RESOLUTION ON THE DEATH PENALTY AND CONDITIONS OF DETENTION AND TREATMENT OF PERSONS SENTENCED TO DEATH
MOBILISATION OF BARS

We, the Paris Bar, a founding member of the World Coalition Against the Death Penalty, and the International Association of Lawyers (UIA), on the occasion of the 7th World Congress Against the Death Penalty, to be held in Brussels from February 27 to March 1, 2019,

Noting that,
• The number of prisoners sentenced to death, according to the statistics available, remains high;
• The United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Mandela Rules, revised in December 2015, despite the inherent general protection provided for persons deprived of their freedom, contain no specific protection regarding the conditions of detention and treatment of persons sentenced to death;
• The General Comment No. 36 of October 30, 2018 on Article 6 of the International Covenant on Civil and Political Rights (ICCPR) does not address specifically the issue of the conditions of detention and treatment of persons sentenced to death;
• The death penalty is a discriminatory and aggravating factor as it relates to respecting the dignity of prisoners and to the effectiveness of minimum judicial guarantees.

Recalling that,
• Bars and professional associations of lawyers have a vital role to play in advocating for the abolition of the death penalty and the establishment of a moratorium on it;
• Lawyers are one of the main safeguards for ensuring the effectiveness of the rule of law, and the proper administration of justice, and the role of lawyers, as protectors of prisoners’ human rights, is especially important in the case of death penalty prisoners.

Call upon Bars and professional lawyers’ organisations from all countries, both abolitionist and retentionist, to:
• Uphold respect for the minimum judicial and due process guarantees, without discrimination, for all those facing the death penalty. Such guarantees must include, in particular, the categorical rejection of confessions obtained through torture; access to professional and good quality interpretation at all stages of judicial procedure; and the principle of free and competent legal aid services at all stages of judicial procedure.
• Defend respect for detention and treatment conditions for death row inmates that preserve human dignity and fundamental rights; including particularly by ensuring access to medical and health services from the outset of detention; access to the outside world; effective access to consular protection for foreign prisoners; and to address the use of solitary confinement, which should not be automatically and systematically imposed simply by virtue of the imposition of a death penalty.
• Participate in international advocacy for the drafting and adoption of additional and specific standards that can ensure better protection for death row prisoners across the world, and to obtain recognition, in their favour, of specific guarantees related to the specific particular vulnerabilities of death row inmates.