

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; the **International Association of Lawyers** (UIA); and the signatory bars, law societies and lawyers' organisations; 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.

Signatories:

- Paris Bar
- UIA (International Association of Lawyers)
- AIJA - International Association of Young Lawyers
- Colegio de Abogados de La Plata (Argentina)
- Law Council of Australia
- Barreau de Bruxelles - Ordre français
- Institut des droits de l'homme du Barreau de Bruxelles
- Barreau de Liège (Belgique)
- Barreau de la province d'Anvers (Belgique)
- Bar Association of the Republic of Srpska (Bosnia and Herzegovina)
- Ordre des Avocats du Cameroun/Cameroon Bar Association
- Association des avocats et avocates de la défense de Montréal (Canada)
- Association québécoise des avocats et avocates de la défense (Canada)
- Barreau de Montréal (Canada)
- Barreau du Québec (Canada)
- Association du jeune Barreau de Longueuil (Québec, Canada)
- Czech Bar Association
- Barreau de Kinshasa-Matete
- Finnish Bar Association
- Ordre des Avocats de Rennes (France)
- Ordre des Avocats de Cayenne (France)
- Ordre des Avocats de Toulouse (France)
- Ordre des Avocats de Clermont-Ferrand (France)
- Saxony Bar (Germany)
- Barreau de Petit-Goâve (Haïti)
- Hong Kong Bar Association
- Hungarian Bar Association
- Budapest Bar Association
- The Law Society of Northern Ireland
- Turin Bar Association (Italy)
- Japan Federation of Bar Associations
- Latvian Council of Sworn Advocates
- Beirut Bar Association
- Barreau de Luxembourg
- Bar Association of the Republic of Moldova
- Ordre des Avocats de la Principauté de Monaco
- Ordre des Avocats de Rabat (Maroc)
- New Zealand Law Society
- Ordre des Avocats du Niger
- Colegio de Abogados de Lima Sur
- The National Bar of Attorneys-at-Law (Poland)
- Polish Bar Council
- Warsaw Bar Association
- Portuguese Bar association
- Slovak Bar Association
- Bar Association of Slovenia
- Consejo General de la Abogacía Española
- Ilustre Colegio de la Abogacía de Bizkaia (España)
- Ilustre Colegio de Abogados de Valencia (España)
- Ordre des Avocats de Genève
- Ordre des Avocats Vaudois (Suisse)
- Colegio de Abogados y Abogadas de Puerto Rico