

Opinion: Life Without Parole sentencing violates human rights



**MARIE MANIKIS, SPECIAL TO
MONTREAL GAZETTE**

[More from Marie Manikis, Special to Montreal Gazette](#)

([HTTP://MONTREALGAZETTE.COM/AUTHOR/MARIE-MANIKIS-SPECIAL-TO-MONTREAL-GAZETTE](http://montrealgazette.com/author/marie-manikis-special-to-montreal-gazette))



**MARION VANNIER, SPECIAL TO
MONTREAL GAZETTE**

[More from Marion Vannier, Special to Montreal Gazette](#)

([HTTP://MONTREALGAZETTE.COM/AUTHOR/MARION-VANNIER-SPECIAL-TO-MONTREAL-GAZETTE](http://montrealgazette.com/author/marion-vannier-special-to-montreal-gazette))

Published on: April 1, 2015

Last Updated: April 1, 2015 1:25 PM EDT



A maximum security unit of the Saskatchewan Penitentiary is pictured in Prince Albert, Sask., Jan.23, 2001.

THOMAS PORTER / THE CANADIAN PRESS files

The Harper government introduced a bill last month that repeals the possibility of parole for offenders convicted of first-degree murder, including anyone who kills a police or jail guard, as well as anyone who kills during sexual assault or kidnapping.

In effect, the removal of parole means that offenders will no longer have any prospect of release. Once they are sentenced to life without parole, they will be engulfed behind prison bars until they die. Such a form of punishment violates basic human rights in the following ways:

Capacity to change: From the moment the sentence is handed out

until the day they die behind bars, offenders can attempt to rehabilitate, change and better themselves: it will not matter. First-time offenders who committed a crime at a young age and at a difficult time in their lives are likely to change, to become remorseful and realize their mistakes. And they will no longer present a threat to society. Yet, with a life without parole sentence, their lives would effectively be considered over, and their personality frozen in time from the moment they have been found guilty of that crime. In so doing, the punishment denies their intrinsic human capacity to change.

Exacerbates the pains of imprisonment: A wealth of scientific and empirical studies has demonstrated that lengthy imprisonment creates both psychological and physical pains — increasing the risk of suicide (a risk 11 times greater than the general population) as well as the risk of being a homicide victim in prison (a risk 14 times greater than living in the community). In addition, the denial of hope combined with permanent incarceration inevitably leads to increased emotional and mental deterioration. As offenders grow older in prison, they will necessarily be exposed to a worsening health. This is already the case in the United States, leading the U.S. Supreme Court to refer to the “humanitarian crisis” that has gone viral behind prison bars as offenders who suffer psychologically and physically are exposed to medical neglect.

Permanent Elimination: The rationale for life without parole is exactly the same as that of the death penalty: it is one of permanent elimination. Indeed, “death” is the only other reality that freezes a personality and ends any form of possible change. When a system abandons and labels a person as unchangeable without any opportunity to prove otherwise, and indeed ensures death behind bars, Canada would in effect be introducing another form of state-imposed death.

Canada and the rest of the world: When Canada and other abolitionist countries repealed the death penalty, they had made it central not to replace capital sentences with an equivalent form of punishment, one that would deny offenders' basic human rights, violate their right to life, or denigrate their fundamental human dignity. Rather than signalling progress, the government's proposed bill would plunge Canada back into its uncivilized past.

As Prime Minister Stephen Harper attempts to revive an archaic form of punishment, the rest of the world has begun seriously questioning the humanity of life without parole sentences. The European Court of Human Rights has sanctioned the United Kingdom for holding a similar type of sentence and the U.S. Supreme Court has recently found that life without parole applied to juveniles was indeed a cruel and unusual punishment.

Introducing these sentences here would not only violate offenders' basic human rights, it would ultimately stain each member of the Canadian society: voters, taxpayers, each and every one of us.

Marie Manikis is a professor at the Faculty of Law at McGill University, where she teaches sentencing and criminal law. Marion Vannier is a researcher in criminology at University of Oxford. Her doctoral dissertation focuses on life without parole in the United States.

This Week's Flyers

BRICK IT'S OUR HUGE **SEMI-ANNUAL 3 DAY SALE!** FRIDAY - SATURDAY - SUNDAY

60% OFF FABRIC, LEATHER, & RECLINING SOFAS

PLUS 50% OFF

HOVER FOR FLYER

The BRICK

Dell recommends Windows.

Super Sale

Discover your super power.
Find impressive PCs and electronics for less during Dell's Super Sale.

Dell

Limited Quantity Doorbuster!
New 15" Gaming Laptop
Inspiron 15 3000 Series (Intel®)

\$429.99

HOVER FOR FLYER

Dell

FAISONS LA BONNE AFFAIRE, C'EST BEAU.

PROME DÉLIVRÉ

FAISONS LA BONNE AFFAIRE, C'EST BEAU.

AUCUN PRIÈRE À FAIRE EN ENTRE AVANT 18 MOIS.

PROME DÉLIVRÉ

349.99

299.99

98.99

29.99

399.99

9.99

9.99

9.99

14.99

HOVER FOR FLYER

Home Depot

Comments

We encourage all readers to share their views on our articles and blog posts. We are committed to maintaining a lively but civil forum for discussion, so we ask you to avoid personal attacks, and please keep your comments relevant and respectful. If you encounter a comment that is abusive, click the "X" in the upper right corner of the comment box to report spam or abuse. We are using Facebook commenting. Visit our FAQ page (<http://www.montrealgazette.com/news/story.html?id=7195492>) for more information.

7 comments



Add a comment...

Also post on Facebook

Posting as **Lysanne Larose** ▾

Comment



Stan Joseph Grmovsek · Top Commenter · Osgoode Hall Law School

Here's a thought: Don't commit first degree murder or at least let this new punishment deter you for a second to give your actions another thought.

Anyone affected by this change is not going to garner much public sympathy. There are more productive and beneficial initiatives to society/offenders that these groups can focus upon. I wish they would channel their efforts into initiatives that would help ex-offenders reintegrate into society such as Pardon reform, bonding for ex-offenders, and job incentives for employers to put ex-offenders on an equal footing so that those that get out can start rebuilding their lives and give back in a positive way.

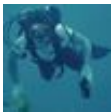
[Reply](#) · [Like](#) · [5](#) · [Follow Post](#) · Edited · April 3 at 8:49am



Brian Bobryk · Top Commenter · Operator III at City of Regina | Municipal Government

An eye for an eye. Trudeau should not have abolished capital punishment in the 70's. They are getting of easy, it is better than death.

[Reply](#) · [Like](#) · [3](#) · [Follow Post](#) · April 1 at 2:40pm



Robbie Broatch · [Follow](#) · Top Commenter

The victims lost their rights . You do the crime you do the time. I hate bleeding hearts.

[Reply](#) · [Like](#) · [2](#) · [Follow Post](#) · April 2 at 1:55am



Shannon FH · Top Commenter

Enough of this already. The do the crime- they do the time. Start polling the VICTIMS of these heinous crimes and see how they feel about having to live in fear - even with the offender behind bars. For lots their entire lives are completely ruined - and that only the victims and their families that have lived. For the murdered, well they do not have a voice anymore, so I personally do not believe that the offenders have ANY rights in jail. If they were sentenced to life in prison it should be without the possibliliy of parole. The get what they so justly deserve!

[Reply](#) · [Like](#) · [1](#) · [Follow Post](#) · April 2 at 12:53pm



Manee Grewal · Top Commenter

You don t commit crime where you are not given parole
Must understand the feeling of families against whom these people have committed crime

[Reply](#) · [Like](#) · [1](#) · [Follow Post](#) · April 1 at 2:17pm

[View 2 more](#)

([HTTP://WWW.POSTMEDIA.COM](http://www.postmedia.com))

© 2015 Postmedia Network Inc. All rights reserved.

Unauthorized distribution, transmission or republication strictly prohibited.

Powered by WordPress.com VIP (<http://vip.wordpress.com/>)