



Parliamentarians for Global Action
Acción Mundial de Parlamentarios
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Address by

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Regional Conference on the Abolition and/or Moratorium
on Execution of the Death Penalty,

Freetown 13-14 January 2014

Honourable President Koroma,

Honourable Minister of Foreign Affairs of the Republic of Italy Emma Bonino,

Distinguished Attorney Generals and Ministers,

Honourable Ambassadors and Colleagues,

Distinguished Representatives of the African Union and the African Commission on Human's and People's Right,

I am delighted and honoured to address the high level audience here today on this issue very close to my heart.

My name is Mark Pritchard and I am the Vice-Chair of the *UK All Party Parliamentary Group for the Abolition of the Death Penalty*. I am also wearing a second hat here in my capacity as Board Member and Chair of the UK National Group of *Parliamentarians for Global Action*, also known as PGA.

PGA is the largest organisation of individual members of parliament, a non-profit, non-partisan international network of approximately 1,000 legislators in 130 elected parliaments around the globe. In our capacities, as democratically elected legislators, we promote peace, democracy, the rule of law, human rights, gender equality and population issues.

In 2013, upon my proposal and in cooperation with my colleague from the House of Lords Baroness Vivian Stern, PGA has embarked in the creation of a global parliamentary platform for the abolition of the death penalty: This is a new area of work for our International Law and Human Rights Programme, which has so far led a very successful Campaign towards the universal ratification and effective implementation of the Rome Statute of the International Criminal Court (ICC) in more than 100 countries around the globe. As of today, 76 out of 122 ratifications of the Rome Statute of the ICC have been attained thanks to the leadership role played by PGA Members.

We are much aware, that the discussion on abolishing the death penalty is certainly not an ordinary one. It is rather controversial in terms of finding consensus and sometimes very emotional.

We must underscore that there are strong opinions pro and contra with regard to the death penalty, and while a majority of States have taken abolitionist positions and the death penalty has been essentially outlawed in 105 countries, there are 58 States which retain and implement the death penalty. Most of them are located in Africa, Asia, the Caribbean and the Middle East, with common law, civil law, Islamic law and “socialist law” traditions.

As Parliamentarians, we can play a strong role towards the abolition of the death penalty in both abolitionist countries and retentionist countries:

For example in September 2013, a long standing PGA Member in Uganda, a retentionist country, tabled a private members’ bill for the abolition of the death penalty.

Moreover, our Members in retentionist countries are working on a programme of action aimed at raising public awareness of the growing international movement against executions, which may lead to the introduction of relevant legislation.

In abolitionist countries, such as my own country the UK, we MPs support our colleagues in other countries through parliamentary diplomacy and actively promoting the international movement for abolition.

But the most difficult work is the work of MPs in countries where the death penalty is still being imposed. Through our global network we are supporting our colleagues in those countries who are trying to raise awareness about the negative effects of the death penalty and persuade an often hostile public opinion towards abolition, using arguments that will be tailored to each specific situation.

While doing so, we will argue against stereotypes and myths surrounding the imposition of the death penalty.

- 1) Empirical evidence has proven that there is no causal link between crime prevention and the availability of the death penalty. There are States in which the death penalty has been abolished and the crime rate went down. In fact, economic, social and cultural matters are extremely important for crime prevention, and justice is only one part of the equation. Within the framework of a national justice system, it has been observed that it is not the severity of the penalty but the relative certainty and predictability in applying any proportionate penalty that renders a functioning criminal justice system a deterrence factor. The proof of what we say can be found in the USA: in some States the death penalty is not applied, and the crime rate is comparatively lower than the one of States in which the death penalty is still applied.
- 2) In liberal democracy and in other form of Government as we know them, we have to recognise that there is always scope for human error. Therefore, no decision of any branch of the Government shall be definitive or irremediable. History tells us that many people have been executed mistakenly, because evidence was flawed and manipulated, and other decisive evidence emerged only after that an execution took place.
- 3) Many of us believe in God, in the sacrosanct nature of human life and/or in the absolute need to respect human dignity and the human person: How we reconcile these religious and ethical convictions with laws that allow the State to take away the life of other human beings, albeit found guilty beyond any reasonable (human) doubt before a competent Court of Law for extremely serious crimes?
- 4) Under International Law, the most serious crimes of concern to the International Community as a whole are genocide, crimes against humanity (which may include the most vicious acts of

terrorism), war crimes and the crime of aggression. The persons allegedly most responsible for these core crimes under international can be adjudicated before the International Criminal Court in The Hague, where they may be sentenced to a maximum penalty of life imprisonment. How can we morally justify that for crimes of a lesser gravity and scale (e.g. with a few victims and not the thousands of victims of ICC cases) we would still apply the capital punishment in our domestic systems?

I could enumerate many other powerful arguments in support of abolition, but I am here, today, to learn from you, because the PGA Global Parliamentary Platform for the Abolition of the Death Penalty has been conceived to work country-by-country, wherever our National MPs will want to lead or participate in abolitionist efforts and will be able to make a difference, without any geographic restrictions, on the basis of our existing global membership and our availability to work with all concerned MPs and partner with all relevant actors in the field.

Dear Friends and Colleagues:

As PGA stands ready to work with MPs from all of your countries towards abolition of the death penalty, we are committed towards the common goal of a world free of state sanctioned judicial killing in the form of capital punishments. While doing so, we will be delighted to team up with *Hands Off Cain, the World Coalition against the Death Penalty* and other international, regional and national NGOs, particularly in West Africa.

It is important to note that, through its efforts, PGA does not intend to replace or co-ordinate the "parliamentary work" of already existing *Campaigns* by other NGOs, Governments and international organizations. The goal of PGA is to simply provide Legislators with their own action-based and result-oriented platform that may facilitate their efforts towards abolition.

Many of us will agree that in a liberal democratic State it shall not be up to the State to decide about the life and death of individuals. Justice as such cannot and shall not be seen as another form of revenge, carried out by states acting as revengeful agents punishing unlawful acts of murder with lawful executions.

I am proud to say, that on a regional level, the European Union has become a leading force towards the abolition of the death penalty, within its general framework of the promotion of human rights for all. The last execution by an EU Member state was in Latvia in 1996. My own country, the UK, abolished the death penalty in its laws in 1969.

The absolute abolitionist position of the EU was affirmed by the *Council of the European Union* in 2012 in its 2012 EU Strategic Framework and Action Plan on Human Rights and Democracy. The EU Guidelines on the Death Penalty - the first set of EU human rights guidelines adopted by the Council in 1998 – details the framework for diplomatic EU action. [On June 16 2010, Catherine Ashton, the High Representative of the Union for Foreign Affairs and Security Policy, in a speech in the European Parliament, declared the EU's work on abolishing the death penalty worldwide to be a priority for the Union.]

Another example of the EU's strategies towards abolition is the 2005 Council Regulation 1236/2005 on the prohibition of trade in equipment that may be used in the administration of the death penalty. This is the first of its kind and is a unique piece of regional legislation. Similar legislation could be developed in other regions.

As PGA Members, we call upon our fellow Members of Parliament to work together to convince Governments where the death penalty is still enforced to progressively restrict the use of this and not to impose capital punishment.

In specific, we call upon states:

- To establish moratorium on executions with a view to abolishing the death penalty;
- To make available information with regard to the use of the death penalty;
- To disseminate among MPs existing data with regard to the number of executions and the number of individuals on death row; and
- To respect international standards that provide safeguards guaranteeing the protection of the rights of those facing death penalty.

I wish to emphasize that we need to promote a better understanding of global and regional trends on this issue in order to identify the legal and political opportunities for parliamentary involvement so that we as Parliamentarians can overcome the many challenges other countries face.

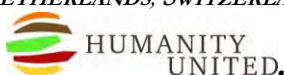
Finally, it should be recalled that a global moratorium is the first step in the process of worldwide abolishing the death penalty. We, as PGA, stand ready to provide assistance to countries wishing to work on such a global moratorium.

Thank you for your attention and I am wishing us all a fruitful outcome of this timely conference.

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THE GLOBAL PARLIAMENTARY PLATFORM FOR THE ABOLITION OF THE DEATH PENALTY IS AN INITIATIVE OF THE PGA INTERNATIONAL LAW AND HUMAN RIGHTS PROGRAMME (ILHRP). WITHIN THE FRAMEWORK OF THE ILHRP, THE PGA CAMPAIGN FOR THE INTERNATIONAL CRIMINAL COURT RECEIVES SUPPORT FROM:

THE EUROPEAN UNION (EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS)
THE GOVERNMENTS OF **THE NETHERLANDS, SWITZERLAND AND LIECHTENSTEIN** AND



PGA RECEIVES CORE SUPPORT FROM THE GOVERNMENTS OF **SWEDEN** AND **DENMARK**.

On-line access to PGA ICC Campaign:

<http://www.pgaction.org/programmes/ilhr/overview.html>

<https://www.facebook.com/pgaction> -- <http://twitter.com/#!/PGAAction>

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