

# Life Imprisonment Worldwide



**Life Imprisonment Worldwide is an international project using a wide range of research data and analysis to advocate for the abolition of life sentences without parole or review.**

Life imprisonment raises concerns from human rights and prison management perspectives as it is unnecessarily punitive, especially for certain crimes and does not satisfy the principle of proportionality (the idea that an action should not be more severe than is necessary). The Life Imprisonment World Wide project aims to understand the different types of life sentences, how many persons are sentenced to life imprisonment, which crimes attract life sentences, how such sentences are implemented, and the conditions under which prisoners serve them. The psychological impacts on prisoners are also examined.

The project is an intelligence and data gathering exercise and evaluation. Each country has a contact representative and contributes their own data and research. Within the Australian context, statistical data from various sources together with relevant legislative provisions within each Australian jurisdiction have been collated and analysed to determine the nature and extent of life sentences in this country.

## **The problem**

Between 2000 and 2014, there has been an 84 percent rise in those serving formal life sentences globally. According to Penal Reform International and the European Court of Human Rights, life imprisonment without parole raises issues of cruel, inhumane and degrading punishment and undermines the right to human dignity by taking away the prospect of rehabilitation.

Further, The European Committee for the Prevention of Torture has found that in some countries life sentenced prisoners are subjected to impoverished regimes compared to other prisoners including; poor living conditions, restricted human contact, and little to no access to meaningful activities and rehabilitation. The Life Imprisonment Worldwide Project aims to provide new, timely and accessible knowledge about the penalty of life imprisonment across different jurisdictions. This is done through assessment of life imprisonment, in the light of human rights principles and standards



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developed by international human rights bodies and national courts with the overall purpose of agitating for the abolition of life sentences without parole or review.

## Research Focus

Initially funded by a grant from the Leverhulme Trust the project is undertaken by an interdisciplinary team led by Professor Dirk van Zyl Smit and Dr Catherine Appleton from the University of Nottingham, UK, to examine life imprisonment on a global scale for the first time. It continues to challenge the practice and advocate reform of life imprisonment worldwide. The project and research material has now become a coalition where membership is open. The main purpose of the research is to:

- Develop or inform policy advocating for abolition of life sentences without review or parole
- Explore the nature of life sentences from a human rights perspective
- The research is also exploring The European Court of Human Rights' declaration that a sentence of life imprisonment without the possibility of parole is inhumane.
- Explores the aspect of inequity and disproportion of a life sentence compared to the variable age of offenders when they are sentenced.

## Research impact

Research has informed numerous policy outcomes. Of notable significance, is the joint policy brief on 'Life Imprisonment with Penal Reform International' presented to the United Nations in 2018. Within the Australian context, Professor Anderson and the University of Newcastle Law School's Legal Centre were involved in the case of Phuong Ngo, who was convicted of the only political assignation in Australia and sentenced to life imprisonment. After The Grand Chamber of the European Court of Human Rights declared that a sentence of life imprisonment without the possibility of parole was inhumane (*Vinter & Ors v United Kingdom* 2013), and following an unsuccessful appeal to the NSW Court of Criminal Appeal, a special leave application in the High Court of Australia was commenced.

## Major Milestones

**2012:** Journal Article 'The Label of Life Imprisonment in Australia: A Principled or Populist Approach to the Ultimate Sentence.' Published in the University of New South Wales Law Journal.

**2012:** Selected by the ARC as a peer reviewer in the fields of criminal law, evidence and litigation for the ERA assessment exercise.

**2013:** The Grand Chamber of the European Court of Human Rights declared that a sentence of life imprisonment without the possibility of parole is inhumane (*Vinter & Ors v United Kingdom*).

**2017:** Visiting Scholar at the Criminal Justice Research Centre, University of Nottingham UK from September to November.

**2017:** Article in the Conversation titled 'Life Imprisonment Raises Questions about Proportionality, Equity and Human Dignity'

**2018:** Joint policy briefing on Life Imprisonment with Penal Reform International.

**2018:** In *Gaingob & Ors v The State*, the Supreme Court of Namibia directly applied the findings from this research into a ruling that very long sentences of imprisonment should not be imposed to avoid the prohibition on life without parole in that jurisdiction (at [61]-[64]).

**2019:** Australian contributor to 'Life Imprisonment: a Global Human Rights Analysis' book published by Harvard University Press.

**2021:** UN Congress Crime and Justice Meeting in Tokyo; Life Imprisonment in Asia Conference.

Further, judicial pronouncements have cited Life Imprisonment World Wide research body of work in *Gaingob & Ors v The State* (at [61]-[64]). Academic outputs have included an important and extensively cited article in the University of New South Wales Law Journal titled 'The Label of Life Imprisonment in Australia: A Principled or Populist Approach to the Ultimate Sentence.'

### To learn more about this research program:

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