Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2651 (2026)[1]

Towards the universal abolition of the death penalty in all circumstances

Parliamentary Assembly

1. The Parliamentary Assembly reaffirms its opposition to the death penalty in all circumstances and in all places. The Assembly is proud of its decisive contribution to making the geographical and legal space of the Council of Europe a death penalty-free zone by having made the commitment to its abolition a condition for accession to the Organisation. The Assembly strongly deplores the fact that Belarus, a non-member State of the Council of Europe, is the only country on the European continent that still carries out executions.

2. The death penalty is fundamentally incompatible with human dignity, the right to life and the prohibition of inhuman or degrading treatment or punishment. This has been recognised since 2010 by the European Court of Human Rights in its case law on Articles 2 and 3 of the European Convention on Human Rights (ETS No. 5, hereinafter "the Convention"). Furthermore, all Council of Europe member States have ratified Protocol No. 6 to the Convention (ETS No. 114, concerning the abolition of the death penalty) and the Second Optional Protocol to the United Nations International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and all member States except Azerbaijan have ratified Protocol No. 13 to the Convention (ETS No. 187, concerning the abolition of the death penalty in all circumstances). The Assembly urges Azerbaijan to ratify this protocol without further delay.

3. The Assembly will not accept any backsliding on the prohibition of the death penalty in Europe. Reintroducing the death penalty would purely and simply be incompatible with a State's continuing membership of the Council of Europe and would constitute a serious violation of its obligations under Article 3 of the Statute of the Council of Europe (ETS No. 1).

4. Recalling that the 2025 World Day against the Death Penalty was dedicated to fighting the misconception that the death penalty can make societies safer, the Assembly stresses that there is no evidence that the death penalty deters crime more effectively than lengthy prison sentences or that States that abolished the death penalty have seen an increase in their crime rates. The death penalty makes miscarriages of justice irreversible and disproportionately affects persons belonging to vulnerable groups and minorities. Moreover, it is often applied in an arbitrary and discriminatory manner, or by using execution methods that are unnecessarily cruel or painful, which may amount to torture or inhuman or degrading treatment themselves. Capital punishment can also be a tool of internal political repression or a means of diplomatic leverage through the use of foreign nationals on death row as bargaining chips.

5. Over the years, the Assembly has called for the abolition of the death penalty in Council of Europe observer States, as well as in States whose parliaments enjoy the partner for democracy status with the Assembly. It strongly deplores that executions continue to be carried out in many States across the United States of America and that 23 States still retain the death penalty. Some of these States (Alabama, Arkansas, Louisiana, Mississippi and Oklahoma) have introduced a new method of execution called "nitrogen hypoxia", which has been described as potentially amounting to torture. In 2025, the State of South Carolina carried out the first executions by firing squad in the United States in fifteen years. The death penalty has been restored at the federal level under President Trump. In Japan, an execution was carried out in June 2025, after a pause of almost three years. Executions are carried out by hanging, with very short or no prior notice to death

1. *Assembly debate* on 22 April 2026 (15th sitting) (see Doc. 16375 rev, report of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Gala Veldhoen). *Text adopted by the Assembly* on 22 April 2026 (15th sitting).

row prisoners and their families. The Assembly welcomes the retrial and acquittal by Japanese courts of Iwao Hakamada, 88 years old, who spent more than forty-five years on death row and was known as the longest serving death row prisoner in the world. His case has highlighted concerns about wrongful convictions resulting in death sentences.

6. The Assembly observes that the countries whose parliaments have the partner for democracy status with the Assembly are not carrying out executions. They either have a *de facto* moratorium on executions (Morocco) or have not enforced death sentences for a number of years (Jordan, Palestine (West Bank)). However, courts in Jordan and Morocco continue to hand down death sentences. The Assembly believes that these partners for democracy should work towards the abolition of the death penalty in law, including by promoting and leading a public debate with all relevant stakeholders, in line with the expectations expressed by the Assembly when the status was conferred. However, the Assembly welcomes the positive steps recently taken by Morocco towards the abolition of the death penalty. Morocco voted, for the first time, in favour of Resolution A/RES/79/179 of the United Nations General Assembly calling for a moratorium on the use of the death penalty (2024), which has been perceived in Morocco as a sort of recognition of the moratorium in place. The Assembly welcomes the recent decision of the Kyrgyz Constitutional Court confirming that the reintroduction of the death penalty through referendum would be incompatible with the express constitutional prohibition of capital punishment since 2007, as well as with the country's international human rights obligations. This is an inspiring example of how the judiciary can contribute to upholding the abolition of the death penalty on the basis of international human rights law. The Assembly also welcomes Kazakhstan's decision to abolish the death penalty in law in 2021.

7. The Assembly condemns the fact that death sentences continue to be regularly imposed and executed in Belarus, where actual figures are not publicly known. The Assembly is particularly concerned about the secrecy surrounding executions, including the failure to notify prisoners and their families in advance, the non-return of bodies and the persistent allegations that trials do not meet the most basic international standards of fairness. Furthermore, the scope of application of the death penalty has been widened to include offences that do not meet the "most serious crimes" threshold established under the International Covenant on Civil and Political Rights, to which Belarus is a party. Against this backdrop, the Assembly welcomes the adoption of a memorandum on the abolition of the death penalty in Belarus by the Co-ordination Council in June 2025, endorsed by the United Transitional Cabinet and the Office of Sviatlana Tsikhanouskaya. This must be seen as a clear commitment to abolition in the context of a future democratic Belarus.

8. The Assembly notes that the death penalty has not been applied in Israel since 1962 and that the country has voted in favour of United Nations General Assembly resolutions calling for a moratorium on the use of the death penalty since 2007. The Assembly condemns the adoption of legislation by the Knesset on 30 March 2026, which extends the use of the death penalty to "murderous terrorist attacks". The new law introduces default death sentences by military courts for West Bank residents, excluding Israeli residents or citizens, with a simple majority of the judicial panel needed for conviction. It prohibits the reduction, commutation or pardon of the death sentence. Within the civil courts system in Israel, the law allows for the imposition of the death penalty for "terrorist murders carried out with the intent of negating the existence of the State of Israel". This has clear discriminatory effects for Palestinians. In both cases, the method of execution will be hanging and execution procedures will be characterised by secrecy and a lack of safeguards. The Assembly also notes that the law is currently being challenged before the Supreme Court of Israel. The adoption of this law represents a clear setback in Israel's long-standing stance on the use of the death penalty, thus distancing the country from the growing international consensus in favour of abolition. This legislation is incompatible with the values of the Council of Europe, reflected in Protocols No. 6 and No. 13 to the European Convention of Human Rights, and is in violation of Israel's obligations under the International Covenant on Civil and Political Rights.

9. The Assembly welcomes the global trend towards limiting and abolishing the death penalty, as shown by the fact that more than two thirds of the world's countries no longer execute prisoners, either because they abolished capital punishment in law for all crimes or because they have a moratorium on executions. This encouraging trend is also reflected in the record number of 130 States that voted in favour of the 10th United Nations General Assembly resolution calling for a moratorium on the use of the death penalty (A/RES/79/179) in 2024, as well as in the increasing number of States Parties to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which has risen from 60 in 2007, as mentioned in Assembly Resolution 1560 (2007) "Promotion by Council of Europe member states of an international moratorium on the death penalty", to 92 today. At the same time, the Assembly is alarmed by the increase in executions in 2024 and 2025, which is due to the fact that a shrinking group of retentionist countries are

increasing their number of executions, including for offences not involving intentional killing. The five States that carried out the most executions in the world in 2024 were reportedly China, Iran, Iraq, Saudi Arabia and Yemen. In Iran alone, at least 1 500 individuals were reportedly executed in 2025.

10. The Assembly acknowledges the crucial role of the judiciary in limiting the use of the death penalty in numerous countries. National courts often have the power to exercise judicial discretion when sentencing, to overturn or commute death sentences and to establish legal precedents in favour of moratoriums on executions or partial abolition. Some of their decisions have paved the way for full *de jure* abolition. Courts in abolitionist countries can also ensure that individuals are not extradited to countries where they are at risk of being sentenced to death, following the example of the case law of the European Court of Human Rights.

11. The Assembly further emphasises the importance of involving young people in the abolitionist movement worldwide. It therefore encourages the pursuit of initiatives and programmes of the Council of Europe and its member States involving young people, including from Belarus and Morocco, as well as the network of young ambassadors that is being set up. Member States must counter narratives that support the death penalty, and which may be gaining traction among younger generations in Europe, by raising awareness about the death penalty's inherent cruelty and ineffectiveness.

12. The Council of Europe and the Assembly should contribute to the upcoming 9th World Congress against the Death Penalty, to be held in Paris in June 2026, including by sharing their experience of progressively making Europe a death penalty-free continent, as well as their expertise on the role of the judiciary and young people.

13. In the light of these considerations, the Assembly:

13.1. calls on the United States of America to:

13.1.1. introduce without delay a moratorium on executions at both federal and State levels, and take the necessary steps towards the abolition of the death penalty in law at all levels, including by initiating an open and inclusive public debate on this issue;

13.1.2. commute all existing death sentences to prison terms;

13.1.3. in the meantime, ensure that the conditions of detention on death row comply with the prohibition of torture or cruel, inhuman or degrading treatment or punishment, and immediately stop using execution methods such as nitrogen hypoxia, firing squad and electrocution;

13.2. calls on Japan to:

13.2.1. introduce an immediate moratorium on executions, and take the necessary steps towards the abolition of the death penalty in law, including by initiating an open and inclusive public debate on this issue;

13.2.2. commute all existing death sentences to prison terms;

13.2.3. in the meantime, ensure that the conditions of detention on death row comply with the prohibition of torture or cruel, inhuman or degrading treatment or punishment, and stop the practice of executions shrouded in secrecy with little or no prior warning to prisoners, their families and lawyers;

13.3. calls on the Belarusian regime to:

13.3.1. introduce without delay a moratorium on the imposition and execution of the death penalty, as a first step towards the abolition of the death penalty in law;

13.3.2. commute all existing death sentences to prison terms;

13.3.3. in the meantime, end the secrecy of practices surrounding the death penalty, guaranteeing at a minimum prior notification of execution to prisoners, their families and lawyers, as well as the return of the bodies;

13.4. strongly urges Israel to repeal or invalidate the new law that expands the use of the death penalty in a discriminatory manner without further delay, and to refrain from implementing it in the meantime, in accordance with its obligations under the International Covenant on Civil and Political Rights, and notes that, in this context, the compatibility of Israel's actions with the requirements attached to its observer status should be kept under careful review;

13.5. requests that the European Commission for Democracy through Law (Venice Commission) issue an opinion on the compatibility of the law adopted by the Israeli Knesset on 30 March 2026 with the norms promoted by the European Convention on Human Rights and the constitutional standards of Council of Europe member States in the field of human rights, in particular the principle of non-discrimination, the right to life and the right to a fair trial;

13.6. encourages the Parliament and the authorities of Morocco to:

13.6.1. take the necessary steps to transform its long-standing *de facto* moratorium on executions into an abolition of the death penalty in law, following Morocco's vote in favour of United Nations General Assembly Resolution AS/RES/79/179 calling for a moratorium on the use of the death penalty, for the first time in 2024;

13.6.2. commute all existing death sentences to prison terms;

13.6.3. pending abolition, declare a *de jure* moratorium on the imposition and execution of the death penalty and/or reduce the number of offences punishable by death in the Criminal Code;

13.7. encourages the Parliaments of Jordan and Palestine to work towards abolishing the death penalty in law, bearing in mind the absence of executions in both countries for a number of years and the expectations expressed when they were granted partnership for democracy status;

13.8. echoes the condemnation by the President of the Palestinian Authority of field executions carried out by Hamas in Gaza, and urges all entities exercising control over the territory of Gaza to ensure that executions are halted;

13.9. invites all Council of Europe member States and Canada and Mexico, as observer States, to:

13.9.1. raise, in their bilateral relations with retentionist countries that still carry out executions, the need for immediate steps towards moratoriums and abolition, and ensure that co-operation in criminal matters and justice with these countries is consistent with this objective and that the Vienna Convention on Consular Relations is fully respected with regard to detained foreign nationals;

13.9.2. advocate for the universal abolition of the death penalty in multilateral forums, in particular the United Nations General Assembly and the United Nations Human Rights Council, as well as in regional organisations, such as the European Union, and interparliamentary organisations;

13.9.3. involve their national parliaments in the fight against the death penalty worldwide, including through regular debates and public hearings on capital punishment, involving civil society and victims' representatives, and through participation in interparliamentary forums;

13.9.4. raise public awareness about the death penalty's inherent cruelty, ineffectiveness and incompatibility with basic human rights, particularly among young people;

13.9.5. support initiatives aimed at strengthening the role of the judiciary in retentionist countries in limiting the scope of the death penalty, including training for judges, prosecutors, lawyers and law-enforcement officials on international human rights standards relevant to capital punishment;

13.9.6. monitor the situation of their nationals who are on death row in retentionist countries, taking all possible diplomatic measures to ensure that their fundamental rights are respected, particularly the right to a fair trial and the prohibition of torture and other cruel, inhuman or degrading treatment, and actively seeking to have their death sentences commuted;

13.9.7. implement Committee of Ministers Recommendation CM/Rec(2021)2 on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment;

13.10. invites the European Union, through its external action, to systematically raise the issue of the abolition of the death penalty in its dialogue with third countries that still impose capital punishment, or with countries that have expanded its scope, such as Israel;

13.11. resolves to promote dialogue with parliamentarians from the United States, Japan, Morocco, Jordan and Palestine, in order to support all efforts to institute moratoriums on executions and abolish the death penalty. The Council of Europe could offer technical assistance to any States seeking to abolish the death penalty;

13.12. invites all its members to raise the issue of the universal abolition of the death penalty in their own national parliaments, through oral and written questions to their governments and in their parliamentary committees on foreign affairs.