

Alternatives to the death penalty

Information pack



Updated edition (2025)

**Alternatives to the death penalty information pack
(Third edition 2025)**

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Contents

Acronyms	04
The declining use of the death penalty	05
Alternatives to the death penalty: a review of current practices	08
Fixed-term sentences	08
Life imprisonment	08
The prevalence of life and long-term imprisonment	20
The increasing use of life imprisonment	20
Life and long-term imprisonment and specific populations	24
Children	24
Women	26
Older persons	27
People with mental health conditions	28
Foreign nationals	29
The impact of life and long-term imprisonment	30
Implementing life and long-term imprisonment: a human rights-consistent framework	31
Limits to life and long-term imprisonment	31
Treatment of people serving life and long-term sentences	32
Rehabilitation and social reintegration of life and long-term prisoners	34
Release from life and long-term imprisonment	34
Steps toward alternative sanctions to the death penalty	38

Acronyms

Bangkok Rules	UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders
CoE	Council of Europe
CPT	Council of Europe Committee for the Prevention of Torture
CRC	Convention on the Rights of the Child
ECHR	European Convention on Human Rights
ECOSOC	UN Economic and Social Council
ECtHR	European Court of Human Rights
GA	General Assembly (of the United Nations)
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
LWOP	Life imprisonment without the possibility of parole
LWP	Life imprisonment with the possibility of parole
NPM	National Preventive Mechanism
NMR	Nelson Mandela Rules (revised UN Standard Minimum Rules for the Treatment of Prisoners)
OPCAT	Optional Protocol to the Convention Against Torture
PRI	Penal Reform International
SPT	UN Subcommittee on Prevention of Torture
TB	Tuberculosis
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
US	United States of America
WHO	World Health Organization

The declining use of the death penalty

Abolition of the death penalty is gaining momentum worldwide

Over the last 50 years, there has been a clear global trend towards the abolition of the death penalty and a significant restriction in its use. As of 31 December 2024, 113 countries have abolished the death penalty entirely, both in law and in practice.¹ Many others have implemented moratoriums or limited its application, such as reserving it for exceptional crimes under military law or in exceptional circumstances.

Support for worldwide abolition continues to grow at the international level. In December 2024, a record 129 UN member states voted in favour of the annual resolution calling for a moratorium on the death penalty.² This reflects increasing momentum towards the global rejection of capital punishment as a lawful sanction.

While the number of known executions has risen in recent years, up 32 per cent from 1,153 in 2023 to 1,518 in 2024, the number of countries carrying out executions has declined, reaching a record low of 15 countries in 2024.³ Today, only 54 countries retain the death penalty for ordinary crimes.⁴

As states follow this global trend towards abolition, they need to consider how to operate without capital punishment. This updated information pack provides an overview of sanctions and practices used globally as alternatives to capital punishment. It offers guidance on implementing these alternatives in line with prevailing international and regional human rights and penal standards, and concludes with 12 practical steps towards fairer, more effective alternatives to the death penalty. As many of these alternative sanctions are also used by states that retain the death penalty, this pack is relevant to both abolitionist and retentionist countries.

“

The death penalty is a practice that should have no place in the 21st century. While a number of countries argue that it lies within their national sovereignty, from my perspective, it is incompatible with human dignity and the right to life. The United Nations, as a matter of policy, opposes it in all its forms.⁵

Volker Türk, UN High Commissioner for Human Rights (2022-)

”

Principles for selecting alternative sanctions to the death penalty

Offences that attract the death penalty are typically among the most serious crimes, often provoking strong public reactions and political pressure for severe punishment. Following abolition or the introduction of a moratorium, many states have turned to life imprisonment as the default alternative, sometimes in its most severe form – life imprisonment without the possibility of parole (LWOP). This response is frequently motivated by a so-called ‘tough on crime’ stance intended to assuage public concern, rather than by a careful, evidence-based assessment of whether the alternative sanction is necessary, proportionate, just, or compatible with international human rights standards.

It is often assumed that sparing the life of a convicted person is a sufficient benefit. Yet this view fails to engage with the fundamental principle of human

1. Amnesty International, *Death sentences and executions 2024*, UK, 2014, p. 42, www.amnesty.org/en/documents/act50/8976/2025/en.

2. ‘HC Türk Remarks to Biennial High-Level Panel Discussion on the Death Penalty’, UN Statements and Speeches, *Office of the High Commissioner for Human Rights*, 25 February 2025, www.ohchr.org/en/statements-and-speeches/2025/02/hc-turk-remarks-biennial-high-level-panel-discussion-death-penalty.

3. The figures do not include thousands of people believed to have been executed in China, the world's leading executioner in 2024; North Korea and Viet Nam, countries believed to continue to carry out executions but where information on this is not available; and Palestine and Syria due to ongoing crises (Death sentences and executions 2024, pp. 8 & 9).

4. Amnesty International, *Death sentences and executions 2024*, UK, 2014, p. 7-10, www.amnesty.org/en/documents/act50/8976/2025/en.

5. ‘HC Türk Remarks to Biennial High-Level Panel Discussion on the Death Penalty’, UN Statements and Speeches, *Office of the High Commissioner for Human Rights*, 25 February 2025, www.ohchr.org/en/statements-and-speeches/2025/02/hc-turk-remarks-biennial-high-level-panel-discussion-death-penalty.

dignity and the rehabilitative purpose of imprisonment. It also overlooks the 'right to hope' – the principle that people in prison should always retain a genuine prospect of release and reintegration into society. (See 'Implementing life and long-term sentences: a human rights-consistent framework' page 31).

States replacing the death penalty may also fail to fully explore the range of available alternative sentencing options. Punishment imposed arbitrarily, or based solely on punitive grounds, may be incompatible with states' responsibilities towards their citizens and their obligations under international law. The imposition of disproportionately severe, excessively lengthy, or lifelong sentences can furthermore normalise excessive penalties and, in turn, contribute to broader sentence inflation.⁶

Courts face one of their most demanding responsibilities when sentencing individuals convicted of the most heinous crimes. While penalties must reflect society's need for denunciation, they must equally uphold fundamental human rights principles. The replacement of the death penalty should not entail substituting one irreversible and excessive punishment with another. Rather, it should involve developing a flexible and humane system of imprisonment, grounded in judicial discretion and guided by the full spectrum of penal objectives – denunciation, deterrence, incapacitation, retribution, restoration for victims, and rehabilitation – with the primary aim of protecting society from crime and reducing recidivism.

→ **States should adhere to international human rights and penal norms and standards when establishing alternative sanctions to the death penalty.**

Alternative sanctions to the death penalty must conform to international human rights and penal standards. Any punishment that undermines human dignity – a core organising principle of modern human rights law – is inherently incompatible with these standards, regardless of its perceived utility within a criminal justice context.

International law prohibits torture and cruel, inhuman or degrading treatment or punishment,⁷ and requires that all persons deprived of their liberty be treated with humanity and with respect for their inherent dignity (International Covenant on Civil and Political Rights (ICCPR), Article 10(1)).⁸ Two key principles are particularly significant in the context of sentencing decisions:

The principle of proportionality

Any sentence must be of a length and type which fits the seriousness of the crime and the individual circumstances of the case. Alternative sanctions to the death penalty should therefore be reserved only for 'the most serious crimes', and the legal framework must be sufficiently flexible to allow courts to impose lesser sentences where appropriate.

In some states, post-abolition reforms have introduced mandatory sentences for certain offences, removing judicial discretion and limiting the possibility of an individualised and proportionate response. The principle of proportionality is best protected where the alternative sentence is truly discretionary, without any initial presumption that it should be imposed.

The purposes of imprisonment

According to the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), the purposes of imprisonment should be to protect society from crime and reduce recidivism, and this can only be achieved if it supports reintegration:

“

[These] purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.⁹

Nelson Mandela Rules, Rule 4

”

At a regional level, the Council of Europe (CoE) has stated that the aims of life and long-term prison regimes should be: (i) 'to ensure that prisons are safe and secure places for these prisoners and for all those who work with or visit them'; (ii) 'to counteract the damaging effects of life and long-term imprisonment'; and (iii) 'to increase and improve the possibilities for these prisoners to be successfully resettled in society and to lead a law-abiding life following their release'.¹⁰

6. See Hamilton, M, 'Extreme Prison Sentences: Legal and Normative Consequences', 38:1 Cardozo L Rev 59, 2016, pp. 106 - 111, cardozolawreview.com/wp-content/uploads/2018/08/HAMILTON.38.1.pdf.

7. See: Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, Convention against Torture.

8. United Nations (1966). International Covenant on Civil and Political Rights.

9. United Nations. (2015). United Nations standard minimum rules for the treatment of prisoners (Nelson Mandela Rules).

10. Council of Europe, Recommendation Rec(2003)23 of the Committee of Ministers to member states on the management by prison administrations of life sentence and other long-term prisoners, 9 October 2003, para. 2, www.ohchrance.cz/uploads-import/ochrana_osob/Umluvy/vezenstvi/R_2003_23_management_of_life_sentence_and_long-term_prisoners.pdf.

Punishment should never serve purely political or retributive ends. In practice, some state responses to crime after death penalty abolition, including LWOP or extremely long sentences, do little to address root causes of crime or social harm. These measures risk treating prison as a default solution to complex social issues.

To be both just and effective, sentences must provide a genuine opportunity for rehabilitation and reintegration into society. Imprisonment constitutes punishment in itself; therefore, the conditions of detention and the treatment of people in prison should not inflict additional suffering, or amount to further punishment.¹¹

Some state responses to crime following the abolition of the death penalty may, however, ultimately undermine fundamental human rights standards and norms. Moreover, many state approaches to determining alternative sanctions to the death penalty have not reduced crime but have instead contributed to the growth of prison populations. Lifelong and excessively lengthy sentences are a major driver of this increase, yet they offer limited deterrent effect. Research indicates that enhancing the likelihood of detection and conviction is a far more effective deterrent than increasing the severity of punishment.¹²

→ **States should ensure that their penal policies reflect a genuine commitment to rehabilitation, proportionality, and the reduction of social inequities, rather than the mere perpetuation of punitive control.**

Abolition of the death penalty poses real, but not insurmountable challenges for states

There is no doubt that transitioning away from the death penalty while adhering to human rights standards can pose a significant challenge for legislators and policymakers, as well as for all those responsible for implementation, including judges, defence lawyers, and prison and probation staff. It can also be difficult to explain changes in law, policy, and practice to the public, particularly to victims and their families, in ways that credibly reassure them that justice is being served and public safety is protected. Successfully addressing these challenges requires understanding the beliefs and expectations that underpin public support for capital punishment.

A commonly cited justification for the death penalty is the belief that it delivers retributive justice to victims and their families, reflecting their supposed desire for vengeance through executions. However, new research disputes this claim, presenting empirical evidence that the death penalty may exacerbate victims' trauma and that their attitudes towards it are neither uniform nor unchanging.¹³ Recognising this complexity is crucial for policymakers seeking to implement reforms in a way that respects victims' experiences while upholding human rights standards.

Experience shows, however, that the greatest difficulties arise not merely from abolition itself, but from the failure to plan for and manage its consequences, particularly with regard to sentencing and the management of those convicted of the most serious crimes. Where states adopt harsh alternative sanctions without careful consideration, they risk exacerbating existing problems and creating new ones. One of the most pressing challenges concerns individuals who, although legally eligible for release into the community, have been so neglected – or subjected to such deliberate disregard for their human dignity – that they may continue to pose a risk to society, or have become incapable of reintegrating effectively into the community.

11. UN Human Rights Committee (1992). General Comment No 21: Article 10 (Humane treatment of persons deprived of their liberty), UN Doc HRI/GEN/1/Rev.9; Nelson Mandela Rules, Rule 3.

12. See Nagin, D and Pogarsky, G, 'Integrating Celerity, Impulsivity, and Extralegal Sanction Threats into a Model of General Deterrence: Theory and Evidence,' *Criminology*, 39(4), 2001, pp. 865 – 892.

13. See Inglis, A, 'Procedural Trauma, the Illusion of Closure and Myth of Consensus: Understanding Victim Experiences in Capital Punishment Cases', *The Death Penalty Project*, 2025.

Alternatives to the death penalty: a review of current practices

States have adopted a range of alternatives to the death penalty, including: (i) fixed-term sentences; (ii) life sentences; and (iii) other sentences which, although not formally called 'life' sentences, have the same or similar effects in practice. This latter group of sanctions may be referred to as informal life sentences.

Fixed-term sentences

It is commonly assumed that, following abolition, the universal alternative to the death penalty is a life sentence. However, many abolitionist countries do not have life imprisonment within their legal systems, opting instead for determinate terms of imprisonment as the ultimate sanction.

→ **In 2014, there were 33 countries that did not provide for formal life imprisonment (or the death penalty) as a criminal sanction.¹⁴ In many of these jurisdictions, where constitutional prohibitions against such sentences are expressly established, life imprisonment is regarded as an inherently excessive and cruel punishment that should not be imposed under any circumstance.**

In Portugal, one of thirteen countries worldwide whose constitution expressly prohibits both life and death sentences,¹⁵ the maximum term of imprisonment is 25 years, with an emphasis on rehabilitation and the opportunity for reintegration into society.¹⁶ Similarly, the constitutions of Bolivia, Nicaragua, and Venezuela limit criminal sanctions to a maximum of 30 years' imprisonment, while those of Angola, Cabo Verde, and Mozambique prohibit life sentences or security measures of a perpetual, indefinite, or unlimited duration.

People imprisoned in these countries may nevertheless serve very long sentences, in some cases exceeding the minimum terms required for parole eligibility in states that retain formal life imprisonment. For example, in Croatia, which does not provide for life imprisonment, the maximum custodial sentence that may be imposed is 40 years for a single offence and 50 years for multiple crimes.¹⁷ By contrast, in South Africa, where life imprisonment exists, individuals serving life sentences are ordinarily eligible for consideration for release after serving 25 years.¹⁸ (See further discussion of disproportionately long sentences under 'De facto life imprisonment' on pg. 16).

Life imprisonment

What is life imprisonment?

The meaning of 'life' varies considerably between countries and even within them, with debates arising not only as to whether it should serve as an alternative to capital punishment, but also concerning the acceptability of its various forms. Defining life imprisonment is therefore far from straightforward.

In some jurisdictions, life imprisonment entails that those sentenced have no right to be considered for release and will remain in prison for the remainder of their natural lives. In others, it provides for the routine consideration of release after a specified period. There are also other sentences which, although not formally designated as 'life', may in practice result in imprisonment for the remainder of a person's natural life, such as a 99-year fixed-term sentence.¹⁹

14. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 87. In 2019, Serbia introduced life imprisonment, having previously had no provisions for the sanction in its laws (Amendments to the Criminal Code (ACC) of May 21, 2019).

15. Portugal: art. 30; Angola: art. 66; Brazil: art. 5-XLVII; Bolivia: art. 118; Cabo Verde: art. 33; Colombia: art. 34; Costa Rica: art. 40; East Timor: art. 32; El Salvador: art. 27; Mozambique: art. 61; Nicaragua: art. 37; São Tomé and Príncipe: art. 37; and Venezuela: art. 44.

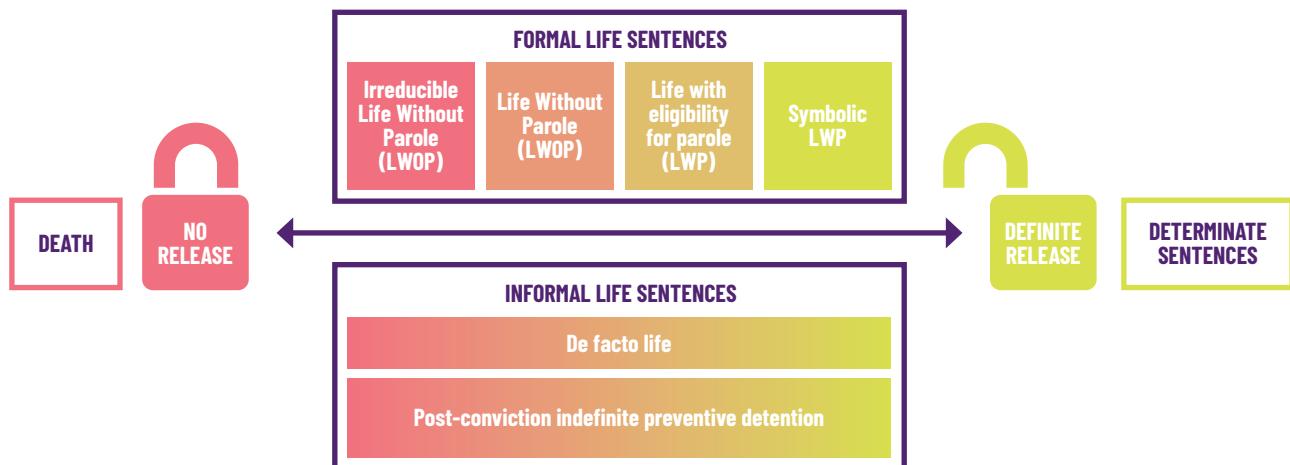
16. Constitution of the Portuguese Republic, 7th revision, [2005], art. 30 provides that "[n]o sentence or security measure that deprives or restricts freedom shall be perpetual in nature or possess an unlimited or undefined duration."

17. Vojta, F (2016) 'Life and Long-Term Imprisonment in the Countries of the Former Yugoslavia' in Van Zyl Smit D and Appleton C (eds), *Life imprisonment and human rights*, Bloomsbury publishing, p 351.

18. South Africa: Correctional Services Act 111 of 1998 (as amended), s. 73(2)(or 73(6)(b)(iv)).

19. Alaska, US: Alaska Stat §12.55.125 (2017); Puerto Rico: P.R. Laws Ann. tit. 33 § 4644 (2017).

Figure 1: Types of life sentences



Definition

The following definition encompasses all types of life imprisonment:

Life imprisonment is a sentence following a criminal conviction, which gives the state the power to detain a person in prison for life, that is, until they die there.²⁰

Within the above definition, two basic types of life imprisonment can be identified:

- (1) **formal life imprisonment**, where the court explicitly imposes a sentence of 'imprisonment for life'; and
- (2) **informal life imprisonment**, where the sentence imposed may not be called life imprisonment but may result in the person being held in prison until they die there. Both formal and informal life imprisonment can be further divided. The different types are summarised in Figure 1.

a minimum term – after which they become eligible for consideration for release, usually determined by a court, parole board, or similar authority. In jurisdictions that impose LWP, the law typically provides either for automatic parole review or, at the very least, the right to apply for consideration of release once the minimum term has been served. This minimum period may be prescribed by statute or determined by the sentencing court.

Release decisions are generally based on factors such as the nature and gravity of the offence, the prisoner's rehabilitation and conduct while in custody, and their assessed risk to society. Where parole is denied at the initial review, subsequent reviews are ordinarily scheduled at regular intervals to reassess whether continued detention remains justified. **These reviews do not guarantee release but serve to ensure that the sentence is subject to ongoing evaluation. In effect, people serving LWP remain in prison until they are deemed rehabilitated and safe to return to society.**

The defining characteristic of LWP is the existence of a *genuine* and *meaningful* prospect of release – not a remote or exceptional possibility, such as through executive clemency or pardon, but a structured and periodic review process in which rehabilitation and risk are assessed on an individualised basis.

LWP is by far the most common type of life sentence worldwide, constituting the ultimate penalty in at least 144 countries.²² It is also the most severe penalty used in international criminal tribunals.

Formal life imprisonment

In 2014, formal life imprisonment could be imposed in 183 out of a total 216 countries and territories worldwide.²¹ This form of punishment can be further categorised into two main types: life imprisonment with the possibility of parole (LWP), and life imprisonment without the possibility of parole (LWOP).

Life imprisonment with the possibility of parole (LWP)

Life imprisonment with the possibility of parole (LWP) is a form of life sentence under which individuals are required to serve a fixed number of years – that is,

20. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, Harvard University Press, January 2019, p. 35. The CPT uses a similarly inclusive definition, defining a life sentence as: "an indeterminate sentence imposed by a court in the immediate aftermath of a conviction for a criminal offence which requires the prisoner to be kept in prison either for the remainder of his or her natural life or until release by a judicial, quasi-judicial, executive or administrative process which adjudges the prisoner to no longer present a risk to the public at large" (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment, 25th General Report of the CPT (Strasbourg: Council of Europe, 2016), CPT/Inf (2016)10, § 68).

21. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 87.

22. *Ibid.*

Minimum terms before parole eligibility vary widely across jurisdictions. In England and Wales, a judge imposing a life sentence (other than a whole life order, LWOP) must set a minimum term, or 'tariff', before parole eligibility.²³ For murder, the tariff is based on starting points set out in Schedule 21 of the Sentencing Code, which provides guidance on typical cases. For example, where a murder is committed using a weapon brought to the scene with intent to cause harm, the starting point is a 25-year minimum term. Release is possible only if the Parole Board determines that the person no longer poses a risk to the public. If released, they remain on licence for life and can be recalled to prison at any time for breach of conditions, even without committing a new offence.

In other parts of Europe, many countries set parole ineligibility between 12 to 25 years – for example, after 15 years in Germany²⁴ and 20 years in Greece, with most prisoners released automatically unless specific grounds exist to deny release.²⁵ Some jurisdictions have shorter parole ineligibility periods, such as 10 years in both Japan²⁶ and the Australian Capital Territory (ACT).²⁷

Under the Rome Statute of the International Criminal Court, individuals sentenced to life imprisonment for genocide, war crimes, crimes against humanity, and crimes of aggression become eligible for release consideration after 25 years.²⁸

In the US, the minimum period to be served before parole eligibility varies by state. In some states, such as Wisconsin, the sentencing judge can set a parole eligibility date which, in practice, may exceed the individual's natural life.²⁹

In Canada, where life imprisonment is mandatory for murder and high treason,³⁰ individuals convicted of first-degree murder (planned or deliberate murder, or the murder of certain public officials) must serve 25 years before becoming eligible to apply for parole.³¹

For second-degree murder, the court sets parole eligibility between 10 and 25 years, depending on the circumstances of each case.³²

Table 1: Parole ineligibility periods for life with parole sentences in selected US states

US state	Minimum term to be served before parole eligibility under LWP
Alabama	10 to 99 years ³³
Connecticut	60 years ³⁴
Georgia	14 to 60 years ³⁵
Indiana	15 to 20 years ³⁶
Minnesota	30 years ³⁷
New Hampshire	18 years, unless otherwise specified by the sentencing court ³⁸
Oklahoma	85% of the sentence (for LWP, this is considered 85% of 45 years which is 38 years and 3 months) ³⁹

Countries that have abolished or restricted the use of the death penalty have often introduced LWP as its replacement. In Sierra Leone, the Abolition of the Death Penalty Act 2021 replaced capital punishment for offences such as murder, treason, mutiny, and aggravated robbery with imprisonment for life, defined as a sentence of no fewer than 30 years.⁴⁰ Judges may alternatively impose a fixed-term sentence of 30 years and have discretion to consider mitigating factors on a case-by-case basis.⁴¹

23. England and Wales (UK): Sentencing Act 2020, Schedule 21.

24. Germany: *Strafgesetzbuch* [StGB] [German Criminal Code], BGBl I 1975, 3326, as amended, § 57a(1).

25. Greece: Penal Code of Greece, arts. 105 and 106.

26. Ono, T, 'Life Imprisonment in Japan: The Existing Legal System and Alternative Sanctions for the Death Penalty', in Van Zyl Smit, D, Appleton, C, and Vuong, G (eds), *Life Imprisonment in Asia*, Palgrave Macmillan Singapore, 2023, p. 201.

27. Australia: Crimes (Sentence Administration) Act 2005 (ACT), ss 288–298.

28. International Criminal Court (ICC): Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, arts 77(1)(b) and 110(3). Although the statute provides for LWP, the Court has yet to impose the sentence.

29. Wisconsin, US: WI Stat § 973.014 (2024).

30. Canada: Criminal Code, RSC 1985, c C-46, ss 235(1), 47(1); *R v Luxton* [1990] 2 SCR 711.

31. Canada: Criminal Code, RSC 1985, c C-46, ss 231(2) – (6.1), 745(a); *R v Luxton* [1990] 2 SCR 711.

32. Canada: Criminal Code, RSC 1985, c C-46, ss 231(7), 745(c), 745.4; *R v Latimer* [2001] 1 SCR 3.

33. Alabama, US: AL Code § 13A-5-6(a)(1)(2024).

34. Connecticut, US: CT Gen Stat § 53a-35b. (2024). In Connecticut, a life sentence means a definite sentence of sixty years, unless explicitly imposed as LWOP.

35. Georgia, US: 'Life Sentences', State Board of Pardons and Paroles, accessed 30 July 2025, www.pap.georgia.gov/parole-consideration/parole-process-georgia/life-sentences.

36. Indiana, US: IN Code § 11132(a)(3)(2017).

37. Minnesota, US: MN Stat § 609.185; § 609.3455 (2024).

38. New Hampshire, US: NH Rev Stat § 651-A:7 (2024).

39. Oklahoma, US: Title 21 210K Stat § 13.1(2024).

40. Sierra Leone: The Abolition of the Death Penalty Act, 2021.

41. The Death Penalty Project, 'Dismantle the gallows! Sierra Leone becomes the latest country to abolish the death penalty', 23 July 2021, deathpenaltyproject.org/sierra-leone-abolishes-the-death-penalty.

Symbolic LWP

Symbolic LWP sentences carry the formal label of life imprisonment and are included in official statistics as such, yet they function more like long fixed-term sentences.⁴² Individuals serving symbolic LWP sentences are typically guaranteed release after a predetermined period, often without further review.

In Bangladesh, for example, life imprisonment has traditionally been understood as a sentence of 30 years, reduced to approximately 22.5 years after remission.⁴³ However, recent rulings of the Supreme Court have introduced a new type of life sentence that excludes remission, effectively entailing imprisonment for the individual's natural life.⁴⁴ Consequently, Bangladesh now appears to operate both symbolic life sentences (i.e., fixed-term sentences of 30 years) and de facto imprisonment for natural life, that is, LWOP in exceptional cases.

A comparable situation exists in Uganda, where life imprisonment is defined in legislation as 20 years for remission purposes.⁴⁵ After the abolition of the mandatory death penalty in 2009, the Supreme Court ruled that life imprisonment should entail imprisonment for the individual's natural life.⁴⁶ Nevertheless, because the remission provision was not struck down, many lower courts continue to treat life sentences as capped at 20 years, generating considerable uncertainty.⁴⁷

In Malaysia, there has long been a dual understanding of life imprisonment: one form entails imprisonment for natural life (LWOP), while the other constitutes a fixed term of 20 years, later extended to 30 years.⁴⁸ Following the passing of the Abolition of Mandatory Death Penalty Act in 2023, LWOP sentences were abolished and replaced by fixed terms of 'not less than thirty years but not exceeding forty years'.⁴⁹

→ **Symbolic LWP sentences illustrate the difficulty of defining life imprisonment consistently across legal systems. While such sentences do not permit imprisonment until death, they remain significant in global statistics and policy discussions. They underscore both the flexibility and the ambiguity inherent in the application of the label 'life imprisonment' and highlight the challenges of establishing fair and transparent systems for release.**

Life imprisonment with the possibility of parole (LWP)

Life imprisonment with the possibility of parole (LWP) is the most common type of life imprisonment in the world, found in at least 144 countries. It allows for release consideration after a minimum term has been served, with periodic reviews thereafter if release is not granted. Minimum terms before parole eligibility vary across jurisdictions, from 10 to over 30 years, and can be exceptionally long.

In some countries, 'symbolic' LWP sentences provide for automatic release after a fixed period, making them functionally similar to long fixed-term sentences despite being labelled 'life' sentences.

LWP sentences offer a genuine and meaningful prospect of release, not merely a remote or exceptional chance, such as release through executive clemency or pardon. This feature distinguishes it from the harshest form of formal life imprisonment: life imprisonment without the possibility of parole (LWOP).

Life imprisonment without the possibility of parole (LWOP)

Sometimes referred to as a 'whole life' or 'true life' sentence, or as a sentence for natural life, life without the possibility of parole (LWOP) is the type of formal life sentence from which there is no prospect of release following a review by a court or parole board after a fixed period. In most cases, there is still a theoretical possibility of the intervention by the head of state or another executive authority; however, such intervention is unpredictable and, in most countries, extremely rare. In a few jurisdictions, this possibility does not exist, and individuals sentenced to LWOP are guaranteed to spend the remainder of their lives in prison.

At best, those serving LWOP have an extremely irregular prospect of release; at worst, they have no prospect of release at all. Once confined, the individual is condemned to remain in prison until death, regardless of any efforts at rehabilitation and reform. For this reason, commentators have described the sentence in terms such as 'living death sentence', 'death by imprisonment', 'virtual death sentence', 'prolonged death penalty', 'delayed death penalty', 'death sentence without an execution date' or simply 'the other death penalty'.⁵⁰

42. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 64.

43. *Rokia Begum v State*, 19 BLC (AD)(2014)(Bangla).

44. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 67.

45. Uganda: Prisons Act 2006, § 86(3).

46. *Stephen Tigo v Uganda*, criminal appeal no. 08 of 2009, [2011] UGSC 7 (Uganda).

47. Mujuzi, J, 'Life Imprisonment and Human Rights in Uganda', in Van Zyl Smit D and Appleton C (eds), *Life imprisonment and human rights*, Bloomsbury Publishing, 2016, p. 97.

48. Dusuki, F N and Abdul Hamid, M, 'Life Imprisonment in Malaysia: Prospects for Law Reform?', in Van Zyl Smit, D, Appleton, C, and Vuong G (eds), *Life imprisonment in Asia*, Palgrave Macmillan Singapore, 2023, p. 225.

49. Malaysia: Abolition of Mandatory Death Penalty Act 2023, Act 846 Laws of Malaysia, 9 June 2023.

50. *R v Bissonnette*, 2022 SCC 23 (CanLII), [2022] 1 SCR 597, §82 (Canada).

In many national legal systems, LWOP is regarded as incompatible with contemporary human rights standards, particularly the principle of human dignity, as it denies individuals any hope of reintegration into society following rehabilitation.

Some form of LWOP exists in the statutes of around 65 countries across every continent.⁵¹ In certain countries, it constitutes the sole form of life imprisonment, including Ghana, Togo, Cameroon, Kenya, Rwanda, and Tanzania; Bahrain, Saudi Arabia, and Oman; Iran, Uzbekistan, and Kyrgyzstan; Thailand; and Honduras.⁵²

The extreme use of LWOP in the United States

The US Supreme Court endorsed the use of LWOP in 1974 in the case of *Schick v Reed*, and the sentence has since become widely used.⁵³ LWOP may be imposed in all 51 US jurisdictions (federal and state) except Alaska, and in more than half of the states it is the mandatory sentence upon conviction for certain offences, typically first-degree murder.⁵⁴

LWOP is predominantly a US phenomenon, and the US remains a global outlier in its application. Over 80 percent of all individuals known to be serving LWOP worldwide are in the US.⁵⁵ In 2024, there were 56,245 people serving LWOP across the US.⁵⁶ This marks a 68% increase since 2003, when the figure stood at 33,633. Nearly half of those serving life sentences in the US are Black, and racial disparities are particularly pronounced among individuals sentenced to life without parole.⁵⁷

The US now holds more people serving LWOP than at any previous point in its history, reflecting a growing reliance on this harsh form of punishment.

Some jurisdictions impose irreducible LWOP sentences, meaning that parole, clemency or pardon are entirely excluded. In Wyoming and Georgia (US), individuals serving LWOP sentences are ineligible for clemency or parole, except in cases where innocence is proven. In Mexico, states such as Puebla and Quintana Roo similarly prohibit both parole and pardon for those serving life sentences.⁵⁸ In Honduras, pardon on humanitarian

grounds is expressly denied to those serving LWOP.⁵⁹ In Haiti and Israel, life sentences are irreducible for specific offences, such as high treason and the politically motivated murder of a prime minister, respectively.⁶⁰ In Türkiye, individuals sentenced to 'aggravated life sentences' can only be released by presidential pardon on grounds such as old age or serious illness.⁶¹ The European Court of Human Rights (ECtHR) has found this system to violate Article 3 of the ECHR prohibiting inhuman or degrading treatment or punishment, as it fails to offer a genuine prospect of release.⁶²

In the UK (England and Wales), courts can impose whole life orders (WLOs) for specific types of murder, including those involving children, multiple victims or ideological motives.⁶³ A whole life order requires that the individual remain in prison for the rest of their life, with no minimum term and no parole eligibility. As of 31 March 2025, there were around 70 people subject to WLOs.⁶⁴ Although the Secretary of State may release someone on 'exceptional compassionate grounds',⁶⁵ no individual under a WLO has ever been released, even when terminally ill. England and Wales therefore remain among the few jurisdictions in the world where LWOP is, in practice, irreducible owing to the extreme narrowness of this provision.

In some US states where LWOP is imposed, a limited number of individuals are, in practice, granted pardons. Reforms in Louisiana, Michigan, Pennsylvania, and within the federal system in recent years have resulted in a decline in the number of individuals serving such sentences.⁶⁶ In Louisiana, for instance, many individuals sentenced as children have been resentenced to life with parole (LWP), and more than one hundred LWOP sentences have been commuted.⁶⁷

LWOP has been abolished in most European countries. The US, however, continues to rely heavily upon it, while several other countries – including Serbia, India, and China – have recently introduced or expanded its use within their legal frameworks.⁶⁸

51. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 40.

52. *Ibid.*, p. 327.

53. *Schick v Reed*, 419 US 256, 268 (1974).

54. Ghandoosh, N, Stammen E, and Budaci, C, *Felony murder: An on-ramp for extreme sentencing*, The Sentencing Project, 2022, p. 5.

55. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 49.

56. Nellis A and Barry C, *A matter of life: The scope and impact of life and long-term imprisonment in the United States*, The Sentencing Project, 2025, (*A matter of life*), p. 10.

57. *Ibid.*, p. 2.

58. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 44.

59. Honduras: The Law on Pardons, 2013, art.7, lists the offences for which pardon cannot be granted, and art. 10 excludes those mentioned in art. 7 from a humanitarian pardon.

60. Haiti: The Constitution of Haiti, art. 146 read with art. 21.1; Israel: Section 30A of the Conditional Release of Prisoners Law of 2001.

61. Türkiye: Constitution of Türkiye, art. 104.

62. *Öcalan v Turkey*(No. 2), ECtHR(apps. 24069/03, 197/04, 6201/06 and 10464/07), March 18, 2014, § 203; *Kaytan v Turkey*, ECtHR (app. 27422/05), September 15, 2015; *Gurban v Turkey*, ECtHR(app. 4947/04), December 15, 2015.

63. England and Wales (UK): Sentencing Act 2020, Pt 10, Chapter 8, s321(3)(b) and Sch 21.

64. Sentencing Council, Life sentences, www.sentencingcouncil.org.uk/sentencing-and-the-council/types-of-sentence/life-sentences.

65. England and Wales (UK): Crime (Sentences) Act 1997, s. 30; Prison Service Order 4700

66. Nellis, A and Barry, C, *A matter of life*, p. 10.

67. Simerman, J and Finn, J, 'On way out, Gov. John Bel Edwards ramps up relief for life prisoners', NOLA, 30 December, 2023, www.nola.com/news/politics/gov-john-bel-edwards-ramps-up-relief-for-life-prisoners/article_820d615a-a727-11ee-9fa9-8b5a45caedc1.html.

68. Milojkovic T, 'Serbia Introduced the Life Sentence without Parole, Despite its International Obligations', JURIST, 28 May 2019, www.jurist.org/commentary/2019/05/teodora-milojkovic-serbia-parole.

In India, LWOP has emerged through judicial interpretation. Although people serving life sentences may apply for remission after 14 years under the Penal Code and Criminal Procedure Code,⁶⁹ a 2015 Supreme Court ruling authorised appellate courts to impose life sentences that explicitly exclude remission.⁷⁰ These are, in effect, LWOP sentences, with clemency from the Union or state governments remaining the only avenue for release.

In China, legal reforms in 2015 introduced a form of de facto LWOP through the mechanism of suspended death sentences. In certain corruption cases, courts may order that if a death sentence is commuted, it must be replaced with a life sentence without eligibility for release.⁷¹

→ **States should ensure that all life sentences, including those currently irreducible, provide a genuine and reviewable prospect of release based on rehabilitation, in line with international human rights standards prohibiting inhuman or degrading punishment.**

LWOP is incompatible with fundamental human rights standards

The use of LWOP has been scrutinised at national, regional and international levels, and there is growing recognition that it conflicts with fundamental human rights standards.

At the national level, constitutional courts in multiple jurisdictions have rejected LWOP on fundamental rights grounds. In 1977, the German Federal Constitutional Court ruled that life imprisonment without a genuine prospect of release violates the inherent dignity of the human person and denies the right to rehabilitation. Courts in France,⁷² Italy,⁷³ Namibia,⁷⁴ and Canada⁷⁵ have adopted similar positions, holding that LWOP is unconstitutional as it denies those subject to it the opportunity to demonstrate rehabilitation and to be considered for release.⁷⁶

In South Africa, the Constitutional Court has held that imposing indeterminate long-term imprisonment without regard to the seriousness of the offence committed infringes the right to human dignity.⁷⁷

“

A sentence of imprisonment for life without a realistic possibility of parole is intrinsically incompatible with human dignity. Such a sentence is degrading insofar as it negates, in advance and irreversibly, the penological objective of rehabilitation. This objective is intimately linked to human dignity in that it conveys the conviction that every individual is capable of repenting and reentering society. This conclusion that a sentence of imprisonment for life without a realistic possibility of parole is incompatible with human dignity is not only reinforced by the effects that such a sentence may have on all offenders on whom it is imposed but also finds support in international and comparative laws.⁷⁸

Supreme Court of Canada, *R v Bissonnette* (2023)

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The Supreme Court of Appeal of South Africa has also emphasised that imprisonment must not extinguish all prospects of release; a sentence requiring a person to remain in prison for life is therefore cruel, inhuman and degrading.⁷⁹

At the regional level, the ECtHR has firmly established that a life sentence must be reducible in law and in practice to comply with Article 3 of the European Convention on Human Rights (ECHR) which prohibits torture and inhuman or degrading treatment.⁸⁰ The court has held that a life sentence offering no prospect of release constitutes a violation of Article 3 of the ECHR.⁸¹ **Individuals serving life sentences must be informed from the outset of the conditions under which they may be considered for release, and the opportunity for rehabilitation must form a central part of any review process.**⁸² European jurisprudence has influenced

69. India: Indian Penal Code 1860, ss. 45 and 53; Code of Criminal Procedure 1973, s. 432.

70. *Union of India v. Sriharan alias Murugan and Others*, WP (Crl), No. 48 of 2014, December 2, 2015 (India).

71. Smith, T and Jiang, S, 'Making sense of life without parole in China', *Punishment and Society*, Volume 21, Issue 1, 2018.

72. Decision no. 93-334 DC 20 of the Conseil Constitutionnel (January 1994).

73. Corte cost. sentenza, nr 274 Foro Italia, 1, 2333 (27 September 1987).

74. *S v Tcoeb* 1996 (1) S.A.C.R. 390 (NmS).

75. *R v Bissonnette*.

76. Van Zyl Smit, D, *Taking life imprisonment seriously: in national and international law*, Kluwer Law International, The Hague, 2002, p. 213; Hood R and Hoyle C, *The Death Penalty: A Worldwide Perspective* (5th ed. 2015), p. 486.

77. *S v Dodo* (CCT 1/01)[2001]ZACC 16.

78. *R v Bissonnette*, 2022 SCC 23 (CanLII), [2022]1SCR 597, §8.

79. *Nikosi v State* [2002] JOL 10209 (SCA).

80. Department for the Execution of judgments of the European Court of Human Rights, *Life Imprisonment*, Thematic Factsheet, May 2023, rm.coe.int/thematic-factsheet-life-imprisonment-eng/1680ab3b93.

81. *Vinter and Others v UK*, ECtHR (apps. 66069/09, 130/10 and 3896/10).

82. *Ibid.*, §103-122; *Murray v The Netherlands*, ECtHR (app. 10511/10), April 26, 2016 [GC], § 99-102; *Hutchinson v United Kingdom*, ECtHR (app. 57592/08), January 17, 2017, §§ 42-44.

courts beyond the region, such as in Belize, Namibia, Mauritius, and Zimbabwe, where courts have cited the ECtHR to strike down LWOP.⁸³

International human rights law reinforces this position. Article 10(3) of the International Covenant on Civil and Political Rights (ICCPR) affirms that the aim of imprisonment must be reformation and social rehabilitation. The Nelson Mandela Rules (Rule 4) further clarify that protecting society against crime and reducing recidivism can be achieved only if the period of imprisonment is used to facilitate the individual's reintegration into society upon release, enabling them to lead a law-abiding and self-supporting life. LWOP stands in direct contradiction to these principles, as it eliminates the possibility of release irrespective of an individual's progress or transformation while in custody.

In 2015, Judge Theodor Meron, then President of the Mechanism for International Criminal Tribunals, concluded that international legal standards "strongly suggest that those sentenced to life imprisonment are not barred from being considered for early release".⁸⁴

UN human rights experts have increasingly considered LWOP to be incompatible with international norms. In November 2023, the International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement stated that, 'disproportionate, excessive and discriminatory sentencing beyond life expectancy is a cruel, inhuman and degrading treatment, in violation of international human rights standards protecting life, liberty and against torture'.⁸⁵ The UN Human Rights Committee, in its 2023 review of the US, called for a moratorium on LWOP sentences and urged that parole eligibility be given to all prisoners.⁸⁶

Finally, international law prohibits LWOP for children. Article 37(a) of the Convention on the Rights of the Child (CRC) bans LWOP for offences committed by persons under 18 years of age.⁸⁷ The UN Human Rights Committee has likewise interpreted Article 7 of the ICCPR (prohibiting torture and ill-treatment), when read in conjunction with Articles 10 (requiring humane treatment of people deprived of their liberty geared towards social rehabilitation) and 24 (providing

special protection for minors), to conclude that the imposition of LWOP on children is incompatible with States' obligations under international human rights law (See 'Life and long-term imprisonment and specific populations' on pg 24).⁸⁸

Abolition of life without parole in Malaysia

In April 2023, the Malaysian Parliament enacted sweeping reforms that abolished both the mandatory death penalty and LWOP.

Under the new legislation, courts can impose, in place of the death penalty, fixed terms of imprisonment ranging from 30 to 40 years, with the option of additional corporal punishment, such as whipping.⁸⁹ Crucially, individuals previously sentenced to death or LWOP are entitled to have their sentences substituted with a determinate term of years.

A resentencing mechanism was established for nearly 1,000 individuals with finalised death sentences, granting them 90 days in which to apply for a review of their sentences. According to parliamentary data, between November 2023 and October 2024 the death row population declined from more than 1,300 to approximately 140 as a result of these reforms.⁹⁰

The impact of LWOP

LWOP imposes an intolerable psychological burden on those subjected to it. The mental effects of the sentence are, in many respects, comparable to those experienced by individuals on death row, as only death will bring their imprisonment to an end.⁹¹ Many people serving LWOP describe the sentence as 'the other death penalty,' 'a slow death row,' and a fate 'worse than death,' or refer to themselves as 'walking dead men'.⁹²

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Every night I hope I don't see the morning because there is no life for me. I am depressed 24 hours a day, and I know I'm going to die in prison. I hope I don't wake up—there is no life for me.⁹³

”

83. See *R v August* (Criminal Appeal 22 of 2012) Court of Appeal of Belize 4 November 2016 (Belize); *S v Tcoeb* (SA 4/93) [1996] NASC 1; 1996 (1) SACR 390, (NmS), (Namibia); *De Boucherville v The Government of Mauritius* [2008] UKPC 37, 25 B.H.R.C. 433; and *Makoni v Commissioner of Prisons*, CCZ 8/16, July 13, 2016 (Zimbabwe).

84. *Prosecutor v Galić*, MICT-14-83-ES (June 23, 2015), §§ 19.

85. International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement, Visit to the United States of America, Human Rights Council 54th Session, 26 September 2023, A/HRC/54/CRP.7, para. 97, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session54/A_HRC_54_CRP.7.docx

86. UN Human Rights Committee, Concluding observations on the fifth periodic report of the United States of America, 3 November 2023, CCPR/C/USA/CO/5, para. 47, ccjustice.org/sites/default/files/attach/2023/11/CCPR_US_Concluding_Observations_2023.pdf.

87. United Nations. (1989). Convention on the Rights of the Child.

88. Human Rights Committee, *Bronson Blessington and Matthew Elliot v Australia*, § 7.7 and 7.8.

89. Human Rights Watch, 'Malaysia Repeals Mandatory Death Penalty', 11 April 2023, www.hrw.org/news/2023/04/11/malaysia-repeals-mandatory-death-penalty.

90. Anti Death Penalty Asia Network, 'ADPAN Statement on Malaysia's Progress in Death Penalty Reform and Indefinite Juvenile Detention', 13 March 2025, adpan.org/malaysiasprogress.

91. *R v Bissonnette*, § 97.

92. Kenneth Hartman, ed., *Too Cruel, Not Unusual Enough: An Anthology Published by the Other Death Penalty Project* (Lancaster, Calif.: The Other Death Penalty Project, 2013), 173, 29, 125 and 147, respectively.

93. Quoted in Crawley, E and Sparks, R, "Is There Life after Imprisonment? How Elderly Men Talk about Imprisonment and Release," *Criminology and Criminal Justice*, 6 (2006): 63-82, p. 74.

“

I am alive, and I really don't want to be. I have nothing to live for. I'm serving life without the possibility of parole, and that might as well be a death sentence. I will never leave this place, and the thought of that forces any sliver of hope out of me.⁹⁴

”

Individuals serving indeterminate sentences often describe the loss of social contact and suffering caused by uncertainty. For those serving LWOP, this is especially acute, as they will almost always die in prison. Many express suicidal thoughts or state a preference for the death penalty over spending the remainder of their lives in prison.⁹⁵

People serving LWOP often experience a profound and escalating sense of loneliness and loss, arising from their inability to raise children and the realisation that family members are likely to die while they remain in prison. Frequently deprived of opportunities for rehabilitation, those under LWOP commonly emphasise the sheer hopelessness of their situation, struggle to comprehend the purpose of their punishment, and express particular concern about psychological deterioration and the effects of institutionalisation.⁹⁶

As the Supreme Court of Canada has observed: [e]ffects like these support the conclusion that a sentence of imprisonment for life without a realistic possibility of parole is degrading in nature and thus intrinsically incompatible with human dignity'.⁹⁷

The practical implications of LWOP

The situation in the US vividly illustrates the human consequences of LWOP. A report published by the American Civil Liberties Union in 2013 noted that the rise in LWOP sentences in the US has transformed prisons into geriatric institutions, where ageing and ailing prisoners who no longer pose a risk to society are warehoused until death.⁹⁸

In Louisiana, the state penitentiary – Angola prison – has developed its own funeral industry. People in prison are employed to build coffins for fellow prisoners, and funeral services are typically conducted by other

prisoners, often because the individual has lost contact with family or friends outside the prison system.⁹⁹ In Texas, approximately 100 individuals individuals who die in the state's prison system each year are buried at Captain Joe Byrd Cemetery, regarded as the country's largest prison graveyard.¹⁰⁰

Scholars have also highlighted challenges in managing LWOP prisoners, cautioning that such sentences may give rise to a class of 'superinmates' who are uncontrollable because they have nothing to lose, as the incentive of parole is absent. Conversely, some argue that LWOP prisoners may present fewer disciplinary issues because they become highly institutionalised.¹⁰¹ In either scenario, the absence of any prospect of parole creates significant challenges for prison staff, who must determine how to implement a regime that is both constructive and safe for prisoners and staff alike.

Life imprisonment without the possibility of parole (LWOP)

Life imprisonment without the possibility of parole (LWOP), also referred to as 'whole life' or 'true life' imprisonment, offers no realistic prospect of release, meaning that those sentenced to it are condemned to remain in prison until death. It is imposed in approximately 65 countries worldwide, including jurisdictions where it has been introduced relatively recently.

A growing body of jurisprudence and expert opinion at international, regional, and national levels recognises that LWOP is fundamentally incompatible with human rights standards. By eliminating all possibility of release, irrespective of rehabilitation, it undermines the primary purpose of imprisonment and violates human dignity – a core principle of human rights law – as well as the prohibition of cruel, inhuman, or degrading treatment or punishment. **Accordingly, LWOP should not be regarded or employed as an alternative to the death penalty under any circumstances.**

Informal life imprisonment

Informal life imprisonment refers to sentences that are not formally called 'life imprisonment' but can nonetheless result in a person spending the remainder of their life in custody. Such sentences are typically excluded from official life imprisonment statistics and academic research on life sentences, and

94. Quoted in Zehr H, *Doing Life: Reflections of Men and Women Serving Life Sentences*, Akron, Pennsylvania, Mennonite Central Committee, 1996, p. 86.

95. For example, see Hartman K, ed., *Too Cruel, Not Unusual Enough: An Anthology Published by The Other Death Penalty Project*, Lancaster, CA, The Other Death Penalty Project, 2013.

96. Liem M, van Kuijck Y and Raes B, 'Detentiebeleving van (levens)langgestraften. En empirische pilotstudie', *Delikt en Delinkwent*, Vol 2, 2016, pp 10-29.

97. *R v Bissonnette*, § 97.

98. American Civil Liberties Union (2013) *A Living Death: Life without Parole for Nonviolent Offenses*. New York: ACLU Foundation.

99. Hawryluk, M. (2024) 'Death and redemption in an American prison', *KFF Health News*, February 19, 2024, www.npr.org/sections/health-shots/2024/02/19/1231119824/prison-hospice-angola-louisiana-quilting.

100. Smith, Sonia (2013) 'The Story Behind the Nation's Largest Prison Graveyard', *Texas Monthly*, January 21, 2013, www.texasmonthly.com/articles/the-story-behind-the-nations-largest-prison-graveyard.

101. Appleton, C. and Grøver, B. (2007) 'The pros and cons of life without parole', *The British Journal of Criminology*, 47: 597-615.

correspondingly less is known about them. Nevertheless, they can have effects comparable to – or even more severe than – those of formal life sentences.¹⁰²

Informal life imprisonment can be broadly divided into two types:

1. *de facto* life imprisonment:

very long fixed-term sentences; and

2. post-conviction indefinite preventive detention:

a range of interventions following a criminal conviction that result in an individual being detained indefinitely, usually based on dangerousness or future risk.

Like formal life imprisonment, informal life sentences can result in lifelong imprisonment, but they are more difficult to identify and monitor.

→ Such sentences frequently deprive individuals of the safeguards typically associated with life sentences, including review mechanisms or eligibility for parole. For this reason, they must be considered in any comprehensive analysis of life imprisonment.

***De facto* life imprisonment**

De facto, or virtual, life sentences are fixed-term, determinate sentences of such length that those serving them are unlikely to be released alive, regardless of their age at sentencing.¹⁰³ These may include a single length sentence (for example, 99 years), multiple consecutive terms, or fixed terms imposed on older persons. There is no universally accepted threshold for when a fixed-term sentence becomes *de facto* life; factors such as sentence length, age, health and life expectancy may all be relevant.¹⁰⁴

Thresholds vary widely across jurisdictions. Some Scandinavian countries classify sentences exceeding six months as long-term, whereas other jurisdictions, such as the US, routinely impose sentences of several hundred years. In Mexico's federal jurisdiction, sentences can reach 140 years.¹⁰⁵

***De facto* life imprisonment**

At least 64 countries permit *de facto* life sentences, which are fixed term sentences so long that individuals under them are unlikely to survive.¹⁰⁶ Though not labelled 'life' sentences, they are an informal form of life imprisonment and can have the same effect in practice as formal life sentences.

Thresholds for what constitutes a *de facto* life sentence vary widely. Sentence lengths can range from 35 years to over 100 years, and in some jurisdictions may extend to several hundred years due to consecutive sentencing. Sentences that exceed life expectancy, or long terms imposed on older people, can amount to *de facto* life. In some countries without formal life imprisonment, *de facto* life acts as a substitute and effectively extinguishes any realistic prospect or hope of release, particularly when adequate safeguards are not in place to prevent misuse.

Several jurisdictions that do not formally impose life sentences nonetheless allow very long fixed-term sentences. For example, Colombia, Costa Rica, Guatemala, and El Salvador allow sentences exceeding 50 or 60 years.¹⁰⁷ In Croatia, the maximum sentence is 40 years, or 50 years in cases of multiple offences.¹⁰⁸ Alaska – the only US state without formal life imprisonment – permits fixed term sentences of up to 99 years.¹⁰⁹ This indicates that in some jurisdictions with no formal life imprisonment, *de facto* life sentences serve as functional substitutes.

In other jurisdictions, consecutive sentencing creates *de facto* life sentences. For instance, in Chile and Kenya, the maximum term for a single offence (excluding formal life sentences) cannot exceed 20 years and 15 years, respectively, but the law allows an unlimited number of consecutive sentences.¹¹⁰ By contrast, South Africa allows for multiple consecutive fixed-term sentences, but parole must be considered after 25 years.¹¹¹

The use of consecutive sentences with no limits effectively removes the possibility of parole, regardless of the severity of the offences. In 2022, the Canadian Supreme Court struck down a provision that allowed 25-year parole ineligibility periods to be stacked consecutively for multiple first-degree murder convictions, which could have required a minimum

^{102.} See: Penal Reform International, Jimada, Z, van Zyl Smit, D and Appleton, C (2024). *Informal Life Imprisonment. A policy Briefing on this harsh, hidden sentence*, London: Penal Reform International.

^{103.} Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 71.

^{104.} See: Frisso, G M, 'The Abolition of Life Imprisonment in Brazil and Its Contradictions,' in *Life imprisonment and human rights*, p. 307; Laugalis, V R, Koza, S S, and Vaughn, M S, 'Technically not Life: How *De Facto* Life Sentences Condemn Juveniles to Die in Prison', *Criminal Justice Review*, 23 November 2023, 1-27, p. 3.

^{105.} Mexico: Article 11 of the General Law to Prevent and Punish Crimes Related to Kidnapping, Regulation of Sextion XXI of Article 73 of the Constitution (La Ley General para Prevenir y Sancionar los Delitos en Materia de Secuestro, Reglamentaria de la fracción XXI del Artículo 73 de la Constitución Política de los Estados Unidos Mexicanos), 2010, as amended.

^{106.} Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 95.

^{107.} For details on sentence duration in Central and South America, see: De León Villalba, F J, 'Long-term Imprisonment in Latin America,' in *Life Imprisonment and Human Rights*, p. 329.

^{108.} Croatia: Article 46 of the Criminal Code.

^{109.} Alaska, US: Alaska Stat §12.55.125 (2017).

^{110.} Chile: Article 56 of the Criminal Code; Kenya: Penal Code; Section 14(1) of the Criminal Procedure Code; The Judicial Service Act Sentencing Guidelines, paras. 7.13-7.16.

^{111.} South Africa: Correctional Services Act 1998, Section 73(6)(a).

of 150 years before parole eligibility.¹¹² The Court held that such a sentence would deprive the sentenced person of any realistic prospect of release during their lifetime, effectively amounting to a *de facto* LWOP sentence.¹¹³

In the US, The Sentencing Project reported that in 2024 there were 41,398 individuals serving virtual (*de facto*) life sentences, defined as determinate sentences of 50 years or more.¹¹⁴ In Texas, nearly half of the state's life-sentenced population was serving a virtual life sentence. In Tennessee, the number of people serving virtual life sentences increased by 176% since the previous national survey in 2020.

Some jurisdictions rely on life expectancy to determine whether a sentence amounts to *de facto* life. In El Salvador, for example, the Supreme Court held that a 75-year sentence effectively amounted to life imprisonment, given the country's life expectancy of 70 years.¹¹⁵

A few countries distinguish between the sentence imposed and the actual time served. Brazil allows sentences up to 100 years, yet no individual may serve more than 30 years.¹¹⁶ Similarly, countries such as Germany and certain Australian states theoretically permit very long sentences, but these are rarely imposed in practice, either due to constitutional protections or judicial restraint.

Post-conviction indefinite preventive detention

Post-conviction indefinite preventive detention refers to any sentence, order or measure that orders people to be imprisoned for an indefinite period following a criminal conviction, without a set release date.¹¹⁷ It is typically used when a person is deemed dangerous and likely to pose a continued risk to public safety, even though they are not given a formal life sentence.

Post-conviction indefinite preventive detention may be imposed either at the time of sentencing or after an individual has served a fixed-term sentence. The legal form of such detention varies across jurisdictions: in some, it constitutes a 'measure' imposed by a criminal court; in others, it may take the form of 'civil confinement' ordered by a civil court. These measures are distinct from pre-trial preventive detention or

confinement in psychiatric institutions that are unconnected to a criminal conviction. Their application is often limited to specific categories of offences, such as serious violent or sexual crimes.

→ **Although not formally designated as life imprisonment, post-conviction indefinite preventive detention can achieve the same practical effect, namely potential lifelong imprisonment under a different legal mechanism. While sometimes less visible than formal life sentences, such detention is equally severe in its consequences.**

Post-conviction indefinite preventive detention in national systems

Post-conviction indefinite preventive detention exists in numerous European countries, including Norway, Denmark, France, Germany, the Netherlands, and Sweden, as well as in other jurisdictions such as South Africa, Canada and certain states in the US.

In Canada and South Africa, individuals convicted of serious violent crimes can be designated as 'dangerous' and detained indefinitely based on their offending history and psychiatric assessments.¹¹⁸

In the US, 20 states and the federal government allow for the post-sentence civil confinement of individuals classified as 'sexually violent predators'.¹¹⁹ This measure is imposed after a person has completed their prison sentence but is still deemed too dangerous to release. In states such as Florida, prosecutors can petition for this confinement, supported by psychiatric assessments. If a civil court finds that the individual meets the legal criteria, they may be held indefinitely in a secure facility until no longer considered a threat. This practice has been widely criticised for circumventing criminal due process and imposing additional punishment via civil law.¹²⁰

In Norway, which abolished formal life sentences in 1981 and set a maximum penalty of 21 years (except for genocide, crimes against humanity and war crimes, for which the maximum sentence has been increased to 30 years),¹²¹ courts can impose *forvaring*, a form of indefinite preventive detention for serious violent or sexual crimes when a fixed-term sentence is deemed insufficient to protect the public.¹²² Courts should set both minimum and maximum terms, with release

112. *R v Bissonnette*, 2022 SCC 23 (CanLII), [2022]1SCR 597.

113. *Ibid.*, § 139.

114. Nellis, A and Barry, C, *A matter of life*, p. 11.

115. Decision on cases 5-2001/10-2001/24-2001/25-2001/34-2002/40-2002/3-2003/10-2003/11-2003/12-2003/14-2003/16-2003/19-2003/22-2003/7-2004, of December 23, 2010, www.escuela.fgr.gob.sv/wp-content/uploads/Leyes/Leyes-2/Sentencias_INC_Acumulas_CSJ_DICIEMBRE_2010.pdf.

116. Frisso, G. M., 'The Abolition of Life Imprisonment in Brazil and Its Contradictions,' in *Life imprisonment and human rights*, p. 307.

117. *Ibid.*, p. 76.

118. Canada: Section 753(1) of the Criminal Code; South Africa: Section 286A of the Criminal Procedure Act 1977.

119. Calkins, C, Jeglic, E, Beattey, R A, Zeidman, S, and Perillo, A D, 'Sexual Violence Legislation: A Review of Case Law and Empirical Research,' *Psychology, Public Policy, and Law* 20(2014): 443-462.

120. Florida Statutes Title XLVII, Criminal Procedure and Corrections § 916.33 (Renumbered as 394.913 and amended by Laws 1999, c. 99-222, §§ 1, 6, effective May 26, 1999); Florida Statutes Title XXIX, Public Health § 394.912.

121. Norway: *Straffeloven*, s. 43.

122. Norway: Norwegian Penal Code, 2005: §40; *Forskrift om særreaksjonen forvaring*, 2004: 21.

considered only if the individual is no longer considered dangerous. To extend imprisonment beyond the maximum term, prosecutors must petition the court within three months prior to its expiry, and extensions of up to five years may be repeated indefinitely, potentially for life.¹²³ As of 2022, over 150 people were serving *forvaring*, nearly double the number a decade earlier.¹²⁴

In other countries like Denmark, France, Germany, and the Netherlands, which allow the imposition of formal life sentences, post-conviction indefinite preventive detention can be added to a sentence either at sentencing or during imprisonment.¹²⁵ These measures are usually imposed for certain categories of offences and involve indefinite detention in secure facilities. While technically distinct from punishment, and often framed as 'security measures', they raise significant concerns about due process and the rights of the individuals affected.

In England and Wales, the now abolished 'Imprisonment for Public Protection (IPP)' was a form of post-conviction indefinite preventive detention that could be imposed between 2005 and 2012.¹²⁶ It was used for people convicted of violent or sexual offences deemed dangerous, where a life sentence was considered inappropriate but continued detention was thought necessary to protect the public. Courts would set a minimum term ('tariff'), often relatively short, after which release depended on a Parole Board decision. To be released, a series of programmes and courses had to be completed (to demonstrate reduced risk).¹²⁷ In reality, the vast majority of people subject to the sentence served far longer than their minimum term because the required programmes were unavailable, leading the ECtHR to find IPP in breach of Article 5(1) of the ECHR.¹²⁸ Even after release, individuals remain on licence for a specified period and may be recalled to prison if they breach its conditions.

IPP was abolished in 2012 following widespread criticism, including concerns about its indefinite nature unclear release criteria, and damaging psychological effects.¹²⁹ UN experts described the regime as a form of 'psychological torture'.¹³⁰ However, its abolition did not apply retrospectively, and many affected individuals remain in prison or under supervision. As of December 2024, over 2,600 individuals remained in prison under IPP sentences. Of these, 1,045 had never been released, despite 99 per cent having served longer than their minimum tariff.¹³¹ One man had served 19 years for a laptop theft, while another, imprisoned for stealing a mobile phone, set himself alight after 13 years in custody. A further 1,569 individuals had been released but were subsequently recalled to prison, often for minor licence breaches.¹³² The human toll has been severe: at least 94 individuals serving IPP sentences have died by suicide in custody, and a further 37 who had been released subsequently took their own lives, reportedly under the strain of living in fear of being recalled.¹³³

Challenges to post-conviction indefinite preventive detention

Post-conviction indefinite preventive detention schemes have been challenged as violating international human rights standards. In 2003, the state of Queensland in Australia introduced a law allowing for the indefinite preventive detention of individuals deemed a serious risk to the community.¹³⁴ Although the High Court of Australia upheld the law,¹³⁵ the UN Human Rights Committee found that it violated Article 9 of the ICCPR, as it amounted to arbitrary detention.¹³⁶ Individuals were being held beyond the expiry of their sentence based solely on risk, not new criminal conduct. The HRC also raised concerns under Articles 14 and 15, indicating that post-conviction indefinite preventive detention could amount to double punishment and retroactive penal measures, both of which are prohibited under international law.

^{123.} Appleton, C, Todd-Kvam, J, Dahl, H, Johnsen, B and Whittington, R, 'The Evolution and Implementation of Norway's Ultimate Penalty: An Exceptional Approach to Life Imprisonment?' *Law & Social Inquiry* 50, 504–537, 506.

^{124.} *Ibid.*

^{125.} Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, pp. 81–84.

^{126.} House of Commons Library Research Briefing, *Sentences of Imprisonment for Public Protection*, 24 April 2023.

^{127.} For details on the sentence of Imprisonment for Public Protection, including when it could be imposed and how these provisions were amended and subsequently repealed, see: Ashworth, A, *Sentencing and criminal justice*, 5th ed., Cambridge University Press, 2010 and 6th ed., Cambridge University Press, 2015; Annison, H, *Dangerous politics: Risk, political vulnerability and penal policy*, Oxford University Press, 2015.

^{128.} *James, Wells and Lee v United Kingdom*, ECtHR (Application nos. 25119/09, 57715/09 and 57877/09), September 18, 2012.

^{129.} See for example: The Howard League for Penal Reform, *Indeterminate Sentence for Public Protection*, 2007; Prison Reform Trust, *Definitely maybe? How the indeterminate sentence for public protection is unjust and unsustainable*, 2007; Edgar, K, Harris, M, and Webster, R, *No life, no freedom, no future: The experiences of prisoners recalled under the sentence of Imprisonment for Public Protection*, Prison Reform Trust, 2020; Coomber, A, 'The decades-long injustice of the IPP sentence must end', Howard League blog, 17 January 2022; United Group for Reform of IPP (UNGRIPP), 'Today marks ten years since the IPP sentence was abolished', UNGRIPP blog, 3 December 2022.

^{130.} Martin, A, 'UN torture tsar attacks UK over 'inhumane' indefinite jail terms', The Independent, 08 February 2025, www.independent.co.uk/news/uk/crime/ipp-sentence-prison-un-torture-indefinite-jail-b2687625.html.

^{131.} Martin, A, 'Hope for end to 'cruel experiment' of indefinite jail terms that have seen phone thieves trapped for up to 20 years', The Independent, 21 June 2025, www.independent.co.uk/news/uk/crime/ipp-sentence-release-date-proposal-lord-thomas-b2773912.html.

^{132.} Ministry of Justice, *Offender Management Statistics Quarterly: July to September 2024*, England and Wales, 30 January 2025.

^{133.} Martin, A, 'Hope for end to 'cruel experiment' of indefinite jail terms that have seen phone thieves trapped for up to 20 years', The Independent, 21 June 2025, www.independent.co.uk/news/uk/crime/ipp-sentence-release-date-proposal-lord-thomas-b2773912.html.

^{134.} Australia: Dangerous Prisoners (Sexual Offenders) Act 2003, s. 13.

^{135.} *Fardon v Attorney-General for the State of Queensland* [2004] HCA 46.

^{136.} *Fardon v Australia*, CCP/C/98/D/1629/2007, UN Human Rights Committee (HRC), 10 May 2010.

A similar finding was made in relation to New Zealand, where preventive detention can be imposed on individuals over 18 who have committed a 'qualifying sexual or violent offence' and are likely to reoffend.¹³⁷ As is the case for life imprisonment, this sentence includes a minimum non-parole period (no less than five years), after which the individual remains subject to recall for the remainder of their life.¹³⁸ The HRC found that the prolonged and indefinite nature of the detention, without effective and regular review, was in clear violation of Articles 9 and 14 of the ICCPR.¹³⁹ The case concerned an individual who had served more than 25 years, and the Committee found that their continued detention was arbitrary and lacked adequate procedural safeguards. Its recommendations to reform preventive detention regimes in both countries have not been implemented.¹⁴⁰

These examples show the range of legal forms that post-conviction indefinite preventive detention can take, and the serious human rights concerns they raise, especially when they operate without clear safeguards, time limits, or regular and effective review.

Post-conviction indefinite preventive detention

At least 50 countries allow post-conviction indefinite preventive detention, a form of informal life imprisonment that permits people to be held in prison indefinitely after a criminal conviction, without a set release date.¹⁴¹ It is typically imposed on those deemed 'dangerous', either at sentencing or after serving a fixed term, and can result in lifelong imprisonment. Legal forms vary considerably, from 'security measures' to 'civil confinement', but they all raise serious human rights concerns when used without clear safeguards, time limits, or effective review. In practice, they can extinguish any realistic prospect of release, functioning similarly to the harshest forms of formal life imprisonment.

^{137.} New Zealand: Sentencing Act 2002, s. 87(2)(a) and 87(2)(c).

^{138.} New Zealand: Sentencing Act 2002, s. 89.

^{139.} *Miller and Carroll v New Zealand*, Communication No. 2502/2014, U.N. Doc. CCPR/C/112/D/2502/2014, UN Human Rights Committee.

^{140.} *Miller and Carroll v New Zealand*, para. 10.

^{141.} Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 96.

The prevalence of life and long-term imprisonment

Significant disparities exist in the use of life imprisonment worldwide, leading to considerable variation in the populations of life-sentenced prisoners across different countries. Obtaining accurate and up-to-date data on these populations remains challenging, and in some jurisdictions, is effectively impossible.

Table 2: Number and ratio of prisoners serving formal life imprisonment in selected countries in 2020¹⁴²

Country	Life-sentenced prisoners	Percentage of sentenced prisoners	Per 100,000 of national population
Australia	1,002	3.6	3.91
Belize	41	5.5	9.75
Canada	3,032	14.0	7.97
France	493	1.0	0.73
Germany	1,800	3.6	2.16
India	68,995	61.9	4.92
Italy	1,806	4.3	3.04
Japan	1,744	4.4	1.38
Kenya	5,821	30.5	10.83
South Africa	17,487	16.9	28.88
Taiwan	1,327	2.4	5.57
Türkiye	8,463	3.4	10.15
United Kingdom	8,302	10.3	12.44
United States	161,512	11.9	48.71

→ Available figures indicate that the global population of individuals serving life sentences has increased substantially in recent decades.

The increasing use of life imprisonment

In their pioneering global study of life imprisonment, Van Zyl Smit and Appleton (2019) estimated that the number of people serving life sentences worldwide increased by 84 per cent between 2000 and 2014, from approximately 261,000 to 479,000 individuals.¹⁴³ A few countries have made a major contribution to this growth, namely the United States, India, South Africa, the United Kingdom, and Türkiye, although the rate of increase has varied across jurisdictions.

In South Africa, the life-sentenced prison population rose from 647 in 1995, to 13,351 in 2014, marking an 818 per cent rise since the turn of the millennium. This far outpaced the country's overall prison population growth of around 40 per cent over the same period. This trend has continued: by 2022, 18,514 individuals were serving life sentences.¹⁴⁴

Across Europe, the number of people serving life sentences nearly doubled between 2000 and 2020, increasing by 90 per cent from 15,149 to 28,813.¹⁴⁵ Two countries – the United Kingdom and, more recently, Türkiye – have driven most of the regional growth. In 2020, the UK and Türkiye together accounted for 58 per cent of this total. The rise has been particularly sharp in Türkiye, where the life-sentenced prison population grew from 2,293 in 2000 to 8,463 in 2020, more than tripling in two decades.¹⁴⁶ Excluding Türkiye, the UK accounts for 43 per cent of all people serving life sentences in Europe.

The US has the largest population of life-sentenced prisoners in the world, accounting for over 30 per cent of the estimated global total.¹⁴⁷ The number of people serving life sentences in the US increased from nearly 70,000 prisoners in 1992 to a peak of 161,957 in 2016, before declining slightly to 153,405 in 2024 (reflecting the 13% reduction in the overall US prison population).¹⁴⁸

¹⁴². Data sources: Nellis, A, *No End in Sight: America's Enduring Reliance on Life Imprisonment* (Washington, D.C.: The Sentencing Project, 2021); Aebi, M, Tiago, M, and Burkhardt, C, *SPACE I–Council of Europe Annual Penal Statistics: Prison Populations, Survey 2020* (Strasbourg, France: Council of Europe, 2021); Institute for Criminal Policy Research, *World Prison Brief*, www.prisonstudies.org; World Bank, *World Development Indicators: Population, total* (2020); Data collected by the Life Imprisonment Worldwide project.

¹⁴³. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 97.

¹⁴⁴. Data collected by the Life Imprisonment Worldwide project.

¹⁴⁵. Appleton, C et al (forthcoming), *Life imprisonment as the ultimate penalty: Prevalence, trends and implications*.

¹⁴⁶. *Ibid.*

¹⁴⁷. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 89.

¹⁴⁸. Nellis, A and Barry, C, *A matter of life*, p. 2.

When including individuals serving de facto (virtual) life sentences of 50 years or more (an additional 41,398 individuals), the total rises to 194,803. In 2024, one in every six individuals in United States prisons (16 per cent of the prison population) was serving life without parole (LWOP), life with parole (LWP), or a virtual life sentence.¹⁴⁹ This represents an all-time high, despite record-low crime rates.

In India, life imprisonment is also on the rise and makes up a large proportion of sentenced prisoners. Between 2010 and 2020, more than half of the total prison population each year was comprised of people serving life sentences. By 2020, this proportion had risen to almost 62 per cent, despite an actual decline in the total number of prisoners serving life sentences.¹⁵⁰ The jump may be attributed to COVID-19-related releases of fixed-term prisoners. By 2022, there were 132,234 sentenced prisoners in India, of whom 75,629 – over half – were serving life sentences, giving India the highest proportion of life-sentenced prisoners among sentenced populations.¹⁵¹ This percentage is expected to continue growing, as the number of individuals on death row rises: in 2022, 544 people were on death row, up from 339 in 2016.¹⁵² Many of these individuals eventually had their death sentences commuted to life imprisonment: in 2024, 61 per cent of all commutations resulted in LWOP sentences.¹⁵³

Table 3: Increases in the population of individuals serving life sentences around the world from 2008–2022¹⁵⁴

Country	2008	2022	% increase
Australia	864	1008	16.7
India	67,164	75,629	12.6
Italy	1396	1814	29.9
South Africa	8565	18,514	116.2
Türkiye	2571	10,236	298.1
Uganda	37	516	1294.6
United Kingdom	7815	8107	3.7

Gaps in data

Further data on life imprisonment is required. Reliable information remains limited, or entirely unavailable, in many countries.

In China, Singapore, and Viet Nam, it appears to be official policy not to release such figures publicly. In others, only overall prison population data is released, with no breakdown by sentence type, making it difficult to assess the scope or use of life imprisonment in practice.

By contrast, Malaysia has recently begun publishing more detailed data, revealing for the first time how different forms of life imprisonment are applied. The figures indicate that a greater number of individuals are currently serving symbolic life sentences, capped at 20 or 30 years, than are serving whole-life (LWOP) terms.¹⁵⁵ It remains to be seen how the recent reforms abolishing whole-life sentences will be reflected in future statistical reporting.

Japan sets a strong example in data transparency by publishing detailed annual statistics on both new admissions of life-sentenced individuals and the total number of people serving life sentences annually. This level of transparency enables meaningful analysis and supports evidence-based policy development on key issues, such as the role of long prison terms in the ageing prison population.

Access to data makes it possible to assess how life imprisonment operates in practice. Where such information is lacking, effective oversight and informed policymaking are significantly hindered.¹⁵⁶

Why is there an increase in life imprisonment?

The increasing use of life imprisonment mirrors, in part, the broader global trend of increasing prison populations. However, the growing reliance on life sentences is also driven by other factors, primarily: (1) the decline in the use of the death penalty, (2) more punitive responses to crime; and (3) the imposition of longer sentences.

1. Decline in the use of the death penalty

One of the drivers behind the increased use of life imprisonment is the global shift away from the death penalty. As more countries abolish or restrict capital punishment, life imprisonment has increasingly been used as the default maximum sentence, effectively replacing it in many jurisdictions. In recent years, countries such as Benin, Kazakhstan and Burkina Faso have commuted death sentences to life imprisonment following abolition.¹⁵⁷

^{149.} *Ibid.*

^{150.} Appleton et al (forthcoming) Life imprisonment as the ultimate penalty: Prevalence, trends and implications.

^{151.} The National Crime Records Bureau, *Prison Statistics India*, 2022.

^{152.} *Ibid.*

^{153.} Project 39A, *Annual Statistics 2024*, www.project39a.com/annual-statistics-2024.

^{154.} Data sources: Aebi, M., Tiago, M. and Burkhardt, C, *SPACE I – Council of Europe Annual Penal Statistics: Prison Populations, Survey 2020* (Strasbourg, France: Council of Europe, 2021); Data collected by the Life Imprisonment Worldwide project.

^{155.} Dusuki, F N and Abdul Hamid, M, 'Life Imprisonment in Malaysia: Prospects for Law Reform?', in *Life imprisonment in Asia*, p. 231.

^{156.} Appleton, C et al (forthcoming), Life imprisonment as the ultimate penalty: Prevalence, trends and implications.

^{157.} For example, in Kazakhstan, see: Penal Reform International, The Abolition of the Death Penalty and its Alternative Sanction in Central Asia: Kazakhstan, Kyrgyzstan and Tajikistan, 2012, p. 6. 'Bénin : un nouveau code pénal, après 17 ans d'attente', JeuneAfrique, 8 June 2018, www.jeuneafrique.com/575233/societe/benin-un-nouveau-code-penal-apres-17-ans-dattente.

In South Africa, for instance, the abolition of the death penalty in 1995, grounded in the newly adopted Bill of Rights, led to a sharp rise in life sentences. Although life imprisonment existed in law, it had rarely been imposed before. Its use expanded rapidly in the absence of capital punishment.¹⁵⁸

2. More punitive responses to crime

The global trend towards the abolition of capital punishment does not fully explain the rise in life imprisonment. Increasingly punitive criminal justice policies are applying life sentences more broadly, particularly to offences which would not have previously attracted the death penalty.¹⁵⁹ As a result, a growing number of people are serving sentences that, just decades ago, were considered highly unusual and extreme.

In the US, all states except Alaska allow life sentences for nonviolent offences, and twenty-two states permit LWOP for such offences.¹⁶⁰ Globally, over 4,800 criminal offences carry some form of life sentence, many of them non-violent.¹⁶¹ Some countries impose these rarely, while others rely on them heavily.

Life imprisonment should be reserved for the most serious offences. Slovenia, for example, introduced life imprisonment in 2008 but limits it to crimes like genocide and serious violent offences.¹⁶² In contrast, in the UK, life sentences can be imposed for a wider range of crimes – including rape of an adult and burglary, even if no fatal violence was involved.¹⁶³

Drug offences are a major area of concern. In New Zealand, Thailand and the US, non-violent drug offences can result in life sentences. In parts of Asia, including Indonesia and Singapore, drug offences can carry mandatory life sentences or even the death penalty, often based purely on the quantity involved.¹⁶⁴ In early 2025, the President of Kazakhstan signed a law allowing life sentences for drug-related offences, including producing, manufacturing or processing drugs,¹⁶⁵ which could potentially lead to a rise in the number of life sentences in the country.

Life sentences are also increasingly used for offences linked to capital (or formerly capital) crimes. Some US states apply ‘accountability’ laws under which a person, like a getaway driver in a robbery, can be sentenced to life if someone is killed during the crime, even if they did not commit the act themselves.¹⁶⁶ A similar pattern can be seen in terrorism-related offences, where all forms of alleged involvement can attract equally harsh penalties, even in cases of peaceful protest or political dissent.¹⁶⁷

Some countries formally allow life imprisonment for repeated convictions. The most famous of these is the ‘three strikes’ rule practised in the US, though it also exists in various forms in other countries, such as New Zealand.¹⁶⁸ In the US, the ‘three strikes’ policy means that a person is sentenced to life imprisonment after committing a third crime, which in some states must be violent and in others can also include non-violent offences.¹⁶⁹ Rather than focusing on the seriousness of the most recent offence, such policies are based on the person’s criminal record.

The increase in the prison population and in the number of individuals serving life sentences is not attributable to a rise in serious crime. In fact, research indicates little correlation between crime rates and prison populations, and evidence suggests that harsher sentences do not serve as an effective deterrent.¹⁷⁰ Overall, the expansion of life imprisonment reflects increasingly punitive laws that impose excessive sentences for a wider range of conduct.

3. Longer sentences

There is evidence that the length of time people serve under life sentences is becoming longer. The average minimum number of years a person under a life sentence must serve before consideration for parole has increased significantly.

For example, almost all offences in England and Wales now receive a much longer custodial sentence than they used to, with the overall average custodial sentence length increasing from 13.7 months in 2010 to 20.9 months in 2023.¹⁷¹ The average minimum term (tariff) for life sentences (excluding whole life orders, that is, LWOP sentences) for murder convictions rose

158. Mujuzi, J, ‘Life Imprisonment in South Africa: Yesterday, Today and Tomorrow’, *South African Journal of Criminal Justice* 22(2009): 1-38.

159. Penal Reform International, *Life after death: What replaces the death penalty?*, 2012, p. 1.

160. American Civil Liberties Union, *A Living Death*, (New York: ACLU Foundation, 2013), 23, www.aclu.org/a-living-death.

161. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 127.

162. Slovenia: Penal Code, art. 46.

163. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 130.

164. Van Zyl Smit, D and Appleton, C, ‘Asian Life Imprisonment in Worldwide Perspective’ in Van Zyl Smit, D, Appleton, C, and Vucong, G (eds), *Life imprisonment in Asia*, Palgrave Macmillan Singapore, 2023, p. 14.

165. ‘Kazakhstan toughens stance on drug crimes with life sentences’, Report News Agency, 2 January 2025.

166. Mauer, M et al, *The Meaning of “Life”: Long Prison Sentences in Context*, The Sentencing Project, 2004, p. 18.

167. For more on this issue, see PRI’s publications: The death penalty, terrorism and international law and Counter terrorism in Kazakhstan: why the death penalty is no solution.

168. New Zealand Ministry of Justice, Three strikes statistics, www.justice.govt.nz/justice-sector-policy.

169. Nellis, A and King, R S, *No Exit: The Expanding Use of Life Sentences in America*, The Sentencing Project, USA, 2009, p. 30.

170. See: Penal Reform International, *Global Prison Trends* series.

171. Ministry of Justice, Analysis of the change in Average Custodial Sentence Length from 2010-2023, 18 February 2025, assets.publishing.service.gov.uk/media/67b842e64ad141d90835338d/acsl-report.pdf.

from 13 years in 2000 to 21 years in 2021.¹⁷² This shift reflects both statutory changes, particularly under the Criminal Justice Act 2003, and a broader shift in sentencing practices, which has also affected offences close in gravity to murder, such as manslaughter.¹⁷³

Table 4: Average length of the minimum term ('tariff') for parole-eligible life (LWP) sentences in England and Wales¹⁷⁴

Year	Mean tariff (years)	Mean tariff (months)
2000	13	165
2015	20	248
2016	20	251
2017	20	248
2018	21	253
2019	21	255
2020	21	254
2021	21	252

In the US, legislators, governors and parole boards have toughened parole policies and practices, effectively increasing the length of prison terms for people serving life.¹⁷⁵ The average length of time served by individuals serving life sentences increased by an estimated 37% from 21.2 years in 1991 to 29 years by 1997.¹⁷⁶ In South Carolina (US), people serving life sentences and paroled in 2013 served an average of 27.5 years in prison, compared to an average of 11.6 years for those paroled in 1980.¹⁷⁷ Similarly in Missouri, average time served among paroled life-sentenced individuals increased from 15 years in 1991 to 25.2 years in 2014.¹⁷⁸

In New Zealand, while life sentence rates have remained steady, the number of people serving indefinite sentences, including life and preventive detention, has grown, driven by longer periods of imprisonment. Between 2009-10 and 2019-20, the average time served on indefinite sentences rose from 12 to 16 years.¹⁷⁹

In Japan, life-sentenced individuals released on parole in 1998 had served an average of 20 years and 10 months. By 2007, this had increased to 31 years and 10 months, and since 2009, the average has not fallen below 30 years.¹⁸⁰ In 2020, the eight individuals granted parole had served an average of 36 years and six months. Between 1989 and 1998, the average was just 18-19 years, meaning the time served has nearly doubled in three decades. This trend has led some to argue that life imprisonment in Japan, though formally allowing the possibility of parole, now more closely resembles LWOP.¹⁸¹

“

The costs and consequences [of life imprisonment] for human dignity and human rights are immense. [...] We must join forces to change penal policies and practices to counter the upward trend in the use of life imprisonment.¹⁸²

Ilze Brands Kehris, UN Assistant Secretary General for Human Rights

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172. UK House of Lords written question HL7261, 6 April 2022, questions-statements.parliament.uk/written-questions/detail/2022-03-23/hl7261.

173. UK House of Commons Justice Committee, Prison population 2022: planning for the future, 19 March 2019, p. 36, publications.parliament.uk/pa/cm201719/cmselect/cmjust/483/483.pdf.

174. UK House of Lords written question HL7261, 6 April 2022, questions-statements.parliament.uk/written-questions/detail/2022-03-23/hl7261.

175. Pearce, S, *Justice delayed: The growing wait for parole after a life sentence*, The Sentencing Project, USA, 2009 (*Justice delayed*); Ghandnoosh, N, *Delaying a second chance: The declining prospects for parole on life sentences*. The Sentencing Project, USA, 2017 (*Delaying a second chance*).

176. Mauer, M et al, *The Meaning of "Life": Long Prison Sentences in Context*, (The meaning of life), p. 12.

177. Ghandnoosh, N, *Delaying a second chance*, p. 10.

178. *Ibid.*

179. Anderson, J, 'Life Imprisonment in New Zealand' in Van Zyl Smit, D, Appleton, C, and Vucong, G (eds), *Life imprisonment in Asia*, Palgrave Macmillan Singapore, 2023, p. 252.

180. Ono, T, 'Life Imprisonment in Japan', p. 202.

181. *Ibid.*, p. 204.

182. PRI event on life imprisonment at the 14th UN Crime Congress in March 2021: Event: Life imprisonment at the 14th UN Crime Congress - Penal Reform International, www.penalreform.org/resource/event-life-imprisonment-at-the-14th-un-crime.

Life and long-term imprisonment and specific populations

Children

There is a clear prohibition on LWOP sentences for children under international law. Article 37 of the UN Convention on the Rights of the Child (CRC), states: "Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age." Except for the US, every UN member state has ratified this Convention.¹⁸³

“

Life imprisonment and lengthy sentences, such as consecutive sentencing, are grossly disproportionate and therefore cruel, inhuman or degrading when imposed on a child. Life sentences or sentences of an extreme length have a disproportionate impact on children and cause physical and psychological harm that amounts to cruel, inhuman or degrading punishment.¹⁸⁴

Juan Méndez, UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2010-2016)

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International human rights law has gone further, calling for the abolition of *all* forms of life imprisonment for children. In a General Comment issued in 2007, the Committee on the Rights of the Child strongly recommended the abolition of all forms of life imprisonment for offences committed by persons under the age of 18.¹⁸⁵ In 2014, the UN General Assembly encouraged states to 'consider repealing all other forms of life imprisonment for offences committed by those under 18 years of age'.¹⁸⁶ This was echoed by the UN Special Rapporteur on torture in a 2015 report, calling life imprisonment of children – *in any form* – incompatible with international standards.¹⁸⁷

The Inter-American Court of Human Rights reached a similar conclusion in *Mendoza and others v. Argentina*, ruling that the 'perpetual deprivation of freedom' of children is inherently disproportionate to the purposes of criminal punishment of children, constituted cruel, inhuman and degrading treatment due to the sentence's high psychological impact on the child, and was therefore a breach of the American Convention on Human Rights.¹⁸⁸ The Court prohibited their use in Argentina and in any country under its jurisdiction.

Globally, there has been a gradual decline in the use of life imprisonment for children. Virtually all countries worldwide prohibit LWOP in cases involving children. The main outlier remains the US. Since 2010, reforms and court rulings in the US have restricted its use.

¹⁸³. The CRC is the world's most widely ratified human rights treaty with 194 states parties, thereby giving the Article 37(a) prohibition considerable weight as a principle of international human rights law. The US is an outlier in this regard and has not acceded to the treaty.

¹⁸⁴. Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/28/68, (5 March 2015), para. 74.

¹⁸⁵. Committee on the Rights of the Child, General Comment No. 10 (2007): Children's Rights in Juvenile Justice, CRC/C/GC/10, April 25, 2007, § 77.

¹⁸⁶. UN General Assembly, 68th Session, 68/147. Rights of the child, 7 February 2014, A/RES/68/147, para. 49(a).

¹⁸⁷. Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/28/68, 5 March 2015, para. 74.

¹⁸⁸. Inter-American Court of Human Rights, *Case of Mendoza and others v. Argentina* (2013), Series C No. 260. In an overlapping process, the Federal Court of Criminal Appeals in Argentina reached the same conclusion on August 30, 2012: that life imprisonment for children under 18 was unconstitutional. It did so by relying on the Convention on the Rights of the Child as applied in the light of the protection of children's rights in the constitution of Argentina. See *Mendoza, César Alberto y otros s / recurso de revisión, causa N° 14.087-Sala II-C.F.C.P.* Summary and link to full judgment, www.crin.org/node/39316.

The US Supreme Court has:

- banned LWOP for children not convicted of homicide;¹⁸⁹
- banned mandatory LWOP;¹⁹⁰ and
- applied a mandatory LWOP ban retroactively.¹⁹¹

The Court retained the ban on mandatory LWOP more recently in 2021; however, it also held that a finding of 'permanent incorrigibility' was not required before LWOP could be imposed, thereby loosening the restrictions on the use of LWOP for children.¹⁹²

Since 2012, 33 US states and the federal system have reformed their laws to limit or abolish LWOP for children. Twenty-seven have banned it entirely. Yet 25 states still permit LWOP for children.¹⁹³ As of 2020, there were 8,600 people in US prisons serving LWOP, LWP or virtual life sentences for offences committed when they were under 18.¹⁹⁴ In its 2023 review of the US, in addition to calling for a moratorium on the use of LWOP, the UN Human Rights Committee called for the US to abolish LWOP for children.¹⁹⁵ In January 2024, Massachusetts became the first US state to categorically ban LWOP sentences for people under 21 years old.¹⁹⁶

Most countries—except for the US, UK, and some Commonwealth countries – prohibit all formal life imprisonment for children. Around 73 countries retain some kind of formal life imprisonment for children.¹⁹⁷

In Jordan, legislation prohibits life imprisonment of those under the age of 18. Persons aged between 15–18 years who commit a capital crime may be sentenced between 8 and 12 years of imprisonment, and between 5 and 10 years if the crime is punishable by life imprisonment. The punishment for those aged between 12–15 years would be between 6 and 10 years and between 3 and 8 years, respectively.¹⁹⁸ In Russia, those under the age of 18 can only receive a maximum sentence of 10 years (Russian Federation Criminal Code).¹⁹⁹ Other jurisdictions that do not apply a sentence

of life for children include Algeria, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Uzbekistan, and Ukraine.

International human rights bodies have set clear standards for instances where LWP is imposed on children. The Human Rights Committee has stated that such a sentence is only compatible with the ICCPR if there is a genuine possibility of review and release, regardless of the gravity of the crime.²⁰⁰ Release must not be merely theoretical—the review must thoroughly assess the child's rehabilitation and the need for continued detention, with full consideration of their age at the time of the offence.²⁰¹ Furthermore, the sanction must fully comply with and strive for the realisation of the aims of juvenile justice in article 40(1) of the Convention on the Rights of the Child: the promotion of the child's sense of dignity and the desirability of the child's reintegration into society.²⁰²

The emphasis of any child detention facility should be on care, protection, education and vocational skills, and not on punitive confinement. For children who are sentenced to life with parole and other long-term sentences, international standards emphasise that they are entitled to all the human rights guaranteed as adults, and to additional protections which take into account children's needs.

These protections include:

- Separating child detainees from adult detainees. (Article 10(3), ICCPR; Article 37(c) CRC; NMR, Rule 11(d); Havana Rules, Rule 29)
- Prohibition of solitary confinement against children. (Article 37(a) CRC; Havana Rules, Rule 32)
- Prohibiting the use of corporal punishment against children. (Article 37(a) CRC; Beijing Rules, Rule 19(1); Havana Rules, Rule 31)
- Making special efforts to allow children to receive visits from and correspond with family members, friends and legal counsel. (Article 37(c), CRC; Havana Rules, Rule 38)

^{189.} *Graham v. Florida*, 130 S.Ct. 2011(2010)(US).

^{190.} *Miller v. Alabama and Jackson v. Hobbs*, 132 S.Ct. 2455 (2012)(US).

^{191.} *Montgomery v. Louisiana*, 136 S.Ct. 718 (2016)(US).

^{192.} *Jones v. Mississippi* 593 U.S. (2021)(US).

^{193.} Rovner, J, *Juvenile Life Without Parole: An Overview*, The Sentencing Project, 7 April 2023, www.sentencingproject.org/policy-brief/juvenile-life-without-parole-an-overview.

^{194.} Nellis, A, *No end in sight: America's enduring reliance on life imprisonment*, The Sentencing Project, 2021.

^{195.} UN Human Rights Committee, *Concluding observations on the fifth periodic report of the United States of America*, 3 November 2023, CCPR/C/USA/CO/5, para. 47, ccrjustice.org/sites/default/files/attach/2023/11/ICCPR_US_Concluding_Observations_2023.pdf.

^{196.} Nellis, A, *Massachusetts First State to Ban Life without Parole for People under 21*, The Sentencing Project, 18 January 2024, www.sentencingproject.org/newsletter/massachusetts-first-state-to-ban-life-without-parole-for-people-under-21.

^{197.} Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 114.

^{198.} Jordan: *Jordanian Juvenile Law No. 32* of 2014, Articles 25 and 26.

^{199.} In Russia, children are normally imprisoned only if they have committed 'the most severe crimes' or after a number of alternative sanctions have been applied and the child continues to offend.

^{200.} UN Human Rights Committee, *Blessington and Elliot v Australia* (2014), § 7.7.

^{201.} *Ibid.*

^{202.} Committee on the Rights of the Child, *General Comment No. 10 (2007): Children's Rights in Juvenile Justice*, CRC/C/GC/10, April 25, 2007, § 77.

- Providing and paying special attention to the education and vocational training of child and young detainees. (Articles 28 and 39, CRC; NMR, Rule 104; Beijing Rules, Rules 26(5) and 26(6); Havana Rules, Rules 79-87)
- Provision of psychosocial and health support. (Beijing Rules, Rule 26(6); Havana Rules, Rules 79, 81; Article 24, CRC)
- The prison regime must be designed to encourage self-respect and a sense of responsibility and facilitate reintegration into society. (Article 10(3) ICCPR; Article 40(1) CRC; Havana Rules, Rule 47)

→ **States should categorically prohibit life imprisonment and other excessively long custodial sentences for persons under 18. They should ensure that any long-term detention includes a genuine possibility of review and release, and prioritise rehabilitation, education, psychosocial support, and reintegration in line with international human rights standards, including the CRC, the ICCPR, and relevant UN Rules and guidance.**

Women

Globally, the number of women in prison is rising rapidly. According to data published by the World Prison Brief in February 2025, over 733,000 women and girls are estimated to be imprisoned worldwide, a 57 per cent increase since 2000.²⁰³ The female prison population is growing faster than the male population.

As with prison populations generally, women make up a much smaller proportion of life-sentenced individuals than men. In 2014, women made up less than 4 per cent of people serving life sentences globally, compared to 6.9 per cent of the total prison population.²⁰⁴ In 2024, US data showed a similar pattern with women constituting less than 4 per cent of all life-sentenced individuals.²⁰⁵

Some countries limit or prohibit the use of life imprisonment for women. Eight states – Albania, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia and Uzbekistan – prohibit the life imprisonment for women altogether. Armenia, Bulgaria, Tajikistan and Ukraine ban it where the woman was pregnant at the time of the offence or sentencing.²⁰⁶

The rise in women's imprisonment is driven by poverty, status, sexual and gender-based violence, discriminatory laws including harsh drug policies that have a disproportionate impact on women.²⁰⁷ The impact of imprisonment on women extends beyond them, to their children, family members and communities, whether detained with them or left behind. Yet the specific needs of women in prison are frequently overlooked, and available data are incomplete, rendering many of these harms invisible in policymaking.²⁰⁸

Women serving life or long-term sentences share many vulnerabilities common to all prisoners. These include high rates of trauma from abuse, mental health issues, and the impact of imprisonment on their children. But their situation is often compounded by being a minority in systems designed for men. Their distinct health and family-related needs are often neglected. Many women serving long sentences for violent crimes acted in the context of prolonged abuse, and prison can replicate or intensify that trauma, particularly when systems fail to prevent abuse by staff or other prisoners.

Safeguards must be put in place to mitigate these risks. Women should always be held separately from men and supervised by female staff, as required under Rules 11 and 81 of the Nelson Mandela Rules. Comprehensive standards for women in prison, including those serving life and long-term sentences, are set down in the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules).²⁰⁹

While many mental health concerns affect all people in prison, women face particular challenges. Research shows they experience high rates of post-traumatic stress disorder, depression, and anxiety, exacerbated by separation and isolation from their families, and the gender-insensitive nature of prison regimes.²¹⁰

Family-related challenges are especially acute for women. Women are often primary caregivers, and life and long-term imprisonment can severely disrupt their family life. Guilt over loss of agency and separation from children is common. The limited number of women's prisons means many are held far from home, therefore restricting visits. Some lose their parental rights due to prolonged absence, which may be interpreted as an abandonment of their parental responsibilities.²¹¹ In addition, women serving life or long-term sentences

²⁰³ Fair, H. and Walmsley, R, *World female imprisonment list* (6th ed.), Institute for Crime & Justice Policy Research, 2025.

²⁰⁴ Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 122.

²⁰⁵ Nellis, A and Barry, C, *A matter of life*, p. 15.

²⁰⁶ Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 122.

²⁰⁷ Penal Reform International and Women Beyond Walls, *From poverty to punishment: Examining laws and practices which criminalise women due to poverty or status worldwide*, March 2025.

²⁰⁸ *Ibid.*, p. 12.

²⁰⁹ United Nations. (2010). United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders (Bangkok Rules).

²¹⁰ Penal Reform International and Thailand Institute of Justice, Guidance Document on the United Nations Rules on the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules), London, 2013, p. 49.

²¹¹ Lee, A F, Genty, P M and Laver, M, *The Impact of the Adoption and Safe Families Act on Children of Incarcerated Parents: Critical Issues*, Child Welfare League of America, Washington DC, 2005.

may experience a profound loss of agency over decisions relating to their sexual and reproductive health, including when and how to have children.

A UK study found that life-sentenced women had far fewer support networks than men.²¹² Many reported losing contact with family and friends after conviction, either due to the crime itself or historically abusive relationships.²¹³ Women also described deteriorating relationships with their children, finding it increasingly painful and difficult to stay in touch.²¹⁴ The study found nearly six times as many women serving life sentences reported self-injury or attempted suicide, compared to men.²¹⁵

→ **States should implement gender-responsive policies in line with the Bangkok Rules and the Nelson Mandela Rules. Women, particularly those serving life or long-term sentences, should be held separately from men, supervised by female staff, provided with trauma-informed mental health care, and supported to maintain family ties. States should also address the socio-economic and legal drivers of women's imprisonment and systematically collect disaggregated data to inform policymaking.**

Older persons

More older persons are in prison than ever before. Significant increases have been seen across the UK,²¹⁶ Europe,²¹⁷ Japan, Singapore, the US, and Canada in recent decades.²¹⁸ This trend is partly driven by the growing use of life and long-term sentences, which has contributed to an ageing prison population. As more people serve longer sentences into old age, prison systems face increasing challenges related to healthcare, safeguarding, and the provision of age-appropriate facilities and support.

Older prisoners are the fastest growing age group in prison systems around the world.²¹⁹ In England and Wales (UK), the number of people aged 60 and over serving sentences of 20 years or more increased by nearly five times between 2012 to 2022.²²⁰ As of June 2022, 916 individuals aged 60 and over (including 32 women) were serving a life sentence, with 229 aged 70 or older.²²¹ One in 10 people serving a determinate sentence of 20 years or more is 70 or older and will spend at least a decade of that sentence in prison.²²² A third of those serving indeterminate sentences are aged 50 or older.²²³

In the US, people aged 55 and older now make up 35 per cent of the life-sentenced population, an increase of 13 per cent since 2020.²²⁴ In Michigan, over half of all people serving life sentences are aged 55 or older, and three-quarters of them are serving LWOP.²²⁵ This increase has been attributed in part to life-sentenced people aging into the elderly category, but also to a slight increase in new life sentences imposed.²²⁶

Prison accelerates the ageing process.²²⁷ Older persons often have complex health conditions, including chronic or terminal illnesses, and require specialised care. However, prison staff are rarely trained in palliative or geriatric care, and many facilities lack basic accessibility. Many prisons are ill-equipped to meet the physical and practical needs of older persons. Research from California highlights how older people in prison face particular barriers to adequate health care, including delays in diagnosis, poor communication, and limited access to geriatric and end-of-life services.²²⁸ These challenges underscore that longer sentences not only extend imprisonment but also magnify the health and dignity concerns faced by older adults in prison.²²⁹

^{212.} Crewe, B, Hulley, S and Wright, S, 'The Gendered Pains of Life Imprisonment', *British Journal of Criminology*, Vol 57, 2017, pp1359-1378, 1368.

^{213.} *Ibid.*

^{214.} For example, see Penal Reform International, *Women in criminal justice systems and the added value of the Bangkok Rules*, 2015, p. 5. In South Africa, 70 per cent of women prisoners interviewed had experienced domestic violence. In Jordan, this figure was three in five.

^{215.} Crewe B, Hulley S and Wright S, 'The Gendered Pains of Life Imprisonment', *British Journal of Criminology*, Vol 57, 2017, pp 1359-1378, 1365. 89 per cent compared to 15 per cent.

^{216.} House of Commons Justice Committee. (2020). Ageing prison population. committees.parliament.uk/publications/2149/documents/19996/default.

^{217.} Across Europe, the average proportion of the prison population who are over the age of 50 increased from 11.7 per cent in 2013 to 15.3 per cent in 2019, and ranges from 7 per cent in Russia and Moldova, to over 30 per cent in Liechtenstein and Bulgaria. See Aebi, M, Tiago, M, and Burkhardt, C, *SPACE I—Council of Europe Annual Penal Statistics: Prison Populations*, Survey 2020 (Strasbourg, France: Council of Europe, 2021), www.wp.unil.ch/space/space-i/annual-reports.

^{218.} See: Penal Reform International's *Global Prison Trends* series.

^{219.} See: Aday RH, Krabill JJ (2012) Older and geriatric offenders: critical issues for the 21st century. In: Gideon L (ed.) *Special Needs Offenders in Correctional Institutions*. London: Sage Publications, pp. 203–232; Baidwai S, Trotter C, Flynn C (2016) Prison experiences and psychological distress among older inmates. *Journal of Gerontological Social Work* 59(3): 252–270; Di Lorito C, Vilm B, Dening T (2018) Psychiatric disorders among older prisoners: A systematic review and comparison study against older people in the community. *Aging & Mental Health* 22(1): 1-10; Skarupski KA, Gross A, Schrack JA, et al. (2018) The health of America's aging prison population. *Epidemiologic Reviews* 40(1): 157-165.

^{220.} UK House of Lords written question HL1594, 8 July 2022.

^{221.} Table A1.16. UK Ministry of Justice. (2022). Offender management statistics, Prison population 2022.

^{222.} UK House of Lords. (2022). Written question HL1594. questions-statements.parliament.uk/written-questions/detail/2022-07-08/hl1594.

^{223.} UK Ministry of Justice, Offender management statistics

^{224.} Nellis, A and Barry, C, *A matter of life*, p. 2.

^{225.} *Ibid.*, p. 3.

^{226.} *Ibid.*, p. 17.

^{227.} Merkt, H., Haesen, S., Meyer, L., Kressig, R. W., Elger, B. S. and Wangmo, T. (2020), 'Defining an Age Cut-Off for Older Offenders: A Systematic Review of Literature', *International Journal of Prisoner Health* (Defining an age cut-off for older offenders), 16: 95–116.

^{228.} DeCaro, J and Seeds, C, 'Freedom and care at the end of life: Reporting the "greying" of one of the United States of America's largest prison systems', *Penal Reform International* (blog), 12 April 2025, www.penalreform.org/blog/freedom-and-care-at-the-end-of-life.

^{229.} *Ibid.*

Prison rehabilitation programmes tend to cater for younger people, and release processes may not account for the specific resettlement challenges older prisoners face. This can be especially problematic where evidence of rehabilitation is required for parole.²³⁰

Where a minimum term of imprisonment must be served before release can be considered, this may stretch beyond an elderly prisoner's natural lifespan, meaning that their life sentence becomes LWOP. A number of countries prohibit life imprisonment beyond a certain age: 60 in Georgia, Kyrgyzstan, Mauritania, and Uzbekistan;²³¹ 65 in Belarus, Kazakhstan, Romania, Russia, and Ukraine.²³² Other countries retain life imprisonment for older persons but include mechanisms to mitigate its impact: France and Spain allow for parole at a certain age;²³³ Georgia permits conditional release at age sixty.²³⁴

In South Africa, life-sentenced prisoners are normally eligible for release after 25 years, but those aged 65+ can be considered after 15.²³⁵ In Tunisia, older prisoners may be eligible for earlier parole than younger counterparts.²³⁶ In several African countries, older prisoners may still be sentenced to life but are exempt from hard labour, which is otherwise required.²³⁷

In Taiwan, the number of older prisoners has drawn increasing concern. Between 2007 and 2016, the number of older people in prison rose from 14 to 25.4 per 100,000 of the prison population.²³⁸ By 2021, nearly 10 per cent of the prison population (2,390 out of 25,221 people) was 60.²³⁹ Life-sentenced individuals in Taiwan have an average age of death between 53 and 60 years, well below the national average of 81.3.²⁴⁰ With increasingly strict release processes, most are expected to die in prison.²⁴¹

The intersection of life imprisonment and ageing also raises questions about the role of hope. Emerging research from the UK's Hope Project explores how older life-sentenced individuals experience and sustain hope, even when the prospect of release becomes remote.²⁴² While legal frameworks often locate hope in the possibility of release, many older prisoners

described hope instead as participation in meaningful activities, recognition of their humanity, and the ability to live a peaceful life inside. Others emphasised the importance of relationships, health, and finding meaning in the everyday. These findings highlight a shift from future-oriented to present-focused forms of hope, shaped by age, ill-health, and the likelihood of dying in prison.

As the number of older persons in prison continues to grow, prison authorities must develop policies to reflect their specific needs.²⁴³ Independent monitoring bodies should also receive training to identify and respond to rights violations experienced by older persons, particularly those relating to healthcare, ill-treatment and torture.²⁴⁴ The UN Office on Drugs and Crime (UNODC) has urged, '...the development of special policies and strategies by prison services to address the special needs of this vulnerable group of prisoners'.²⁴⁵

→ **States should implement age-sensitive prison policies and practices, including specialised healthcare, accessible facilities, tailored rehabilitation and release processes, and independent monitoring mechanisms, to address the growing population of older prisoners and safeguard their rights, dignity, and well-being.**

People with mental health conditions

Some people sentenced to life or long-term imprisonment suffer from mental ill health, and some people develop mental ill health due to the length or conditions of their imprisonment. Particularly in settings where people are placed in solitary confinement, or where they are confined to their cells without access to work, education or activities to aid their rehabilitation, prisoners can become mentally ill.

Individuals serving life and long-term sentences can develop mental ill health due to the conditions of imprisonment, especially in high security or so-called 'super-max' facilities. There, the high level of isolation, which may include solitary confinement for 23 or

²³⁰ Merkt, H et al, 'Defining an age cut-off for older offenders'.

²³¹ Georgia: Penal Code, art. 51.2; Kyrgyzstan: Penal Code, art. 50.2; Mauritania: Penal Code, art. 64; and Uzbekistan: Penal Code, art. 51.

²³² Belarus: Penal Code, art. 58.2.3; Kazakhstan: Penal Code, art. 48.4; Romania: Penal Code, art. 57; Russia: Penal Code, art. 57.2; Ukraine: Penal Code, art. 64.2.

²³³ France: Criminal Procedure Code, art. 729; Spain: Penal Code, art. 91.

²³⁴ *Life Imprisonment in the South Caucasus*, p. 52.

²³⁵ South Africa: Correctional Services Act 111 of 1998 (as amended), s. 73(2). Similarly, in Burundi, the old are not excluded from life *per se*, but the minimum time to be served is shorter once the prisoner is over age seventy. Burundi: Penal Code, art. 127.

²³⁶ Tunisia: Criminal Procedure Code, art. 355.

²³⁷ Such is the case, for example, for persons over the age of sixty in Mauritania (Penal Code, art. 64) and for persons over the age of seventy in Madagascar (Penal Code, art. 70-71) and Benin (Penal Code, art. 70).

²³⁸ Ministry of Justice. (2021). Corrected statistics. 法務部 (2021). 矯正統計. Retrieved April 30, 2022, www.rjsd.moj.gov.tw/rjsdweb/common/WebList3_Report.aspx?list_id=1231.

²³⁹ *Ibid.*

²⁴⁰ Ministry of the Interior. (2021). Abridged life table in Republic of China Area. Retrieved May 16, 2022, www.moi.gov.tw/english/cl.aspx?n=7780.

²⁴¹ Wang, J-J and Lin, T-W. 'Life Imprisonment in Taiwan' in Van Zyl Smit, D., Appleton, C. A., and Vucong, G., (eds), *Life Imprisonment in Asia* (Palgrave Macmillan, 2023), pp. 303-328.

²⁴² Helen Gair and Marion Vannier, 'Carceral hope: Life sentences, ageing, and the ethics of possibility,' *Penal Reform International* (blog), 5 June 2025.

²⁴³ Vannier, M., Gair, H., & Zahal, V-G. (2025). *Finding Meaning Behind Bars: Activities for Older Prisoners in England and Wales*. Recoop & University of Manchester.

²⁴⁴ Penal Reform International (2021). *Older persons in detention: A framework for preventive monitoring*, London, Penal Reform International, cdn.penalreform.org/wp-content/uploads/2021/06/PRI_DMT-Older-persons_WEB.pdf

²⁴⁵ Handbook on Prisoners with special needs, UN Office on Drugs and Crime, New York, 2009, p. 124.

24 hours a day and an absence of normal social interaction or environmental stimuli, can cause or exacerbate mental health problems.²⁴⁶ Prolonged solitary confinement is prohibited by the UN Nelson Mandela Rules.

→ **States should ensure that individuals serving life or long-term sentences are not subjected to prolonged solitary confinement or conditions of extreme isolation, and should provide access to meaningful and tailored work, education, healthcare and rehabilitative activities, in order to prevent the development or exacerbation of mental ill health, in line with the UN Nelson Mandela Rules.**

Foreign nationals

Individuals serving life or long-term sentences outside their country of citizenship face unique challenges. They may have reduced access to state support (including legal aid), may not speak the language and may not be familiar with the legal processes or practices. Once in prison, they may be at risk of being singled out and victimised due to their non-citizen status. These issues may particularly affect non-resident foreign nationals but can also have an impact on resident foreign nationals who are based in the country of imprisonment.

Foreign nationals may also have specific additional rights, including the right to consular assistance under the 1963 Vienna Convention on Consular Relations (Article 36). Some states, such as Mexico, provide specific legal support to nationals facing criminal charges, in particular where they face long sentences or the risk of the death penalty (which may result in life or long-term imprisonment where a death sentence is not imposed). It may also be that the prosecuting state will provide this support.

Particularly for non-resident foreign nationals, whose residence and connections are not in the country of imprisonment, it may be beneficial for them to serve their sentence in the country of citizenship. However, this should only be permitted to happen with the consent of the person involved.

States may apply to have a suspect or convicted prisoner extradited, under bilateral or multilateral treaties. However, international and regional standards may restrict this in certain cases. For example, Article 13(1) of the 1998 MERCOSUR Extradition Agreement of Rio de Janeiro prohibits extradition where the death penalty or a life sentence would be imposed.

The ECtHR has increasingly relaxed its stance on extradition to jurisdictions where LWOP could be imposed, treating such cases as outside the purely domestic context and therefore applying minimal restrictions. Following the decision in *Sanchez-Sanchez v UK*,²⁴⁷ individuals can be extradited from European countries to jurisdictions that impose LWOP, most notably the US, unless it can be shown that there is a real risk of the individual receiving LWOP and that no adequate review mechanism exists in the receiving state to assess rehabilitation or other grounds for possible release. The Court has subsequently accepted that the extremely narrow and rare possibility of release from LWOP under compassionate grounds in the US constitutes a satisfactory review mechanism.²⁴⁸ In practice, this approach effectively allows the extradition of individuals from Europe to face LWOP sentences abroad, despite such sentences being prohibited within Europe. This shift has been criticised for potentially undermining human rights protections by permitting extradition to jurisdictions with practices that may contravene European human rights standards.²⁴⁹

→ **States should ensure that foreign nationals serving life or long-term sentences abroad are provided with adequate legal support, consular assistance, and protection from discrimination or victimisation. Where feasible, and with the individual's consent, states should consider facilitating the transfer of non-resident foreign nationals to serve their sentences in their country of citizenship, while respecting applicable international and regional standards governing extradition and the imposition of sentences.**

²⁴⁶ Metzner, J. L. and Fellner, J, 'Solitary Confinement and Mental Illness in U.S. Prisons: A Challenge for Medical Ethics' in *The Journal of the American Academy of Psychiatry and the Law*, Vol. 38, 2010, pp. 104-108.

²⁴⁷ *Sanchez Sanchez v. UK* (2023) 76 EHRR 16 [GC]. In this case, the court overturned its previous decision in *Trabelsi v Belgium*, (application no. 140/10), which placed a strict prohibition on such extraditions.

²⁴⁸ *Hayes v. UK* (Applications nos. 56532/22, 56889/22 and 3739/23), § 106.

²⁴⁹ See: Van Zyl Smit, D and Seeds, C, 'Extradition and Whole Life Sentences', *Criminal Law Forum* (online), 2023, doi.org/10.1007/s10609-023-09476-6; Arnell, P, "Extradition and the Regrettable Influence of Politics upon Law" *Verfassungsblog: On Matters Constitutional*. 17 November 2022, verfas.sungsblog.de/extradition-and-the-regrettable-influence-of-politics-upon-law.

The impact of life and long-term imprisonment

The pains of imprisonment have been thoroughly researched, but what sets life imprisonment apart from other prison sentences is the anguish of indeterminacy and uncertainty. This is true for those serving both formal and informal life. While individual responses vary, many people subjected to life imprisonment describe it as particularly painful due to the absence of a clear end point or hope for release. Lack of control, futility of existence and fear of institutionalisation are recurring themes among people serving indeterminate prison terms.²⁵⁰

→ The impact of life and long-term imprisonment must be considered when looking at what replaces death sentences.

Serving an indeterminate sentence has been described by different individuals as 'a tunnel without light at the end', 'a black hole of pain and anxiety', 'a bad dream, a nightmare', and even 'a slow, torturous death'.²⁵¹ Many report a sense of shock and powerlessness during the initial stages of imprisonment.

A study on life-sentenced individuals in Taiwan found that people serving life sentences there were especially prone to losing hope, with little expectation of returning to society.²⁵² The psychological toll was severe: many experienced mental health issues, loss of identity, and heightened pains of imprisonment due to the indefinite nature of their confinement. The study also noted that prison staff found it difficult to implement educational or corrective programmes for this group—reflecting the deeper challenge of providing meaningful intervention in the context of hopelessness.

Little is known about the impact of life imprisonment on the families or significant others of those in prison. One study examining indefinite preventive detention in the UK shed some light on this issue, revealing 'strong, recurring themes of uncertainty and a lack of

hope regarding the future'.²⁵³ These feelings resonated with the children and family members, as well as the people inside.

The 'right to hope' has been recognised by the ECtHR as a fundamental aspect of humanity, requiring that even those convicted of the most serious crimes must have a genuine prospect of release and not be permanently excluded from society.²⁵⁴

“

Hope is an important and constitutive aspect of the human person. Those who commit the most abhorrent and egregious of acts and who inflict untold suffering upon others, nevertheless retain their fundamental humanity and carry within themselves the capacity to change. Long and deserved though their prison sentences may be, they retain the right to hope that, someday, they may have atoned for the wrongs which they have committed... To deny them the experience of hope would be to deny a fundamental aspect of their humanity and, to do that, would be degrading. ²⁵⁵

Judge Power-Forde, European Court of Human Rights (2013)

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250. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 180.

251. Quoted in Zehr H., 'Doing Life: Reflections of Men and Women Serving Life Sentences', Mennonite Central Committee, 1996, pp. 58, 14, 60, 86 respectively.

252. Lin, S T (1992). Penology. The Commercial Press. 林山田(1992). 刑罰學, 台北: 臺灣商務印書館. Similar findings were noted in a more recent study: The Taiwan Alliance to End the Death Penalty (TAEDEP), *The Experience of Prisoners Serving Death and Life Sentences*, 2025.

253. McConnell, M. and Raikes, B., "It's not a case of he'll be home one day." The Impact on Families of Sentences of Imprisonment for Public Protection (IPP), 'Child Care in Practice', Volume 25, Issue 4, 10 April 2018.

254. Vinter and Others v. the United Kingdom (2013); Matišaitis and Others v. Lithuania (2017); Sanchez-Sanchez v. the United Kingdom (2022)

255. *Ibid.*, Vinter 2013, Concurring opinion of Judge Power-Forde.

Implementing life and long-term imprisonment: a human rights-consistent framework

International standards related to the treatment of prisoners, whether from a prison management or human rights perspective, do not differentiate between different types of sentences: the rights and rules apply equally.

More than 30 years ago, the UN published a report on life imprisonment, highlighting for the first time key issues on life and long-term imprisonment at an international level.²⁵⁶ The UN *Life Imprisonment* report stressed that life sentences should be reserved for the most serious crimes. It called for safeguards such as the right to appeal, access to pardon or commutation, the possibility of release for all life-sentenced individuals, and special security measures to be used only for genuinely dangerous individuals. It also warned that 'it is essential to consider the potentially detrimental effects of life imprisonment' and emphasised that conditions must respect human dignity.²⁵⁷ While the report provides a useful overview and offers relevant guidance, its conclusions remain tentative. Crucially, penal policy and practice have evolved significantly since its publication. However, the UN has yet to update the report, or adopt any instruments focused specifically on life imprisonment.

Guidance on the imposition and implementation of life and long-term sentences can be drawn from the ICCPR, the Rome Statute, the Nelson Mandela Rules, the UNODC Handbook on the Management of High-Risk Prisoners, and from regional bodies, such as the Council of Europe which has been at the forefront of shaping life imprisonment into an ultimate penalty that can be compatible with human rights principles.

→ **For life and long-term sentences to be human rights consistent, they must be imposed and implemented in the light of the overarching principle of human dignity, and the requirement that punishment must not be disproportionate or infringe human rights in any other way.**

Limits to life and long-term imprisonment

Life imprisonment should only be used when strictly necessary and proportionate. The parsimonious imposition of life imprisonment is the most important way of ensuring a long-term reduction in the number of life prisoners.²⁵⁸ The recognition of the proportionality principle will ensure that life imprisonment is only imposed for the most serious offences, an approach also adopted in international death penalty jurisprudence.

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As a general rule, indeterminate sentences should be used sparingly and only for the most serious crimes and offenders ... Sentencing should be assessed on an individual basis, taking into account all relevant factors. ²⁵⁹

Dr Alice Jill Edwards, UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2022-)

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For the imposition of life imprisonment to comply with human rights standards, it must meet the basic requirements of due process. Sentencing authorities must be able to assess whether the specific offence is serious enough to justify a life sentence.²⁶⁰ Judicial discretion should be guided by clear criteria and applied with restraint, ensuring proportionality and avoiding attempts to predetermine risk or dangerousness, which are better assessed at the release stage.²⁶¹

²⁵⁶. United Nations Office at Vienna, Crime Prevention and Criminal Justice Branch, *Life Imprisonment*, Vienna, United Nations, 1994 (*Life Imprisonment*).

²⁵⁷. United Nations Office at Vienna, *Life Imprisonment*, para 20.

²⁵⁸. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 317.

²⁵⁹. UK: UN torture expert calls for urgent review of over 2,000 prison tariffs under discredited IPP sentencing scheme', UN Press Release, 30 August 2023.

²⁶⁰. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 318.

²⁶¹. *Ibid.*, p. 271.

In Malawi, following the abolition of the mandatory death penalty in 2007,²⁶² judges were given discretion to impose individualised sentences. Article 27(2) of the Penal Code makes clear that a person liable to life imprisonment may instead receive any shorter term, with life imprisonment as one option among several.²⁶³

To ensure proportionate outcomes, minimum terms before parole eligibility should be as short as possible and tailored to the specific offence committed. Globally, the most common period is 15 years, and the average is 18 years.²⁶⁴ Where the law prescribes a fixed minimum term, courts can still give an indication of the seriousness of the offence to the body that will eventually consider release.

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The concept of proportionality goes to the heart of the inquiry as to whether punishment is cruel, inhuman or degrading, particularly where [it is] the length of time for which an offender is sentenced that is in issue. ... To attempt to justify any period of penal imprisonment, let alone imprisonment for life ... without inquiring into the proportionality between the offence and the period of imprisonment, is to ignore, if not to deny, that which lies at the very heart of human dignity.²⁶⁵

Judge Ackermann, South African Constitutional Court (2001)

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→ **Mandatory life sentences of any kind are unacceptable because they prevent courts from determining whether the sentence is necessary and proportionate to the specific offence for which it is imposed. Judges should instead be given discretion, guided by rights-based criteria in determining when a life sentence is appropriate. Minimum terms should not be excessive but be proportionate to the crime, so that release can be considered at the appropriate time.**

Treatment of people serving life and long-term

Article 10(1) of the ICCPR provides that 'All deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person'. Life and long-term prisoners are entitled to the same rights as other categories of people imprisoned, and their conditions of detention and treatment should be compatible with human dignity and comply with the Nelson Mandela Rules and other relevant standards. An individualised, rights-based approach, grounded in actual risk, should be used to manage life and long-term sentenced individuals.

Rule 3 of the Nelson Mandela Rules provides that deprivation of liberty constitutes the punishment in itself and should not be aggravated by the prison system. Individuals serving life sentences are no exception to this principle. However, they are often systematically segregated and treated more harshly than other prisoners solely on the basis of their sentence.

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Long-term imprisonment can have a number of desocialising effects upon inmates. In addition to becoming institutionalised, long-term prisoners may experience a range of psychological problems (including loss of self-esteem and impairment of social skills) and have a tendency to become increasingly detached from society; to which almost all of them will eventually return. In the view of the CPT [European Committee for the Prevention of Torture], the regimes which are offered to prisoners serving long sentences should seek to compensate for these effects in a positive and proactive way.²⁶⁶

European Committee for the Prevention of Torture

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²⁶² *Kafantayeni v Attorney General*, Constitutional Case No. 12 of 2005 [2007] MWHC 1.

²⁶³ Malawi: Penal Code of Malawi, Article 27(2).

²⁶⁴ Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 319.

²⁶⁵ *S v. Dodo* 2001(3) SA 382 (CC), 403-404 (S. Afr.).

²⁶⁶ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 11th General Report on the CPT's activities, Strasbourg, 3 September 2001, para. 33.

Poor regimes

People serving life sentences are often subjected to impoverished regimes compared to other prisoners, including poor living conditions, restricted human contact and little or no access to meaningful activities or rehabilitation programmes.²⁶⁷ Contact with the outside world is often limited, despite its importance for mental health and rehabilitation.²⁶⁸ These measures are usually not justified by actual risk.

Rehabilitative opportunities are also often denied. Life-sentenced prisoners can spend up to 23 hours a day in their cells, with no access to rehabilitation, work programmes, social or psychological assistance.²⁶⁹

Security measures and the use of solitary confinement

In some countries, people serving life sentences are separated from other prisoners and placed in solitary confinement for years at a time based purely on their status. The practice directly violates Rules 44 and 45 of the Nelson Mandela Rules, which prohibits using prolonged solitary confinement (defined as more than 15 days) in recognition of the disastrous impact it has on an individual's mental health, and also using solitary confinement in general based on the type of sentence alone.²⁷⁰

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No prisoner, including those serving life sentence and prisoners on death row, shall be held in solitary confinement merely because of the gravity of the crime.²⁷¹

Juan E. Méndez, UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2010-2016)

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At a regional level, the Council of Europe has been the most active body in developing recommendations for the treatment and management of life and long-term prisoners. It states that the aims of life and long-term prison regimes should be (i) 'to ensure that prisons are safe and secure places for these prisoners and for all those who work with or visit them'; (ii) 'to counteract the damaging effects of life and longterm imprisonment'; and (iii) 'to increase and improve the possibilities

for these prisoners to be successfully resettled in society and to lead a lawabiding life following their release'.²⁷² It proposes that the following six principles should govern the treatment and management of lifersentenced prisoners:²⁷³

- **Individualisation:** The individual characteristics of each life-sentenced prisoner should be taken into consideration in sentence planning.
- **Normalisation:** Prison life should resemble as closely as possible life in the community.
- **Responsibility:** Prisoners should be given opportunities to exercise personal responsibility in prison life.
- **Security and safety:** People serving life sentences are often wrongly assumed to be dangerous. The risk of harm to themselves and to others should be assessed at regular intervals.
- **Non-segregation:** There should be no routine segregation of people serving life sentences. Segregation should only be used when there is a clear and present risk of danger to themselves or to others.
- **Progression:** There should be progressive movement through the system from more to less restrictive conditions, and ultimately to open conditions.

Specifically on dangerous prisoners, the CPT has noted that the treatment and management of dangerous lifersentenced prisoners should be to 'reduce the level of dangerousness by appropriate interventions and return the prisoners to normal circulation as soon as possible'.²⁷⁴ This includes a progressive system based on detailed individualised assessments of the prisoners concerned, risk management plans to address the individual's needs and to reduce the likelihood of reoffending, and regular reviews of their security level.

→ The principles of human rights require that the negative effects of life imprisonment be mitigated as far as possible. They place on the state a duty to offer opportunities for rehabilitation and preparation for release from prison. Failure to do so may lead to implementation of the sentence in a way that is inhuman and degrading. Prison authorities should not segregate people serving life sentences from others, nor should they impose additional restrictions on the basis that people serving a life sentence should be treated more harshly.

267. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. p. 193-204.

268. For example, see UN Crime Prevention and Criminal Justice Branch, *Life Imprisonment*, para. 44.

269. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 196.

270. Rule 44, the Nelson Mandela Rules; On the effects of solitary confinement, for example, see: Shalev S, 'Solitary Confinement as a Prison Health Issue' in Enggist S, Møller L, Galea G and Udesen C (eds.), *Prisons and Health*, World Health Organization, 2014, pp27-35.

271. UN General Assembly, 68th Session, Interim report of the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, 9 August 2013, A/68/295, para. 61.

272. Council of Europe, Recommendation Rec (2003)23 of the Committee of Ministers to member states on the management by prison administrations of life sentence and other long-term prisoners, 9 October 2003, para. 2.

273. *Ibid.*, paras. 3-8.

274. 25th General Report of the CPT [CPT/Inf (2016)10], para. 41.

Rehabilitation and social reintegration of life and long-term prisoners

Every person detained for a criminal offence should have the opportunity to be rehabilitated back into society and lead a law-abiding and self-supporting life, even those convicted of the most serious offences.

Rehabilitation is especially important for life-sentenced prisoners who may struggle to readjust to life outside of the prison system. Reintegration requires preparing life-sentenced prisoners for release progressively. However, many life-sentenced individuals and people serving long-term sentences are excluded from rehabilitative programmes. The denial of rehabilitation is particularly present for individuals under LWOP, who have effectively been told that 'they are beyond repair or redemption, and any effort they may make to improve themselves is essentially futile'.²⁷⁵ This is also a problem for life-sentenced prisoners who do have a chance of parole, as they are usually deprioritised and their needs considered less urgent.²⁷⁶ The withdrawal and institutionalisation experienced by life-sentenced prisoners also acts as a barrier to ultimate reintegration back into society.²⁷⁷

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The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.

ICCPR, Article 10(3)

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There are clear indications that in many countries, even at the policy level, rehabilitation is not the objective of regimes for life-sentenced prisoners. In some countries, such as Bangladesh, this is simply an aspect of a system that is not geared to the rehabilitation of sentenced prisoners no matter how long their sentence, but in others, particularly where prisoners are serving whole life sentences, the authorities seem to regard giving such prisoners opportunities to rehabilitate themselves as pointless.²⁷⁸

When implemented effectively, rehabilitation can produce meaningful results.²⁷⁹ In Denmark, life-sentenced prisoners (like the general prison

population) are collectively responsible for managing a budget and preparing their own meals.²⁸⁰ This allows prisoners to exercise personal responsibility and retain a sense of normality in their day-to-day life, promoting their rehabilitation and protecting their mental wellbeing.

→ **Rehabilitation programmes, including work and education opportunities, should be offered to people serving life sentences on an equal basis. Life imprisonment should incorporate individualised sentence planning, normalised prison regimes and access to purposeful activities.**

Release from life and long-term imprisonment

Release from life imprisonment occurs when a life-sentenced prisoner leaves prison at a stage during their sentence when it is still possible for them to live a full and lawabiding life in the community. Release means more than simply allowing prisoners out to die in the community. The ECtHR has placed European states under a duty to ensure that people sentenced to life imprisonment have a *realistic prospect of release*.

→ **Having a realistic prospect of release requires that life-sentenced individuals are given a genuine opportunity to rehabilitate themselves and that their efforts to do so are meaningfully considered. There must also be a clear mechanism in place to review their ongoing imprisonment.**

The ECtHR has held that release solely in exceptional circumstances on humanitarian grounds is not enough to classify a life sentence as reducible.²⁸¹

Decisions about release from life imprisonment should meet the highest procedural standards. This is particularly important as life-sentenced prisoners do not have the guarantee, which other sentenced prisoners have, that they will be released at the end of fixed, court-imposed terms. For life prisoners the release decision determines for how long they will be deprived of liberty. Once the punitive element of the sentence has been satisfied, the focus should be exclusively on future dangerousness.²⁸² The presumption should favour release unless there is evidence of a vivid and continuing danger, and where release is refused, the decision must be subject to regular review.

275. Willis, A and Zaitzow, B, 'Doing "Life": A Glimpse into the Long-Term Incarceration Experience,' *Laws*, Vol 4, 2015, pp. 559–578, 575.

276. UN Crime Prevention and Criminal Justice Branch, *Life Imprisonment*, para. 3.

277. *Ibid.*, para. 33.

278. See: Sultana, Z and Nasrin Akter, N, 'Life Imprisonment in Bangladesh: Ensuring a Constructive Prison Experience for Life-Sentenced Prisoners' in Van Zyl Smit, D, Appleton, C, and Vucong, G (eds), *Life imprisonment in Asia*, Palgrave Macmillan Singapore, 2023, p. 53.

279. Duwe, G. (2017). The use and impact of correctional programming for inmates on pre- and post-release outcomes. *National Institute of Justice*.

280. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 225.

281. Vinter 2013; Hutchinson 2017; Petukhov 2019

282. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 320.

Process of release

Mechanisms for releasing life-sentenced individuals vary across jurisdictions, but not all meet basic procedural safeguards. Ideally, decisions about release should be taken by courts or independent parole boards, and not by heads of states or politicians who may be biased by political exigencies.²⁸³

Courts

In many European, African, Central Asian, and South American countries, courts decide on release. They have the advantage, in principle, of being independent bodies, and are better placed to meet standards of due process and procedural fairness. In the best systems, specialist courts have been developed which can call on other experts to inform judgments about the release of a life-sentenced prisoner.

Parole boards

Found in countries including Australia, Bermuda, Botswana, Canada, Chile and Liberia, parole boards can function like courts but may face political pressure. Their levels of independence and transparency vary, which can affect the fairness of decision-making.

Executive bodies

In some countries, including many African countries, the responsibility to consider the release of life-sentenced prisoners lies directly in the hands of a politician (usually a justice minister), who is even less likely to apply objective standards to the assessment of release.

Clemency

Usually, the prerogative of the Head of State, clemency release differs significantly from other release mechanisms for life-sentenced individuals. It is a discretionary act of mercy which can occur at any time for any reason, or not at all. While it can be used to complement other release mechanisms, it is not suitable as the sole pathway to release due to its unpredictability. In federal countries, such as the US or Germany, clemency powers rest with governors or first ministers of the individual states. In the US, the president retains the clemency power for prisoners convicted of crimes at the federal level.

Release in practice

In some countries, the release process can be quite complex and not so straightforward. In several jurisdictions in Asia, including Bangladesh, China, Indonesia, Japan and Viet Nam, it is essentially a

two-step process.²⁸⁴ Life sentences are first commuted into fixed-term sentences, and the prisoners are then released at the end of the fixed term, or earlier if there is provision for it. If this procedure is followed, the period for which such prisoners may be subject to supervision in the community is limited to what would be the end of their revised, fixed-term sentence. They are not then subject to supervision and, potentially, return to prison for the rest of their lives, as is sometimes the case with prisoners conditionally released from life sentences in other parts of the world (See 'conditional release' and 'recall to prison' below).

In Sierra Leone, the 2021 Abolition of the Death Penalty Act replaced capital punishment with either a 30-year fixed sentence or life imprisonment, defined as a minimum of 30 years. Judges may consider mitigating factors in choosing between the two. However, the law does not provide for parole or scheduled reviews after 30 years, leaving unclear whether or how life-sentenced individuals can apply for release.²⁸⁵

Even where formal requirements are in place, such as with the parole board in Japan, releases may be very rare and life-sentenced prisoners may serve inordinately long periods before even being considered for release. In Japan, where there is no LWOP, life-sentenced individuals are in law eligible for release after 10 years if they can show evidence of reform.²⁸⁶ However, release is extremely rare: fewer than 10 individuals are released annually out of around 1,800 serving life sentences.²⁸⁷ By contrast, the number of prisoners dying in custody has steadily increased—from six in 1998 to 30 in 2017 – highlighting that many serve their entire sentence without ever being considered for release. This means that far more people die in prison than are released on parole.²⁸⁸

In some jurisdictions, the line between LWP and LWOP is blurred due to release procedures. In Indonesia, for instance, the clemency process involves consultation with the Supreme Court, but final decisions rest entirely with the President's discretion. While this suggests the possibility of release, the lack of clear criteria and full executive control over outcomes makes it more akin to LWOP in practice.²⁸⁹

The vast body of international, regional and national law that promote the rehabilitative purpose of imprisonment link it explicitly to the need for clear pardon or parole procedures that allow prisoners the possibility of eventually returning to society. Without meaningful pardon or parole procedures, international standards on rehabilitation and reintegration would be empty rights.

²⁸³. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, pp. 234–266.

²⁸⁴. For more on release processes in Asian countries, see: Van Zyl Smit, D, Appleton, C, and Vucong, G (eds), *Life imprisonment in Asia*, Palgrave Macmillan Singapore, 2023.

²⁸⁵. Sierra Leone: The Abolition of the Death Penalty Act, 2021.

²⁸⁶. (Kei Hö [Penal Code] Law No.48/1907, art. 28.

²⁸⁷. Ono, T, 'Life Imprisonment in Japan', p. 198.

²⁸⁸. *Ibid.*, p. 202.

²⁸⁹. Go, L, 'Life Imprisonment in Indonesia: Is Its Use Appropriate in the National Criminal Justice System?', in Van Zyl Smit, D, Appleton, C, and Vucong, G (eds), *Life imprisonment in Asia*, Palgrave Macmillan Singapore, 2023, p. 190.

→ For life sentences to comply with human rights standards, there must be a real and meaningful possibility of release. Procedures for release should meet the highest procedural standards and be based on whether the continued detention is necessary and proportionate. Bodies entrusted with considering the release of life-sentenced individuals must be independent to allow for impartial decisions that are grounded in law and fair procedure. This requires clear procedures, such as judicial or independent parole board reviews, rather than reliance on political discretion or clemency alone.

Conditional release

A life sentence usually does not end following release from prison. Most released are subject to a number of conditions. In most countries, people released after a life sentence are usually required to be placed under supervision and report to the authorities soon after release, and at regular intervals afterwards. If conditions are breached, recall to prison is common.²⁹⁰

Common conditions on release include regular supervision attendance; approved residence; home visits by a supervising officer; approved employment; alcohol and substance use restrictions; movement and travel restrictions; and requirements to complete further 'offending behaviour' courses.²⁹¹ In several jurisdictions in Australia, for example, released life-sentenced prisoners must comply with random drug or alcohol testing and urinalysis, and they must participate in relevant treatment programmes.²⁹²

It is important that conditions on release meet the principle of proportionality, especially considering that the release of those who have served a life sentence will have already been dependent on them demonstrating that they are no longer a risk.²⁹³

The duration of release conditions varies greatly across jurisdictions: 3 years in Finland, Monserrat and Lebanon; 5-10 years in Algeria, Burkina Faso, China, Côte d'Ivoire, Estonia, Germany, Greece, Italy, Poland, Switzerland; 15 years in Hungary; 18 years in Türkiye; and lifelong, i.e., until death in Kazakhstan, Ireland, the UK and the US.²⁹⁴ In some parts of the world, supervision on release may also be combined with electronic monitoring

and surveillance, while people serving life sentences, particularly people convicted of sex offences, may be required to register with the police or public protection agencies. In Switzerland, Monaco and Peru, there can also be a requirement to make reparations for damage caused by the offence to the victims.²⁹⁵

International standards emphasise that the purpose of conditional release is to assist prisoners in reentering the community.²⁹⁶ As such, people serving life sentences who have been released should be provided with 'adequate social support'.²⁹⁷ Other conditions that can be imposed might therefore include the requirement to attend counselling sessions or training programmes. Where release does not become unconditional after a fixed period, a procedure should be put in place for formally removing the conditions.

→ Conditions imposed on life-sentenced persons upon release must be individualised, proportionate and timelimited. Any conditions, particularly supervision, should be focused on assisting the process of reintegration for life-sentenced individuals to reduce any risks of reoffending. Supervision should not be a continuing form of punishment.

Recall to prison

If a released life-sentenced individual violates their conditions of release, they may be recalled to prison. Information on recall procedures around the world is limited. Out of 79 countries, 68 reported that released people who have received a life sentence can be recalled to prison if they commit a further offence or violate their parole conditions.²⁹⁸ In 23 countries, recall could also be initiated on much wider, more arbitrary grounds, such as 'the event of misconduct', 'cause for concern', or 'antisocial behaviour'.²⁹⁹ In a small number of countries (eight out of 79), recall could only be initiated following the commission of a new offence.

The process of recall may be known by different names depending on the jurisdiction. In Taiwan, for instance, the Criminal Code allows for the 'revocation of parole'. This means that if a released life-sentenced individual reoffends by committing the same type of serious 'life'

290. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 274-296.

291. *Ibid.*, p. 277-281.

292. *Ibid.*, p. 277.

293. For example, see Council of Europe, Recommendation Rec(2003)22 of the Committee of Ministers to member states on conditional release (parole), adopted by the Committee of Ministers on 24 September 2003 at the 853rd meeting of the Ministers' Deputies, para. 11, which says that conditions applying indeterminately should only be used when absolutely necessary.

294. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 279.

295. *Ibid.*, p. 278.

296. Council of Europe, Recommendation Rec(2003)22 of the Committee of Ministers to member states on conditional release (parole), adopted by the Committee of Ministers on 24 September 2003 at the 853rd meeting of the Ministers' Deputies, para. 11, which says that conditions applying indeterminately should only be used when absolutely necessary, para. 3.

297. UN Crime Prevention and Criminal Justice Branch, *Life Imprisonment*, para. 66.

298. Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 291.

299. *Ibid.*, p. 292.

eligible offence, they may be sentenced for the new offence and required to serve the remainder of their original life sentence.³⁰⁰

Given the magnitude of any decision to send someone back to prison, the UN has emphasised that, 'recall procedures [must] be governed by law' and that 'a person faced with the risk of being recalled to prison should be given an opportunity to present his or her case'.³⁰¹ The Council of Europe Recommendation on conditional release provides that released prisoners should have adequate access to their case file and the opportunity to appeal any decision.³⁰² The Recommendation further encourages ensuring proportionality by treating minor breaches with warnings or advice as opposed to recall to prison.³⁰³ Where recall is necessary, it is important that the same principles of considering release as before 'should continue to be followed'.³⁰⁴

Research has found that very few released life-sentenced individuals commit further crimes and that, despite facing significant barriers in the community, they are able to resettle successfully. Importantly, there is a growing body of evidence from different jurisdictions showing that recidivism and rearrest rates among released lifersentenced prisoners are low, compared to other released prisoners.³⁰⁵ Nevertheless, there is some evidence that the recall population has increased significantly in recent years,³⁰⁶ with studies carried out in the US and the UK showing high numbers of recalled life-sentenced individuals, many of whom have been recalled for a technical violation of their parole conditions.³⁰⁷ There is also some evidence that the recall population has increased significantly in recent years.

Desistance studies show that key to successful resettlement in the community are programmes and supervision in the community that support new noncriminal, prosocial identities, a strong sense of selfefficacy and responsibility, and a determination to succeed.³⁰⁸

→ **Released life-sentenced persons should not automatically remain subject to release conditions and the possibility of recall until death. Individuals who breach conditions imposed on their release should only be recalled to prison if they are found to pose a danger to society. The power to recall should be exercised with caution and governed by due process. Consideration should be given to an individualised and graded response to infringing the conditions of release. Any recall should last only for the minimum period necessary to address any renewed danger the individual may pose, and it should be subject to regular review.**

³⁰⁰ Prison Act (監獄行刑法) and Rehabilitative Disposition Execution Act (保安處分執行法); Wang, J-J and Lin, T-W, 'Life Imprisonment in Taiwan', p. 308.

³⁰¹ UN Crime Prevention and Criminal Justice Branch, *Life Imprisonment*, para. 64.

³⁰² Recommendation Rec(2003)22 of the Committee of Ministers to member states on conditional release (parole), adopted by the Committee of Ministers on 24 September 2003 at the 853rd meeting of the Ministers' Deputies, paras. 32-33.

³⁰³ *Ibid.*, para. 30.

³⁰⁴ *Ibid.*, para. 35.

³⁰⁵ For example, see California Department of Corrections and Rehabilitation, Lifer Parolee Recidivism Report, Sacramento, CA, California Department of Corrections and Rehabilitation, 2013; Snodgrass G et al, 'Does the time cause the crime? An examination of the relationship between time served and reoffending in the Netherlands', *Criminology*, Vol 49, 2011, pp1149-1194; Durose M, Cooper A and Snyder H, Recidivism of prisoners released in 30 states in 2005: Patterns from 2005 to 2010, Bureau of Justice Statistics, 2014.

³⁰⁶ See Liem M, *After Life Imprisonment*, New York, NY, New York University Press, 2016; Appleton C, *Life after Life Imprisonment*, Oxford, Oxford University Press, 2010.

³⁰⁷ Van Zyl Smit, D and Appleton, C, *Life imprisonment: A global human rights analysis*, p. 294.

³⁰⁸ See Coker, J and Martin, J, *Licensed to Live*, Oxford, Basil Blackwell, 1985; Appleton C, *Life after Life Imprisonment*, Oxford, Oxford University Press, 2010; Munn M and Bruckert C, *On the Outside: From Lengthy Imprisonment to Lasting Freedom*, Vancouver, University of British Columbia Press, 2013; Liem M, *After Life Imprisonment*, New York, NY, New York University Press, 2016.

Steps toward alternative sanctions to the death penalty

The process of abolishing the death penalty requires careful consultation with a broad range of stakeholders to ensure that any alternative sanctions are fair, proportionate, and fully consistent with international human rights standards. These stakeholders include parliamentarians, government officials, law enforcement, prosecutors, judges, lawyers, prison and probation authorities, academics, civil society, victims and their families, as well as those directly affected by extreme, long-term sentences and the wider public.

The following steps outline a comprehensive framework for replacing the death penalty with humane and rehabilitative measures, encompassing legislative reform, independent oversight, regular sentence review, community-based alternatives, and reintegration support, all designed to uphold human dignity and promote justice.

01 Abolish the death penalty and set out clear alternatives.

Pass legislation that repeals capital punishment and replaces it with defined alternative sanctions. This law should guarantee that any alternative sentences include a genuine chance of review and release. Sentencing should be guided by principles of proportionality, rehabilitation and human dignity in line with international human rights standards.

02 Create an interdisciplinary task force to oversee reform.

Set up a dedicated unit, led by the Ministry of Justice (or a similar relevant authority), to coordinate the process of abolition. The unit should consider the full spectrum of alternative sanctions and ensure that the selection of alternatives is evidence-based and informed by a broad consultation with stakeholders. It should draft legislation, manage budgets, engage all stakeholders and provide regular progress reports to parliament.

03 Review all death penalty cases promptly and fairly.

Introduce a special, time-limited procedure allowing people under sentence of death to apply for resentencing. Guarantee legal aid and fair hearings, with clear timelines and rights of appeal. Provide information to people in prison, their families and victims throughout the process. These cases should be overseen by independent judges who should receive specific training.

04 End mandatory sentencing.

No alternative sanction should be mandatory. Judges should have the discretion to impose proportionate, individualised sentences, guided by statutory criteria and sentencing guidelines.

05 Ensure all life sentences are subject to regular review.

If life imprisonment is adopted as an alternative sanction, ensure that any life sentence (formal and informal) allows for the possibility of release. Prohibit life sentences without the possibility of parole and require life sentences to be reviewed within a reasonable period, with further reviews at set intervals. Courts may set minimum terms to be served before release can be considered. To ensure proportionate outcomes, minimum terms before parole eligibility should be as short as possible and tailored to the specific offence committed.

06 Create independent and transparent release bodies.

Set out procedural safeguards for all release and parole decisions, including notice to victims, reasons in writing, appeal or internal review and confidentiality protections. Establish parole boards that are independent of political direction. They should work under clear rules, include qualified experts, give reasons for their decisions, and allow appeals. Their task is to assess rehabilitation and current risk, not only past conduct.

07 Protect children and vulnerable groups.

Ban life sentences for offences committed under the age of 18 in line with international law. Introduce special safeguards for other vulnerable groups, including people who have a history of trauma or have experienced violence, older people and those with mental health disorders, so that all mitigating circumstances and culpability considerations are fully taken into account.

09 Train staff and ensure humane treatment.

Set standards for recruiting, training and supervising staff who work with people serving long sentences. Guarantee humane treatment for all people in prison in line with international standards and ensure independent monitoring bodies have full access to facilities.

11 Guarantee reintegration support.

Reintegration support must be required by law. Provide individuals released from prison with housing support, ID documents, healthcare registration, employment help and case management. Supervision should be overseen by trained probation officers to ensure compliance and provide tailored guidance. Additionally, multi-agency support should be employed on release, coordinating services across correctional services, social, health and employment sectors to facilitate successful reintegration. Post-release conditions should be proportionate, time-limited and subject to review.

13 Monitor, report and communicate reforms.

Publish regular disaggregated data on life sentence prison populations, including for example, total numbers, population characteristics, offence types, type and length of sentence, parole decisions, recall rates and recidivism. Commission independent research and evaluations and place findings before lawmakers and decision makers. Develop clear public communication strategies explaining the rationale for abolition, the safeguards in place, and the evidence supporting alternative sanctions. Engage victims, communities and the media to promote understanding and trust in the reformed system. Secure stable funding for probation, rehabilitation and reintegration services.

08 Make rehabilitation the central aim of long-term imprisonment.

Require individualised rehabilitation plans for people serving long sentences. These should cover education, work, health, treatment, family contact and gradual movement to less restrictive regimes. Plans should be reviewed and updated regularly in consultation with the person detained and respond to their needs. Prisoners should be allowed to exercise personal responsibility and retain a sense of normality in their day-to-day life, supporting their rehabilitation and protecting their mental wellbeing. Ban automatic segregation or long-term solitary confinement for people sentenced to life imprisonment.

10 Expand community-based alternatives and ensure adequate support for people released after long-term imprisonment.

Broaden the range of sentencing options, including probation, electronic supervision, restorative justice, community service and treatment programmes, with specific measures and support for people being released after spending a long time in prison.

12 Strengthen support for victims and their families.

Ensure that abolition and sentencing reform are accompanied by concrete measures to support victims and their families, including access to information and appropriate services. Victims should be meaningfully involved in consultations and offered opportunities to participate in restorative or reparative processes in ways that respect their rights, dignity and wellbeing.

About Penal Reform International

Penal Reform International (PRI) is an independent non-governmental organisation that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide. We work to promote criminal justice systems that uphold human rights for all and do no harm. We run practical human rights programmes and support reforms that make criminal justice fair and effective. Our primary objectives are to secure trials that are impartial, sentencing practices that are proportionate and promote social rehabilitation, and humane conditions of detention where alternatives to imprisonment are not possible. We work through country missions, regional hubs, remote coordination, and through partners.

www.penalreform.org

About the Life Imprisonment Worldwide project

Life Imprisonment Worldwide is an international comparative research project that examines life imprisonment on a global scale. Since 2014, the project has studied the imposition and implementation of life imprisonment around the world to understand: the different types of life sentences; how many people are sentenced to life imprisonment; which crimes attract life sentences; how such sentences are implemented; and the conditions under which prisoners serve them. The project critically assesses the practice of life imprisonment in light of national and international human rights principles and standards. It aims to provide new, timely and accessible knowledge about life imprisonment across jurisdictions, and to support change in law, policy and practice relating to life imprisonment at the international level. The project team can be contacted at: lifeimprisonmentworldwide@gmail.com.

www.nottingham.ac.uk/hrlc/research/life-imprisonment-worldwide

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