



Recommendation 1760 (2006)¹

Position of the Parliamentary Assembly as regards the Council of Europe member and observer states which have not abolished the death penalty

Parliamentary Assembly

1. The application of the death penalty is a violation of the most fundamental of human rights, the right to life. Capital punishment must be totally removed once and for all from the legislation of all countries which strive to uphold democracy, the rule of law and human rights.
2. The Parliamentary Assembly welcomes the fact that, less than four years after Protocol No. 13 to the European Convention on Human Rights on the abolition of the death penalty in all circumstances (ETS No. 187) was opened for signature, it has already been ratified by 36 of the 46 Council of Europe member states and signed by a further eight. Only Azerbaijan and the Russian Federation have not yet signed it.
3. The death penalty has been abolished in all Council of Europe member states, with just one exception. The Assembly points out that the Russian Federation, upon accession, solemnly undertook to abolish the death penalty and, more specifically, to sign Protocol No. 6 to the European Convention on Human Rights on the abolition of the death penalty in peacetime (ETS No. 114) within one year of accession and to ratify it within three years.
4. The Assembly finds it regrettable that this undertaking has been only partly honoured and that, more than ten years after accession, the Russian Federation retains the death penalty in its legislation, although it does respect the moratorium on executions that it introduced in 1996. Whilst recognising the efforts made by the Russian parliamentary delegation to promote respect for the commitment undertaken, the Assembly regrets that it has so far not received any clear indication from the Russian authorities, at the highest level, as to their intentions on this issue. It urges the Russian authorities to show vis-à-vis public opinion in their country, the same determination and persuasiveness displayed by the other Council of Europe member states, which had the political will and courage to abolish the death penalty despite the potential unpopularity of the measure.
5. In this regard, the Assembly recalls Resolutions 1455 (2005), 1277 (2002) and 1187 (1999), in all of which it made repeated appeals to the Russian authorities on the matter of the abolition of the death penalty, urging them to immediately ratify Protocol No. 6 to the European Convention on Human Rights. It points out that the deadline initially set for honouring this commitment passed in 1999.
6. The Assembly also notes with concern that the separatist territories, not recognised internationally, of Abkhazia, South Ossetia and the Dnestr Moldavian Republic do not observe the abolition of the death penalty by Georgia and Moldova respectively. The Assembly believes that the death penalty should be abolished in these territories and that the sentences of all prisoners currently on death row in Abkhazia and the Dnestr Moldavian Republic should be immediately commuted to terms of imprisonment in order to put an end to the cruel and inhuman treatment of those who have been kept on death row for years in a state of uncertainty as to their ultimate fate.

1. Assembly debate on 28 June 2006 (20th Sitting) (see [Doc. 10911](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mrs Wohlwend). Text adopted by the Assembly on 28 June 2006 (20th Sitting).



7. In respect of countries having observer status with the Council of Europe, the Assembly refers to Resolutions 1349 (2003) and 1253 (2001), in which it calls on Japan and the United States to place an immediate moratorium on executions and to take the necessary steps to abolish the death penalty. It finds it inadmissible that these appeals have gone unheeded and that both Japan and the United States continue to apply the death penalty and violate their fundamental obligation to uphold human rights, pursuant to Statutory Resolution (93) 26. There have been 1016 executions in the United States since the death penalty was reinstated in 1977; eight executions have taken place in Japan since 2001.

8. With regard to the Council of Europe member states, the Assembly recommends that the Committee of Ministers:

8.1. pursue its efforts to ensure that Protocol No. 13 (ETS No. 187) is ratified by all Council of Europe member states as soon as possible;

8.2. oblige the Russian Federation to ratify Protocol No. 6 on the abolition of the death penalty in peacetime (ETS No. 114) without further delay;

8.3. invite Albania and Latvia to amend their domestic legislation so as to abolish the death penalty for crimes committed in wartime or during a state of emergency;

8.4. clarify with Azerbaijan the situation of the prisoners sentenced to death prior to the abolition of capital punishment in that country in 1998, whose sentences have apparently still not been commuted and who therefore continue to be held on death row.

9. With regard to countries having observer status with the Council of Europe, the Assembly refers to its Recommendations 1627 (2003) and 1522 (2001) and urgently calls on the Committee of Ministers to:

9.1. give practical follow-up to the Assembly's previous recommendations on the abolition of the death penalty in observer states and draw the appropriate conclusions from the attitude of the authorities of both countries on this question;

9.2. engage as a matter of urgency in an active and substantive political dialogue with Japan and the United States to encourage both countries to at last place an immediate moratorium on executions, by stressing the position of principle that it is now impossible for the Council of Europe to accept that states enjoying observer status apply the death penalty;

9.3. urge Japan to abolish the death penalty as soon as possible and in any event before the implementation of its judicial reform and the introduction in 2009 of citizens' juries;

9.4. urge the United States to abolish the death penalty as soon as possible;

9.5. include on its agenda by the end of 2006 the question of the suspension of Japan's and the United States' observer status if no progress on this question has been made by then.

10. The Assembly also recommends that the Committee of Ministers urges the European Union to raise the issue of the death penalty in its political dialogue with China.