



Parliamentarians *for Global Action*
Parlamentarios para la Acción Global
Action Mondiale des Parlementaires
برلمانيون من أجل التحرك العالمي

MOVING AWAY FROM CAPITAL PUNISHMENT IN ASIA

A SIDE EVENT OF THE 39TH ANNUAL FORUM OF PARLIAMENTARIANS FOR GLOBAL ACTION

Wednesday, 29 November 2017, 10am-1pm | Milan, Italy

Action Plan

Recalling the applicable international human rights standards and instruments that guarantee the right to life and protect the human dignity of death row inmates, as well as the General Assembly of the United Nations' resolution on the moratorium on the use of the death penalty;

Considering how the death penalty is currently used throughout the region, despite the lack of evidence of its deterrent effect, particularly with regards to terrorist offences or drug trafficking;

Acknowledging the crucial role that legislators hold to promote the abolition of the death penalty, to reduce and restrict its use and to further the development of the Rule of Law through legislative initiatives and by leading public opinion;

We, the participants to this event, commit to:

1. Continue to inform our constituents and others about the death penalty and its related issues, in order to grow a consensus in favour of its abolition, including through public statements;
2. Create in our respective parliaments a multi-partisan group of parliamentarians dedicated to further the abolitionist cause, through engagement with other stakeholders including families affected by the death penalty (both the relatives of victims and of accused), civil society representatives, such as PGA, and community leaders;
3. Make clear, whenever the opportunity arises, that under international law the death penalty should only be applied to “the most serious crimes”;
4. 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;
5. Make clear, whenever the opportunity arises, that under international law the death penalty should not be made mandatory for any category of crimes, as it negates the rights of the accused to benefit from a sentence reflecting the circumstances of the crime;
6. Ensure that our respective criminal justice system fully respects the Convention on the Rights of Child (CRC) and the Convention on the Elimination of all forms of Discriminations Against Women (CEDAW) when applying the capital punishment, including by prohibition death sentence from being passed down against minors and pregnant women;
7. Demand from our respective Governments that no execution be carried out in secret and in disregard of human dignity, 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;

8. Urge our respective Governments 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;
9. Request from our respective governments that a review of existing death row cases be conducted to assess *inter alia* the impact of the mandatory death penalty and the background of those affected;
10. Call on our respective Governments to order studies on the death penalty in our respective countries 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;
11. Develop strategies to reduce the scope of the death penalty in our respective countries, especially by introducing legislation reducing the number of capital offences;
12. Reject all initiatives or suggestions to extend the scope of the death penalty in our respective countries or to reinstate it when it was altogether abolished;
13. Urge our respective governments to make a more forceful representation to countries where their citizens are sentenced to death and that the latter be ensured legal representation under the Vienna Convention;
14. Join our efforts within our respective Parliaments and between countries to build and strengthen a regional parliamentary abolitionist movement, including at the ASEAN Inter-Parliamentary Assembly; *and*
15. Urge our respective Governments to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2) aiming at the abolition of the death penalty.

More particularly, we commit to the following actions:

16. In **India**, hold parliamentary hearings with representatives of civil society to discuss the disproportionate effect of the death penalty on vulnerable groups;
17. In **Indonesia**, mobilise our colleagues so that the issue of abolition is addressed in Parliament and so that President Joko Widodo acts upon its 5 November 2016 statement that the country would move towards abolition
18. In **Iraq**, ensure that the scope of the death penalty is not extended or that executions do not increase in the aftermath of the atrocities committed by ISIS;
19. In **Jordan**, advocate with the Government to reestablish the moratorium that was applied until 2014;
20. In **Malaysia**, vote the bill removing the mandatory aspect of the death penalty for drug-related offences that will be put forward by the Government, as announced by Min. Azalina Othman during the Parliamentary Roundtable on the Abolition of the Death Penalty in Malaysia and in Asia in Kuala Lumpur on 24 July 2017;
21. Establish strategies to further reduce the scope of the death penalty and ultimately to abolish it in Malaysia;
22. In the **Maldives**, remain mobilized against any bill that would effectively reinstate the death penalty;

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23. Denounce the step taken by our Government to vote against the United Nation General Assembly's resolution on a moratorium on the death penalty, despite having abstained during past votes;
 24. In **Pakistan**, strive to create a parliamentary inquiry commission on the use of the death penalty in the country, and in particular on the misuse of the Anti-Terrorism Act;
 25. Demand that torture be expressly prohibited in Pakistani criminal law, that penalties and remedies be defined, and that a National Prevention Institution be created;
 26. In the **Philippines**, remain mobilized against any bill that would effectively reinstate the death penalty;
 27. Denounce the step taken by our Government to abstain to the United Nation General Assembly's resolution on a moratorium on the death penalty, despite having voted for during past votes; *and*
 28. Keep condemning in the strongest words the way the so-called "War on Drugs" has been conducted so far and continue to declare that everyone has the right to life and to be protected against extrajudicial executions.