Joint Written Statement submitted by The Advocates for Human Rights, a non-governmental organization in special consultative status, in collaboration with The World Coalition against the Death Penalty, an alliance of NGOs, bar associations, local authorities and unions.

Note to authors: The submission should contain facts about the situation on-the-ground from the last 4 years.

I. Executive Summary

1. Founded in 1983, The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a Death Penalty Project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition Against the Death Penalty.

[X. The World Coalition Against the Death Penalty, an alliance of more than 150 NGOs, bar associations, local authorities and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.]

[X. This submission informs on ___’s international human rights obligations with regard to its use of the death penalty. This submission concludes that [name the issues] in ___ [constitute cruel, inhumane and/or degrading treatment /violate the rights to ____ / violate the right to be free from ____] and makes recommendations that steps be taken to alleviate such conditions. These steps include both reducing the maximum possible sentence from death to one that is fair, proportionate and respects international human rights standards, issuing a moratorium, and [other recommendations].]

II. LEGAL FRAMEWORK
A. Domestic Legal Framework

1. Legal Basis for the Death Penalty

[X. Describe the circumstances under and offense for which the death penalty is allowed in ___.

2. Death Penalty in Practice

[X. Describe the number of people sentenced to death, actually executed, and currently on death row in ___, as well as any other factors relevant to assessing the prevalence of the death penalty in that country.]

B. 20___ Universal Periodic Review of ___

Note to author: This section will discuss any recommendations that were accepted by the state under review during its previous UPR. If the state did accept any recommendations, include information on what the state has done or failed to do to implement those recommendations. For example, Iran accepted the recommendation that the death penalty be abolished for juveniles, but in practice has not implemented it yet.

1. ___’s Acceptance of UPR Recommendations

[X. Describe whether the state accepted any recommendations during the previous UPR. If so, add a section that follow up on the implementation(or non-implementation) of these accepted recommendations]

III. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Note to author: The following Section III is a sample section describing the death penalty as “cruel and inhuman treatment or punishment.” This is only one example of issue content, and authors should think broadly about the kinds of issues that the death penalty in their country entails. The following is a list of potential issues that may be relevant for your country’s UPR submission: cruel and inhuman treatment or punishment; scope of crimes such as non-violent crimes, terrorism, drug offenses; scope of people who can be executed such as juveniles, the elderly, pregnant women, or mentally ill persons; use of torture; foreigners; methods of execution: public executions; notification to sentenced persons and their families about execution dates and release of the body; innocence; discrimination based on race, sex, homosexuality, poor; arbitrariness of the death penalty; costs of the death penalty; remedies for violations; children of death-sentenced persons; right to a lawyer and adequate legal representation; conditions on death row; right to appeal; right to seek pardon or commutation of sentence; mandatory death penalty.

A. ___’s Treatment of Death Row Inmates Constitutes Cruel and Inhuman Treatment.
1. Location and Composition of Death Row.

[X. Describe the location(s) of death row in ____ and whether they are housed separately or with the general prison population. Also explain whether available information about prison conditions distinguishes between death row and the rest of the prison.]

2. Conditions on Death Row [(and in Other Prisons)] Are Inhuman.

X. Article 16 of the Convention against Torture (“Convention”) requires ____ to “undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment.” 2 Conditions on ____’s death row violate the prohibition against inhuman and cruel punishment or treatment. [Make a statement of the problem and identify the rights that it violates.

a. Prisons Are [cruel, inhuman, or degrading treatment/condition #1]

[X. Describe, incorporating any available factfinding, how death row prisons constitute cruel, inhuman, or degrading treatment or conditions because they are ____ (e.g., unsanitary, overcrowded).]

b. Authorities Allow____.

[X. Describe, incorporating any available factfinding, how death row prisons constitute cruel, inhuman, or degrading treatment or conditions because prison authorities engage in ____ conduct (e.g., abuse of prisoners).]

c. Death Row Prisoners Are Denied ____.

[X. Describe, incorporating any available factfinding, how death row prisons constitute cruel, inhuman, or degrading treatment or conditions because prisoners are denied access to ____ (e.g., adequate medical care, proper nutrition).]

[d. Death Row Prisoners Are At Risk of “Death Row Phenomenon.”]

[X. “Death row phenomenon” is the deterioration of prisoner’s mental condition as a consequence of psychological tensions suffered during prolonged detention on death row or due to prolonged delays in the execution of the sentence that can be imputed to States’ faulty procedures. 3 [explain why death row prisoners in ____ are at risk of experiencing death row phenomenon and describe the results of any relevant factfinding] ]

3. The Death Penalty Is Carried Out in a Manner that is Cruel and Inhuman.

[X. Describe, incorporating any available factfinding, how the method or means of execution constitutes cruel, inhuman, or degrading treatment.]
[4. Sentenced Persons and Their Families Are Not Notified of Execution Dates]

[X. Describe the failure to keep sentenced persons and families informed of execution dates. Also describe how the state may fail to release the body or inform families of the body’s location]

[B. Improvements in Conditions in ___’s Prisons [or other relevant improvements]]

[X. Describe any progress ___ has made in addressing human rights violations related to the death penalty, particularly in response to previous recommendations from treaty bodies, and explain what more needs to be done to complete this work.]

IV. RECOMMENDATIONS

Note to author: Recommendations should be as specific and measurable as possible. Align the recommendations with your advocacy on-the-ground if possible.

X. [include any deserved praise for ___] The Advocates for Human Rights and the World Coalition against the Death Penalty respectfully suggest that the Committee recommend that ___ take the following measures:

1. EXAMPLE: Replace the Death Penalty with a Sentence that is Fair, Proportionate and Respects International Human Rights Standards. ___ should eliminate the death penalty from its penal code and replace it with a sentence that is fair, proportionate and respects international human rights standards. Current death sentences should be commuted.

2. EXAMPLE: Impose a moratorium on the death penalty, effective immediately going forward and for persons currently on death row. ___ should impose a country-wide moratorium on the death penalty that immediately halts all sentences and executions, with a view toward complete abolition of the death penalty

3. Other recommendations…

V. QUESTIONS

Note to author: Questions are optional and can also be another way to frame your recommendations.

1. EXAMPLE: What steps is the government taking to address these conditions on death row and on what timeframe?

2. Other questions…

2 Convention against Torture, Article 16. See also id. at Article 11 (“Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.”); id. at Article 12 (“Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.”); id. at Article 13 (“Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.”).

3 Francis v. Jamaica, Comm’n No. 606/1994, U.N. Doc. CCPR/C/54/D/606/1994 (1995), para. 9.2 (finding violations of Articles 7 and 10(1) where the Jamaican Court of Appeal failed to issue a written judgment for more than 13 years despite several requests by prisoner and the prisoner was exposed to humiliating treatments by warders, inadequate prison conditions, and lack of adequate psychological treatment).