



Warsaw, 19 September 2017

OSCE Human Dimension Implementation Meeting 2017 Penal Reform International

Statement on abolition of the Death Penalty

Dear Chairperson,
Dear delegates,

Penal Reform International (PRI)¹ welcomes the opportunity to speak at this session of the OSCE. We would like to comment on the debate around the death penalty. Firstly, we commend the strong support given by OSCE member states to the 2016 UN General Assembly Resolution on a death penalty moratorium, with almost all OSCE members voting in favor. We encourage all states to abolish the death penalty, which we believe should be prohibited absolutely.

Central Asia, without any doubts, is fast becoming an execution-free zone, however, the classification of the death penalty as a state secret makes accountability almost impossible, and the families of those executed are still in the dark over the whereabouts of the place of burial of their loved ones. Life imprisonment is now used as the most severe sanction in Kazakhstan, Kyrgyzstan and Tajikistan. In certain circumstances, this amounts to live without the option of parole, and where there is a determinate 'life' sentence, its length is overly punitive.²

In this regard, PRI persistently recommends that methods of execution known to be especially cruel, inhuman or degrading should be specifically prohibited. Retentionist states should regularly review their execution procedures with reference to latest international research and findings on the degree of suffering caused by different methods of execution.

- Both public and secret executions should be prohibited.

¹ Penal Reform International (PRI) is an international, non-governmental organisation with Consultative Status at the United Nations Economic and Social Council (ECOSOC) and the Council of Europe, and Observer Status with the African Commission on Human and People's Rights and the Inter-Parliamentary Union. It aims to develop and promote international standards for the administration of justice, reduce the unnecessary use of imprisonment and promote the use of alternative sanctions which encourage reintegration while taking into account the interests of victims. PRI also works for the prevention of torture and ill-treatment, for a proportionate and sensitive response to women and juveniles in conflict with the law, and promotes the abolition of the death penalty.

² While the purpose of sentencing is ultimately punitive, the nature of the sentence should be proportionate to the seriousness of the offence and individualised to the specificities of the crime, including the circumstances in which it was committed. Sentences should not, therefore, be used to serve wider political purposes or purely to punish the offender. Effectively locking away criminals for life and creating a discriminatory and arbitrary regime purely because of the type of sentence a prisoner is serving fails to tackle the structural roots of crime and violence. Prisoners serving life or long-term imprisonment often experience differential treatment and worse conditions of detention compared to other categories of prisoner. Examples include separation from the rest of the prison population, inadequate living facilities, excessive use of handcuffing, prohibition of communication with other prisoners and/or their families, inadequate health facilities, extended use of solitary confinement and limited visit entitlements. Punitive conditions of detention and less favourable treatment are known to be particularly prevalent for reprieved death row prisoners. Sentences should reflect international human rights standards and norms, and provide the offender with a meaningful opportunity for rehabilitation and reintegration back into society, thereby leading to law-abiding and self-supporting lives after their release.

- Efforts should be made to prevent, or failing that to minimise, the occurrence and severity of death row phenomenon and other mental or physical health conditions arising from imprisonment prior to execution. In particular, conditions of imprisonment on death row should be commensurate with each individual prisoner's risk, as identified by an individual risk assessment.
- Prolonged solitary confinement, whether as punishment or as an ordinary part of imprisonment prior to execution, should be prohibited.

We believe that once a state has abolished the death penalty, there are moral, legal and political obligations on it not to assist, by action or omission, use of the death penalty in other states. This means that abolitionist states should not engage with retentionist states in ways that can or do cause the use of the death penalty. These include:

- Not extraditing or deporting persons at risk of facing the death penalty, whether they are suspected or convicted of capital offences;
- Not exporting to retentionist states goods that can be used in the imposition of the death penalty, such as drugs used for lethal injection; and
- Not providing financial, technical, legislative or other support for law enforcement programmes (such as drug enforcement programmes), where the offences targeted can receive the death penalty.

Thank you for your attention.

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