

ALTERNATIVES TO THE DEATH PENALTY:

FROM CAPITAL PUNISHMENT TO HUMAN-RIGHTS COMPLIANT LIFE SENTENCES

UNDERSTANDING LIFE SENTENCES

FORMAL LIFE SENTENCES

= when a court explicitly sentences someone to life in prison

- **Life With the Possibility of Parole (LWP)**

= possibility of release routinely considered by a court, parole board, or similar body

- **Symbolic LWP**

= life sentences but with automatic release after a fixed maximum term spent in prison

- **Life Without the Possibility of Parole (LWOP)**

= release can only be granted by the executive or Head of State

- **Irreducible LWOP**

= no possibility of release

INFORMAL LIFE SENTENCES

= sanctions that are not labelled 'life' but are functionally equivalent as they may keep someone in prison for life.

- **De facto life sentences**

= long fixed-term sentences that offer little to no possibility of release (e.g. 99 years)

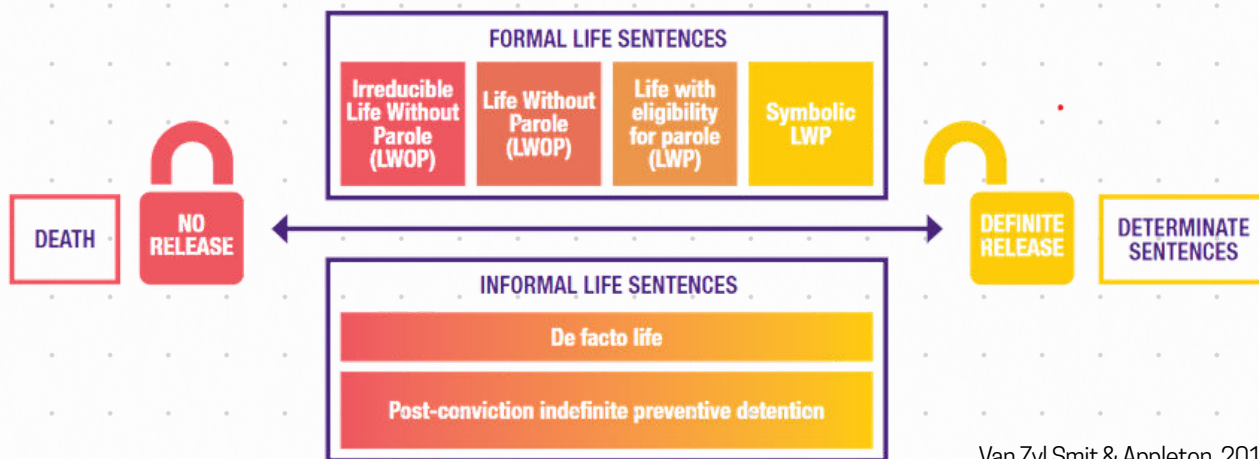
- **Post-conviction indefinite preventive detention**

= range of interventions that result in an individual being detained indefinitely post-conviction



LWOP is mostly a USA phenomenon: in 2014, +80% of the world population serving LWOP were in the USA.

Figure 1: Types of life sentences



People sentenced to life imprisonment are often subjected to **harsher treatment and heightened security regimes** compared to other prisoners, including segregation, handcuffing and shackling, cell and body searches, restrictions on visits and associations, guard dogs, poor living conditions, no access to work, education or rehabilitation and solitary confinement.

VOICE OF A PRISONER SENTENCED TO LWOP



"[Life in prison is] a slow, torturous death. Maybe it would have been better if they had just given me the electric chair and ended my life instead of a life sentence, letting me rot away in jail. It serves no purpose. It becomes a burden on everybody"

Van Zyl Smit & Appleton, 2019

ALTERNATIVES TO THE DEATH PENALTY

STANDARDS FOR SENTENCING PEOPLE TO LIFE

- ✓ Life imprisonment should only be imposed when strictly necessary to protect society and ensure justice.
- ✓ Life imprisonment should be reserved for the most serious crimes.
- ✓ Life sentences must be reducible.
- ✓ The conditions of detention should be compatible with international human rights standards.
- ✓ Sentenced individuals must have access to rehabilitation and a reasonable prospect of release.
- ✓ Review mechanisms should be genuine and accessible.

STANDARDS FOR DETENTION

INDIVIDUALIZATION

NORMALIZATION

RESPONSIBILITY

SECURITY & SAFETY

NON-SEGREGATION

PROGRESSION

The Right to Hope

In *Vinter and others v. UK* (2013), The ECHR recognized the **right to hope** as a “fundamental aspect of...humanity”.

“To deny them the experience of hope would be to deny a fundamental aspect of their humanity and, to do that, would be degrading.” Judge Power-Forde

> For details, see: [Council of Europe, Rec\(2003\)23 - Recommendation on the management by prison administrations of life sentence and other long-term prisoners](#)

See Nelson Mandela Rule 4(1) and ICCPR art. 10.3 on the reintegration and reformation goals of imprisonment.

PRI's 13 STEPS TOWARDS ALTERNATIVE SANCTIONS*

1. Abolish the death penalty and set out **clear alternatives**.
2. Create an **interdisciplinary task force** to oversee reform.
3. **Review all penalty cases** promptly and fairly.
4. **End mandatory sentencing**.
5. Ensure all life sentences are subject to **regular review**.
6. Create independent and transparent **release bodies**.
7. **Protect children and vulnerable groups**. Ban life sentences for offenses committed under the age of 18.
8. Make **rehabilitation** the central aim of long-term imprisonment.
9. **Train staff** and ensure humane treatment.
10. Expand **community-based alternatives** and ensure adequate support for people released after long-term imprisonment.
11. Guarantee reintegration support.
12. Strengthen **support for victims and their families**.
13. **Monitor, report** and **communicate** reforms.

No need to start from scratch.

***For guidance, resources, and best practices, please see:**

<https://www.penalreform.org/resource/alternatives-to-the-death-penalty-2025/>