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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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The death penalty in Council of Europe member and observer countries – an unacceptable violation of human rights

Motion for a resolution[1]
tabled by Ms Renate WOHLWEND and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

In the last ten years, the Parliamentary Assembly has adopted several recommendations on the abolition of the death penalty, implacably reiterating its total opposition to the death penalty, which it considers as an act of torture and an inhuman and degrading punishment, and therefore a grave violation of human rights.

By its Resolution 1560 (2007), the Assembly supported the Italian initiative in the United Nations General Assembly in favour of a universal moratorium on executions. This moratorium initiative was the first such proposal which received the support of the majority of the General Assembly.

At present, all Council of Europe member states are party to Protocol No. 6 to the European Convention on Human Rights, with the sole exception of the Russian Federation, which had signed it on 16 April 1997 but has still not ratified it to date, although a moratorium on executions has been in place since 1996.

Forty-five of the Council of Europe's 47 member states have already signed Protocol No. 13 to the European Convention on Human Rights concerning the abolition of the death penalty in all circumstances, including in wartime, which was opened for signature in 2002. Forty states have ratified it. Only Azerbaijan and the Russian Federation have still not signed it.

Regarding the countries enjoying observer status with the Council of Europe, the Assembly has asked Japan and the United States on several occasions, in 2001, 2003 and 2006, to introduce an immediate moratorium on executions and to take the necessary steps to abolish the death penalty, referring to the duty of observer states to respect human rights, as set forth in statutory Resolution (93) 26.

Short-lived de facto moratoria on executions in Japan – due to the position of the Minister of Justice at the time – and in the United States, pending a decision of the United States Supreme Court on the methods of execution, have been superseded by a cruel bout of executions in these two countries in recent months.

In the light of the foregoing, the Assembly considers that dialogue with the states concerned must be resumed as a matter of urgency.

Signed (see overleaf)

1. Referred to the Committee on Legal Affairs and Human Rights, for report: Reference No. 3481 (29th Sitting, 29 September 2008).

Signed[2]*:*

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2. ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democrat Group
EPP/CD: Group of the European People's Party
SOC: Socialist Group