Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1627 (2003)[1]

Abolition of the death penalty in Council of Europe observer states

Parliamentary Assembly

1. In Recommendation 1522 (2001) on the abolition of the death penalty in Council of Europe Observer states, the Parliamentary Assembly recommended that the Committee of Ministers initiate a dialogue with Japan and the United States on the Assembly's requirements to immediately improve the conditions on "death row" and to institute without delay a moratorium on executions with a view to the future abolition of the death penalty in both countries. The Assembly furthermore asked the Committee of Ministers to ensure that, henceforth, Observer status with the Council of Europe be granted only to countries which have already abolished the death penalty, or which at least strictly respect a moratorium on executions, a recommendation the Assembly herewith reiterates.

2. The Committee of Ministers of the Council of Europe proceeded to an exchange of views with the Assembly's rapporteur, Mrs Wohlwend, with the participation of Observer delegations, on 20 March 2002. On 13 June 2002, it adopted a reply to Recommendation 1522 (2001). In its decision the Committee of Ministers noted that it was, of course, open to a dialogue with Japan and the United States on the issue with a view to overcoming a possible "value gap".

3. In its Resolution 1349 (2003) on the abolition of the death penalty in Council of Europe Observer states, the Assembly found Japan and the United States once more in violation of their fundamental obligation to respect human rights under Committee of Ministers Statutory Resolution (93) 26, due to their continued application of the death penalty.

4. The Assembly regrets the absence of transatlantic parliamentary dialogue and wishes to deepen the ongoing transpacific parliamentary dialogue. It considers, furthermore, that Observer states have a moral obligation to engage in dialogue with the Council of Europe on matters of common concern, in particular the respect for human rights. In fact, dialogue is only the first, minimum requirement, which must, eventually, bear fruit.

5. The Assembly therefore recommends that the Committee of Ministers:

5.1. transmit Resolution 1349 (2003) to the governments of the countries concerned, stressing the importance that the Council of Europe attaches to the abolition of the death penalty;

5.2. intensify its dialogue on the abolition of the death penalty with the governments of the countries concerned with a view to encouraging rapid progress on the issue, especially as it is becoming increasingly difficult for the Council of Europe to accept that Observer states make use of the death penalty;

5.3. take effective measures to encourage compliance by Japan and the United States of America with Assembly Recommendation 1522 (2001) and Resolution 1349 (2003) on the abolition of the death penalty in Council of Europe Observer states;

1. Assembly debate on 1 October 2003 (30th Sitting) (see Doc.9908Doc.9908, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mrs Wohlwend). Text adopted by the Assembly on 1 October 2003 (30th Sitting).

5.4. make it a minimum requirement for existing Council of Europe Observer states wishing to have their rights under Statutory Resolution (93) 26 extended to show their willingness to engage in a fruitful dialogue at parliamentary and governmental level with the Council of Europe on the abolition of the death penalty, if they have not yet abolished it, or put into place a moratorium on executions;

5.5. report to the Assembly by January 2004 on the progress, since June 2002, of their dialogue on this issue with the countries concerned.