodation, food, water, medical and psychiatric care, education, employment, fresh air, visitation, and access to religion;
- b. humanise alternative sanctions to the death penalty by reducing the number of life/long-term offences to only the “most serious crimes”; ensure that there is a realistic right of parole for all life/long-term sentenced prisoners, and that the parole system is transparent and respects due process principles.

8. *Call for* full, accurate and public reporting on the use of the death penalty and its alternative sanctions, including the number of sentenced prisoners, age, sex, crimes, length/type of sentence and place of sentence, in recognition of the importance of transparency to prevent errors and abuses, to safeguard fairness in the criminal justice system and to inform national debates.

9. In recognition of the suffering of victims of violent crime and their loved ones, *call upon* states to:

- a. ensure that all victims be treated with dignity, respect and equality throughout the criminal process, regardless of their beliefs about or position on the issue of the death penalty;
- b. establish a victims’ compensation fund where there is none;
- c. address the rights of victims to reconciliation or mitigation with the offender where appropriate, and provide any other psycho-social support.

10. *Call upon* the states that retain the death penalty to:

- a. provide the family and lawyers of prisoners on death row with advance notification of the date, time and place of execution, permitting final visits and final personal preparation;
- b. inform the family of the place of burial and allow the body of the prisoner to be handed over to the family.

11. *Emphasise* the importance of civil society organisations, including journalists, to engage in advocacy and campaign activities, and civil education on criminal justice issues, including on the effect and efficacy of the death penalty and its alternative sanctions, and encourage full collaboration between governmental bodies and civil society.

12. *Strongly encourage* relevant international organisations and donor states in a position to do so to promote and support the fight against the death penalty and the implementation of humane alternative sanctions at both the financial and political level.

Adopted 20 September 2011, London, United Kingdom

[Pending endorsements by organisations and individual participants from the conference]