

PARLIAMENTARY CONSULTATION ON ADDRESSING INEQUALITIES OF THE CRIMINAL JUSTICE SYSTEM

NEW DELHI, INDIA, 3 APRIL 2018

Action Plan

Recalling the applicable international human rights standards and instruments that guarantee all individuals rights regardless of their background, including their race, colour, sex, language, religion, political, national or social origin, property, birth or other status;

Underlining that the right to life and human dignity, the right to a fair trial and the equality of all before courts and tribunals, belong to universally recognized human rights;

Considering how the death penalty, because of its ultimate, non-reversible nature, can deprive individuals of their right to redress for violations of their rights perpetrated beforehand;

Acknowledging the crucial role that legislators hold to promote a fair and just criminal justice system - and overall State administration – as well as, ultimately, the human rights of all;

Noting that, in so doing, legislators may use their legislative prerogatives but also their position as leaders of opinion, thus fighting against cultural or historical prejudices that result in deep inequalities in the enjoyment of the human rights of all;

We, the participants to this event, commit to:

1. Keep engaging with members of the civil society, in order to better understand the extent to which systemic inequalities play a role in the criminal justice system;
2. Request from the government that a review of existing death row cases be conducted to assess *inter alia* the impact of the death penalty and the background of those affected;
3. Call on the Government to order studies on the death penalty as well as a review of existing death row cases in order to assess, *inter alia*, the fairness of how it is applied, its alleged deterrent effect, including on terrorism-related offences or drug trafficking, its compliance with international human rights standards and societal and religious values, and the background of those affected;
4. Continue to inform our constituents about the negative effects of cultural or historical prejudices, including the very real and irreversible consequences they have on criminal proceedings;
5. Strive to positively address the legitimate public outcry when a crime is committed and look at all the root causes of such behaviours, and not merely an increase in the severity of penalties;
6. Make clear, whenever the opportunity arises, that under international law the death penalty should only be applied to “the most serious crimes” and that no scientific proof of its deterrent effect has been discovered so far;
7. Create a multi-partisan group of parliamentarians dedicated to study and propose reforms to combat inequalities in the criminal justice system, including but not limited to a reduction of the scope of the death penalty as an irreversible penalty;

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8. Keep the abolition of the death penalty at the forefront of legislative discussions, and especially when discussing matters of criminal justice and criminal procedure, so as to ensure that the capital punishment should only be used as the outcome of a fair and transparent trial;
 9. Demand from the Government that no execution be carried out in secret and in disregard of human dignity as well as in the absence of effective legal aid for all defendants, that an adequate notice be given to the family of the accused before execution, and that statistics on executions are strictly kept and made public; *and*
 10. Urge the Government and all bodies that exercise clemency powers to commute death sentences and to apply a moratorium until the effects of the capital punishment are known.