



The Death Penalty for Drug Offences: Conditions of Detention on Death Row

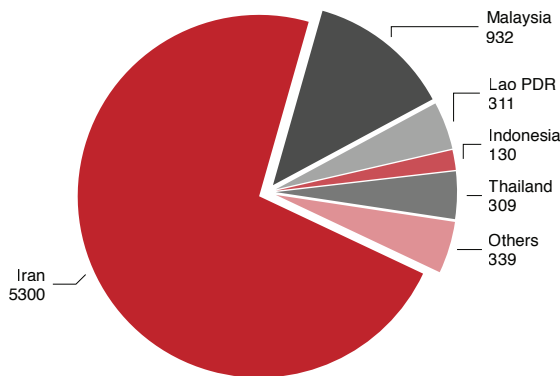
Policy Briefing

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Of the 35 countries and territories that retain the death penalty for drug offences in law, only four are confirmed to have carried out executions for drug offences in 2018. **At the same time, an estimated 19 countries hold individuals on death row for drug offences;** and two more are suspected to do so.ⁱ **By the end of 2018, at least 7,000 individuals remained on death row for drug offences** around the world. Due to systemic lack of transparency, this figure is likely to be an underestimate of the phenomenon.

In a moment where executions are decreasing globally, but death sentences continue to be imposed, it is crucial that more attention be devoted to the men and women on death row.

Chart 1: Death row for drug offences, 2018
(minimum confirmed figures)



THE RIGHTS OF PEOPLE ON DEATH ROW

Individuals on death row retain their fundamental rights, and must be granted the same protection and conditions as the general prison population. These standards are enshrined in international and regional human rights treaties, and in the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).

HUMAN RIGHTS VIOLATIONS ON DEATH ROW

Conditions of detention on death row vary considerably between states, regions, and prisons. However, individuals awaiting execution systematically endure abusive and dehumanising conditions. Below are some of the most commonly reported violations, in countries where persons are sentenced to death for drug offences.

a) Physical and psychological violence, and cruel and inhuman conditions of detention

Malaysia, Vietnam,ⁱⁱ Iran,ⁱⁱⁱ and Egypt,^{iv} combined, hold at least 6,200 people on death row for drug offences. In these countries, death row prisoners are often in total isolation for up to 23 hours a day.

In China, where death sentences can be imposed for producing or trafficking as little as 50 grams of heroin,^v death row inmates live shackled by their hands and feet.^{vi}



b) Prison overcrowding, denial of food and water, and unsanitary conditions of detention

In Pakistan, home to one of the largest death row populations in the world, eight-by-ten foot cells are shared by up to ten prisoners for 22 hours a day, while the other two hours are spent walking, handcuffed, around the prison.^{vii} Prisoners in Egypt report lengthy periods in unhygienic conditions (including lack of toilets) and denial of medical assistance, resulting in the spread of infectious diseases.^{viii}

c) Uncertain waiting times for execution, and undue restrictions on contact with the outside world

The process leading to execution can cause considerable anxiety and suffering, for both prisoners and their families. Prisoners frequently wait on death row for years, if not decades;^{ix} they may be informed of their execution date at the last minute, allowing little or no time to say goodbye to their families. Some prisoners have their execution announced and then suspended multiple times.^x

Conditions in Vietnam are so dire that “many prisoners have begged to be executed as soon as possible rather than live with the terror of waiting for an unknown execution day. Several death row inmates have committed suicide [...] and others have unsuccessfully attempted to end their lives.”^{xi}

WOMEN ON DEATH ROW

A 2018 report by the Cornell Center on the Death Penalty Worldwide^{xii} highlighted the particularly harsh conditions that women endure on death row, and found that drug offences are the second most common crime for which women are on death row (after homicide).

In **Indonesia**, women awaiting executions share overcrowded cells with up to 30 other women, and are often denied adequate healthcare. Their experience exemplifies that of many women sentenced to death for drug offences:

“Three of the six [women on death row for drug offences] were drug mules who were tricked or coerced into smuggling drugs and two more were arrested with their husbands and denied any involvement in their partners’ drug dealing.”

Overcrowding is a serious concern in prisons in **Thailand** where, at the end of 2018, 76 out of 83 women on death row were convicted of drug offences. Women on death row share their cells with the general female prison population, in such small spaces that they must take turns to lie down to sleep on the floor.

In **Iran**, where at least 89 women were hanged for drug offences in the past 18 years,^{xiii} conditions of detention are described as “inhuman”, “catastrophic”, and “medieval”.^{xiv} Local civil society reports a disturbing range of abuses, including: stripping and beatings, flogging, hanging, isolation in total darkness for weeks, forced removal of nails, and, denial of food.^{xv}

Women on death row tend to endure worse conditions than men in the same position, especially concerning access to food, water, and sanitation. Death row prisoners in Indonesia often survive on a calorie deficit diet, while in **India** female prisoners receive less food of poorer quality than male prisoners. Women face additional obstacles in accessing healthcare, while gender-specific treatment is often simply non-existent. There are reports of women on death row being forced to give birth alone in both in **Myanmar** and Thailand.

Finally, due to unequal, gendered power dynamics between the prisoners and the prison personnel, women are vulnerable to mental, physical, and sexual violence.

KEY RECOMMENDATIONS

1. **All states imposing the death penalty** for drug offences should immediately halt executions and commute death sentences, as a first step towards abolition
2. **Retentionist states** must protect the fundamental rights of individuals on death row, in full compliance with international law, including the UN Standard Minimum Rules for the Treatment of Prisoners
3. **Retentionist states** must ensure full transparency on their use of capital punishment and the conditions of detention of individuals on death row, including granting death row access to local and international monitoring mechanisms

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