

MENTAL DISORDER IS NEVER A CRIME



REPORT 2014

CARE. DON'T KILL.

World Day Against
the Death Penalty

10.10.14

www.worldcoalition.org

**WORLD
COALITION**
— AGAINST THE DEATH PENALTY —

The purpose of World Day on the death penalty and mental health

The aim of the World Coalition is to reinforce the international dimension of the fight against the death penalty. Its ultimate objective is to achieve universal abolition of the death penalty. In those countries which still use the death penalty, the World Coalition is working to reduce its use, invoking in particular the respect of international standards.

One of these measures is the protection of rights of those with an intellectual or psychosocial disability. These persons are protected by international standards, especially their right to a fair trial and their right not to be executed. The legislation in most retentionist countries exempts these persons from the death penalty. However, the real difficulty with this guarantee lies not so much in its official recognition as in its implementation. While the death penalty exists, persons with an intellectual or psychosocial disability remain at risk of being sentenced to death and executed, in violation of international standards.

Every year on World Day, the World Coalition highlights one problem aspect of the death penalty. The present report lists the goals which the World Coalition set itself for 2014, the activities it undertook to achieve these goals, and the results of this 12th World Day Against the Death Penalty.

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For more information:

www.worldcoalition.org

[1] Main Objective: make the general public more aware of the use of the death penalty against persons with a intellectual or psychosocial disability, in order to reduce its use

1) Compiling and distributing the Detailed Factsheet on Mental Health and the Death Penalty

- The [Factsheet on Mental Health and the Death Penalty](#) provides definitions of various legal and medical terms, describes the problems facing disabled people at each stage of the criminal process, gives an overview of international standards and provides extracts of legislation. This sheet was prepared by Mr James Welsh, a former researcher and adviser on 'Health and Detention' at Amnesty International. Additional information and review was provided by Dr Stephen Greenspan, Dr Terry Kupers, Professor Frank Bellivier, as well as members of the Steering Committee of the World Coalition Against the Death Penalty. The sheet is being revised following consultation with experts on the rights of the disabled (see paragraph 3).

▶ Short term distribution:

- Printed and **sent to 345 addressees**, ie 213 parcels to members of the World Coalition and 132 to other partner organisations.
- **800 downloads** in English and French from the World Coalition website
- In total, 15 785 pages were visited on the World Coalition website between 6 and 12 October 2014, including nearly **5000 pages on 10 October alone**.
- Between publication of the World Day page on 19 May 2014 and 31 March 2015, the campaign page was visited **35 975** times in all languages (cf 23 700 times in 2013).

2) Raising the awareness of a target audience

Some new tools have been developed this year: 6 factsheets for professionals (judges, parliamentarians, lawyers, doctors, prison staff and journalists) to reach a new audience and try to reduce the risk of persons with a intellectual or psychosocial disability ending up on death row or even being executed:

- [Factsheet for Judges](#) to encourage the immediate implementation of existing standards prohibiting the imposition of death sentences or executions on those with intellectual or psychosocial disability ; and the immediate suspension of executions of such persons.
- [Factsheet for Parliamentarians](#) asking for renewed efforts to (i) ensure that all states have laws that embed international standards in domestic legislation ; (ii) extend protection to those with serious mental illness not covered by existing proscriptions against executing persons described as 'insane'.
- [Factsheet for Medical Professionals](#) and [Factsheet for Prison Staff](#) promoting the adoption by national medical and legal professional bodies of codes of conduct ensuring that professionals do not act unethically or unprofessionally in criminal cases where the death penalty may be applied.
- [Factsheet for Lawyers](#) to ensure that, in capital cases where intellectual or psychosocial disabilities are claimed as a factor, defendants have access to the highest standards of justice and a fair trial;
- [Factsheet for Journalists](#) to help them work towards reducing the stigma against persons with mental or intellectual disabilities, especially while the media continue to promote inaccurate public beliefs about risks posed by such persons.

▶ Short term results:

- **Media coverage:** 50 articles out of the 484 recorded expressly mentioned the theme of World Day, quoting cases in Japan, the US, China and Pakistan. This figure represents a record for such a difficult issue to explain, for we know that the great majority of published articles tend to concentrate on organised events and official statements by governments or international organisations.
- **Medical Organisations:** 10 October is also World Mental Health Day, which gave the Coalition an ideal opportunity to make contact with international medical organisations such as the World Health Organisation (WHO), the World Medical Association, the International Council of Nurses and the World Federation for

Mental Health. Some of these published official declarations, others mentioned World Day against the Death Penalty during their events on mental health or met with a delegation from the World Coalition.

3) Discussion with new partner organisations working to defend the rights of the disabled

Since 10 October, following recommendations by the WHO and OHCHR, we have engaged in discussion with new partners involved in the defence of rights of the disabled:

- Catalina Devandas Aguilar (Special Rapporteur on the Rights of Persons with Disabilities, whose mandate started in December 2014)
- Dainius Puras (Special Rapporteur on the Right to Health)
- Christopher Heyns (Special Rapporteur on Executions)
- Juan Mendez (Special Rapporteur on Torture)
- Committee on the Rights of Persons with Disabilities
- Human Rights Committee,
- International Disability Alliance
- World Network of Users and Survivors of Psychiatry

► Short term results:

- An informal meeting with the Special Rapporteurs and a side event with the Committee on the Rights of Persons with Disabilities were held in Geneva in February and March 2015.
- The World Coalition was invited to join the discussion process taking place within the UN on the rights of disabled people within the criminal justice system.
- Medium term objective: the adoption of a common position on the protection of rights of disabled people facing the death penalty.

CASE STUDY: Japan

In March 2014, 78-year-old Hakamada Iwao walked out of the Tokyo Detention Centre after a District Court in Japan granted him a temporary release and retrial. After more than 45 years confined alone in a 5 square metre cell, Hakamada left prison mentally ill. His speech makes little sense and he often withdraws into himself. At other times, he suddenly flies into a temper.

Hakamada began showing signs of disturbed thinking and behaviour back in 1980, when the Supreme Court confirmed his death sentence. His lawyer reported that it was difficult to communicate with him, which made meetings with him ineffective. Conversations with his sister, Hideko, and letters he wrote also showed disordered thinking.

In Japan, death row prisoners are kept secluded from the outside world, which in addition to solitary confinement also means little contact with family members. Hakamada lived under such conditions for not just years, but decades.

Hakamada's case still sits with the high court pending a ruling on a retrial, but for now, he is back home. Reforms to the justice system and improvements in conditions on death row are needed to be sure, but the ultimate change must be an end to the death penalty. My hope is that reform in Japan will not come too late for Matsumoto and others like him still on death row.

(Source : Amnesty International - <https://www.amnesty.org/en/latest/campaigns/2015/03/one-year-since-hakamadas-release/>)

[2] Encourage the organisation of local initiatives and promote an abolitionist civil society

1) Training of World Coalition members at its General Assembly in June 2014

A number of experts and practising professionals addressed the General Assembly of the World Coalition to explain that those with mental health problems are unjustly and disproportionately affected by the death penalty, before and after sentencing.

Dr Stephen Greenspan, a development psychologist who has been called as an expert witness in many death penalty cases in the United States, said that people with intellectual disabilities are still regularly condemned to death despite international and national legal provisions, such as the 2002 US Supreme Court ruling in the case of Atkins v. Virginia. Psychiatrist Dr Terry Kupers, who has carried out research on prison population for several decades now, highlighted a consistent tendency to locate death row in prison solitary confinement units, and the consequence of this on the mental health of death row prisoners.

► Short term distribution:

- out of 158 members, **150 persons** representing 35 organisations were trained on 21 June 2014 at San Juan, Porto Rico
- Following this training session, each expert described their position in a video posted on the World Coalition website. Each video has been viewed **283 times** on YouTube.

2) Creating and distributing mobilisation tools for the 12th World Day

Every year, to encourage the widest participation possible in World Day against the Death Penalty and to promote abolitionist civil society, especially in those countries which still use the death penalty, the World Coalition puts together information and mobilisation tools. These are made available to members, the media, and anyone who wants to take part in World Day in order to raise awareness and mobilise people on a local level in as many countries as possible. These packs were all sent out to members of the World Coalition and its partners in July 2014. The packs were also available on request and could be downloaded from the World Coalition website:

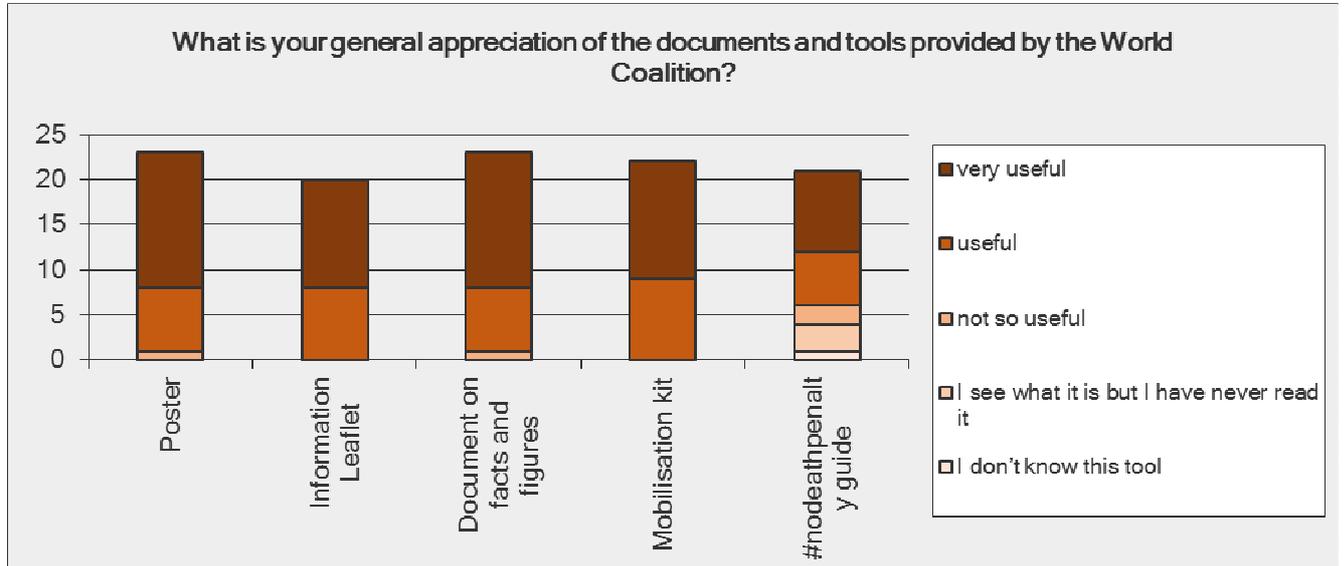
- **2014 World Day Poster**
- **2014 World Day Information Leaflet** This information leaflet on 2014 World Day gives an assessment of the situation regarding the death penalty and mental health. It also presents the case against the death penalty, together with suggestions of activities to organise.
- **Mobilisation Kits** These have been put together to help organisers: they offer ideas for actions and provide information on World Day and the theme for that year. For example, the section entitled “10 things you can do on 10/10” suggests 10 actions to complete for World Day, such as taking part in an art project, organising an event or writing to prisoners on death row. It also gives 10 tips for a successful action.



- **2014 Facts and Figures** A document providing information on application of the death penalty throughout the world over 2013 and the beginning of 2014.
- **!New! Social Media Campaign: #nodeathpenalty - flyer and #nodeathpenalty – sign** The World Coalition organised a campaign on social media where people could post photos of themselves holding signs explaining why they were against the death penalty.

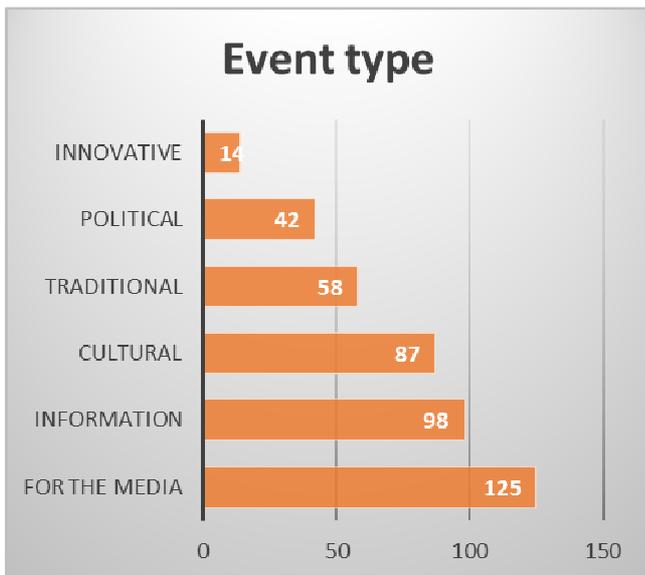
► **Short term distribution:**

- Printing : **3 900 leaflets and 3 500 posters**
- The downloading figures back up comments made by members in an internal evaluation of World Day: the document most frequently downloaded was the **information leaflet (1 075 times** compared to 800 in 2013), followed by the Facts and Figures document, the poster and the mobilisation kit (670, 570 and 400 times, respectively).



3) Coordinating organisation of events

The World Coalition centralises all information and redistributes it, in particular by way of an interactive calendar on its website listing events organised for World Day. Over the period leading up to World Day, the Coalition is contacted repeatedly by the media and individuals wanting to know whether there are any events happening near them.



As shown by the large number of press cuttings, nearly 30% of all events are aimed at the media (press releases, press conferences, public statements, TV or radio interviews). The next largest proportion is made up of information events (workshops, round tables, talks, reports, debates, speeches) followed by cultural events (film showings, concerts, exhibitions, theatre plays). Events of a more traditional nature (demonstrations, petitions, distribution of leaflets) and political events (lobbying meetings, government statements, presentation of a draft bill) represent only 14 and 10% of all organised public events, while the more innovative forms using new technology represent only 3%. This is explained mainly by the fact that new technologies and social media in particular are used more by individuals than organised groups.

The relatively low number of straightforward political actions may seem surprising, but this may be explained by the fact that such actions are often carried out privately and are therefore more difficult to register. This shows, moreover, that World Day serves first and foremost to raise the awareness of the general public to the question of the death penalty through media, information and cultural events.

► **Short term results:**

- **425** collective events organised in **82 countries** around the world
- **6 136** visitors to the online 2014 World Day Calendar of Events (including 1300 in Arabic and 1200 in Spanish), 650 of those visits made between 6 and 12 October 2014.

[3] Put pressure on retentionist States to abolish or reduce their use of the death penalty

1) Support abolitionists in organising events in countries that are abolitionist in practice

This Day is aimed primarily at political leaders and public opinion in those countries where the death penalty is not yet abolished, to put pressure on those countries to abolish the death penalty.

CASE STUDY: Madagascar

At a workshop to raise awareness on the death penalty, organised in Antananarivo on 10 October 2014 to mark World Day against the Death Penalty, the President of the National Assembly, speaking through his Personal Representative, expressed optimism when declaring that a draft bill to abolish the death penalty would be adopted during the existing parliamentary session.

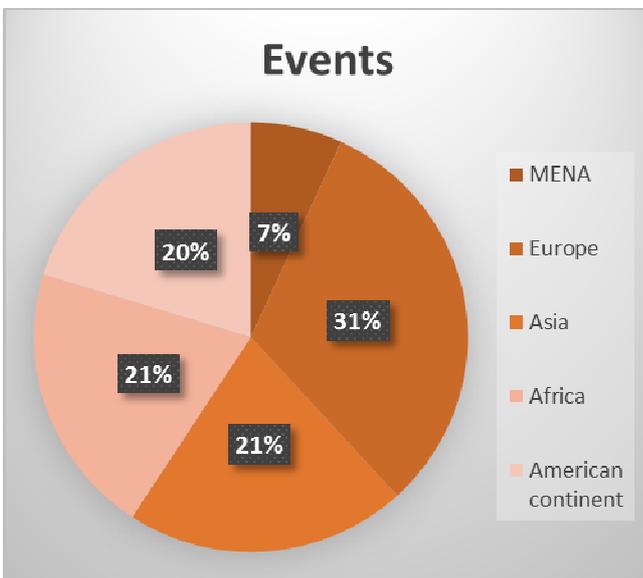
Organised by the UN High Commission for Human Rights and the Ministry of Justice, with the support of ACAT Madagascar, FIACAT and the World Coalition Against the Death Penalty, the workshop brought together the Representative of the President of the National Assembly, eight Assembly deputies, many leaders and members of civil society organisations, representatives of UN bodies and several European embassies to discuss the death penalty in Madagascar. In their Concluding Statement, workshop participants welcomed “the measures taken by the National Assembly to develop a draft bill to abolish the death penalty” and encouraged the President of the Assembly “to include it in the agenda for the October 2014 session”.

► **Short term impact:**

- The National Assembly of Madagascar adopted a draft bill to abolish the death penalty on 10 December 2014, Human Rights Day.
- Madagascar has therefore become one of the countries being targeted by the World Coalition’s campaign to ratify the international protocols for the abolition of the death penalty. The country signed the Second Optional Protocol to the International Covenant on Civil and Political Rights in December 2013.

2) Actions sustainable over the long term in retentionist countries

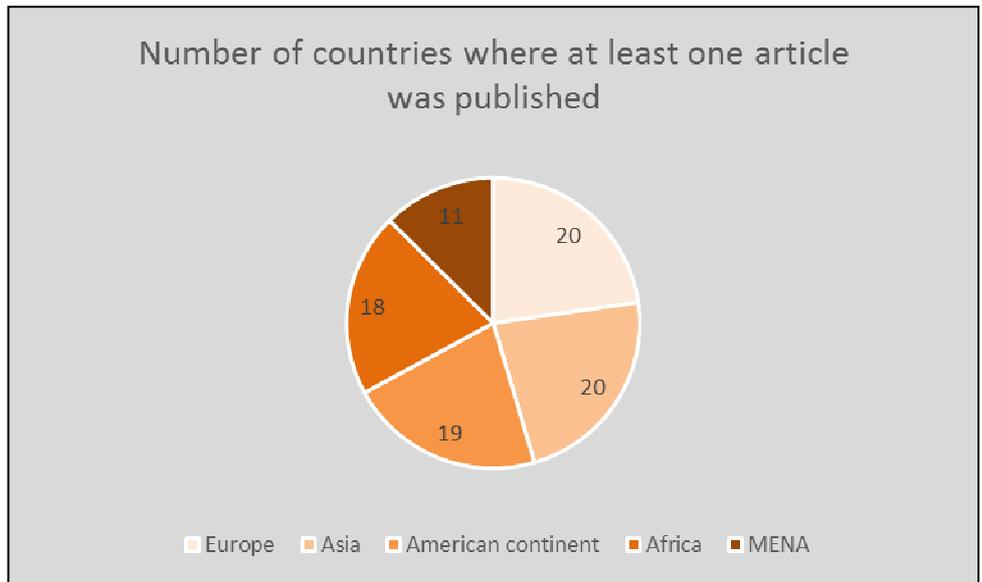
Mobilisation is often less marked and more difficult to achieve in the most retentionist countries; this was especially true of the Middle East and North Africa (MENA) in 2014.



However, this table shows, a very significant increase in visits to the World Coalition website in Arabic and Chinese, reflecting growing interest in the question of abolition among Arabic speakers and Sinophiles.

	2014	2013
EN	21 111	16 815
ES	8 536	3 675
FR	3 933	2 764
ZH	988	294
AR	915	237
RU	380	216
FA	112	107

Lastly, the number of articles published in the European media represented 43% of all articles published in the media worldwide. By contrast, this chart shows a relatively even distribution of the media coverage in the number of countries in each region of the world, with the exception of the Middle East.



In those countries where abolition of the death penalty is still a long term prospect, World Day has a

more limited impact and motivation is often lacking in the face of difficulties and hostility encountered when trying to organise collective events in favour of abolition.

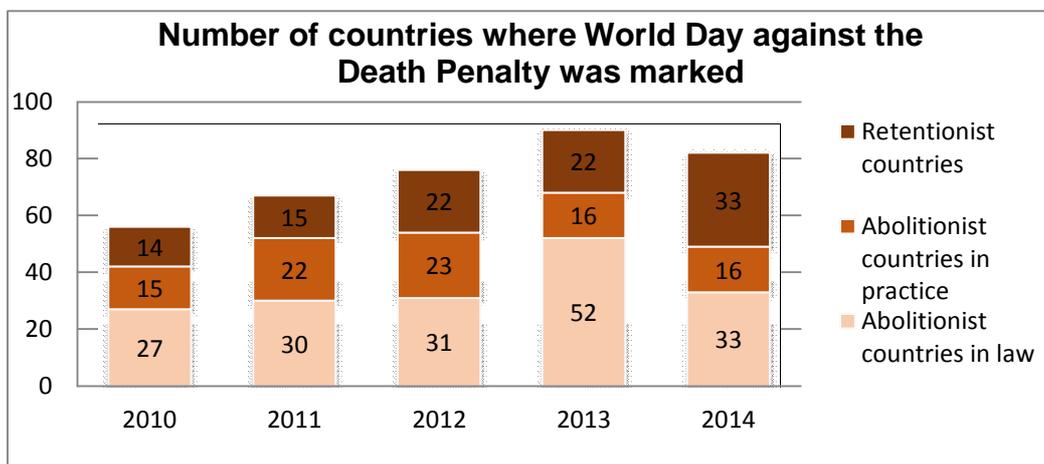
To improve this situation, the World Coalition would like to organise actions over the longer term so that events linked to World Day do not form simply a single action but are part of longer term campaigns.

CASE STUDY: the Caribbean

In 2013, World Day highlighted the situation in the Caribbean and resulted in the organisation of a conference and setting up of the official abolitionist network in the Caribbean: Greater Caribbean for Life. Since 2 October 2013 the Caribbean abolitionist network has continued to expand and its executive Committee met in Porto Rico on 11 and 12 January 2014 to establish a campaign strategy to fight against the death penalty in the region. On 31 January 2014, the “Greater Caribbean for Life” network was officially registered as a not-for-profit organisation in Puerto Rico, thus giving it legal status. Also the World Coalition held its June 2014 General Assembly in the abolitionist territory of Porto Rico to continue supporting the regional struggle against the death penalty which remains in force in many Caribbean countries. In an effort to inject some positive energy into the Caribbean movement, Ruth Wijdenbosch, Vice-President of the Suriname General Assembly announced during the GA: “Suriname will soon remove the death penalty from its Criminal Code”.

► **Medium term impact:**

- The text was adopted by the Suriname Parliament on 3 March 2015 in the course of debates over the adoption of a new Criminal Code. Suriname is now one of the target countries in the World Coalition’s campaign for the ratification of the international protocols for the abolition of the death penalty.
- In 2014, mobilisation for World Day in the retentionist Caribbean region was strong, such that for the first time there were as many events in retentionist as in abolitionist countries.



[4] Promote and legitimise the establishment of World Day on 10 October

1) Ensure international recognition of 10 October, World Day Against the Death Penalty

Recognition of World Day continued to grow in 2014 among the media and inter-governmental organisations:

- **EU** member States and European delegations were once again very active on 10 October.
- They were joined this year by the OAS **Inter-American Commission on Human Rights** who published a press release calling for the first time for the abolition of the death penalty and who organised a two-day conference in Costa Rica.
- The **UN** also played an important role this year with a video statement by Ban Ki-moon, where he mentioned World Day for the first time. Attending an event entitled “Justice that kills – the death penalty in the 21st century” organised by Italy and the EU to take place at the UN in Geneva, the UN Secretary General Ban Ki-moon addressed a [message of support for World Day](#), calling on world leaders to establish a moratorium on executions and to ratify the UN Protocol on the abolition of the death penalty. “We want to bring this Protocol to life” said Florence Bellivier at a ceremony organised in Geneva by the CCPR Centre and the World Coalition to commemorate the 25th anniversary of the treaty banning the death penalty from those countries which had ratified it. She emphasised the importance of the Protocol as a tool to move the abolitionist cause forward around the world, and called on civil society, international organisations and member States to use it more often.

CASE STUDY: A Swiss Initiative

On the initiative of the Swiss Government, Foreign Ministers from 12 countries around the 5 continents which have or have not abolished the death penalty signed a [Joint Statement](#) expressing their desire for a world which “respects human dignity” on the occasion of World Day Against the Death Penalty.

The World Coalition contributed to this initiative by translating the statement and publishing it on its website in 7 languages.

2) Publicise the existence and work of the World Coalition

In 2014, the World Coalition was recognised as the organiser and founder of World Day Against the Death Penalty. Its name appeared in many more articles and official statements than previously and for the first time it was also contacted direct by the international media (International New York Times, France 24 and TV5 Monde).

Well known personalities from the world of politics, business and the arts relayed the calls of abolitionists on World Day. Richard Branson, founder of the Virgin media and transport group, called on governments to follow the recommendations of the World Coalition on the protection of the mentally ill and disabled facing the possibility of the death penalty. In [his blog](#) he wrote “We should all strive to end the death penalty for good. But on the road to universal abolition, we must do all we can to protect those that are most at risk of being innocently convicted.” On social networks, the Chinese artist Ai Weiwei, former French Justice Minister Robert Badinter and many members of the British diplomatic network took part in the [#nodeathpenalty](#) campaign, where web users posted selfies with the reason why they opposed the death penalty.

► **Short term results:**

- Of the 484 published articles which mentioned World Day Against the Death Penalty, over 100 cited the World Coalition Against the Death Penalty as the instigators of the Day.
- We can therefore reasonably conclude that this objective has been fulfilled.

[5] ANNEXES

- Annexes to the Report 2014 of the 12th World Day Against the Death Penalty

www.worldcoalition.org/worldday

- 1) List of 425 initiatives recorded in 82 countries
- 2) Press coverage: 484 cuttings in 88 countries

- List and contact information of the 160 membre organisations of the World Coalition in 53 countries:

www.worldcoalition.org/Member-organizations



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- **World Coalition Against the Death Penalty**

The World Coalition Against the Death Penalty, an alliance of more than 160 NGOs, bar associations, local authorities and unions, was created in Rome on 13 May 2002. It was founded as a result of the commitment made by the signatories of the Final Declaration of the 1st World Congress against the Death Penalty organised by the French NGO Together Against the Death Penalty (ECPM) in Strasbourg in June 2001.

The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

Since 2003, the Coalition has made 10 October the World Day against the Death Penalty.

For more information:

www.worldcoalition.org