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Promotion by Council of Europe member states of an international moratorium on the death penalty

Report
Committee on Legal Affairs and Human Rights
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Summary

The Committee on Legal Affairs and Human Rights confirms its strong opposition to the death penalty in all circumstances. It takes pride in its decisive contribution to making the member states of the Council of Europe a de facto death penalty-free zone. It notes with satisfaction that the death penalty is on the decline worldwide, as shown by a 25% decrease in executions and death sentences between 2005 and 2006. More than 90% of known executions in 2006 took place in only six countries: China, Iran, Pakistan, Iraq, Sudan, and the United States of America – an observer state of the Council of Europe.

The small number of countries that still resort to executions on a significant scale is becoming increasingly isolated in the international community. Between 1977 and 2006, the number of abolitionist countries rose from 16 to 89. This number increases to 129 if one includes those countries which have not carried out any executions for the past ten years or more.

A moratorium is an important step as it saves lives at once and has the potential of demonstrating to the public in retentionist countries that an end to state-sponsored killings does not lead to any increase in violent crime. On the contrary, a moratorium on executions can bring about a change of atmosphere in society fostering greater respect for the sanctity of human life, and thus contribute to reversing the trend towards ever-increasing hate and violence.

The Committee on Legal Affairs and Human Rights therefore strongly welcomes the Italian initiative in the United Nations (UN) General Assembly in favour of an immediate and worldwide moratorium on executions and will support the European Union in pushing this initiative forward in such a manner as to guarantee the best possible success within the UN.

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A. Draft resolution

1. The Parliamentary Assembly confirms its strong opposition to the death penalty in all circumstances. It takes pride in its decisive contribution to making the member states of the Council of Europe a de facto death penalty-free zone, and strongly regrets the fact that one European country – Belarus – still carries out executions.

2. The Assembly has also on several occasions taken a strong stand against executions in other parts of the world, and in particular in the Council of Europe observer states which retain the death penalty, namely Japan and the United States of America.

3. It notes with satisfaction that the death penalty is on the decline worldwide, as shown by a 25% decrease in executions and death sentences between 2005 and 2006.

4. It also draws attention to the fact that more than 90% of known executions in 2006 took place in only six countries: China, Iran, Pakistan, Iraq, Sudan, and the United States of America – a Council of Europe observer state. Based on available public records, which may cause the number of executions to be underestimated in countries lacking accountable government and free media, China alone accounts for more than two thirds of all executions worldwide. Iran's execution rate nearly doubled from 2005 to 2006. Iraq also witnessed a dramatic increase in executions in 2006, bringing the number up to 65. Saudi Arabia, among the worst offenders in 2005, saw a decrease in 2006 to 39 executions, but witnessed an upsurge in early 2007 (48 executions through April).

5. The small number of countries that still resort to executions on a significant scale is becoming increasingly isolated in the international community. Between 1977 and 2006, the number of abolitionist countries rose from 16 to 89. This number increases to 129 when including those countries which have not carried out any executions for the past ten years or more and which can therefore be considered as abolitionist in practice. The time is now ripe for a fresh push in favour of a death penalty-free world.

6. The Assembly therefore strongly welcomes the Italian initiative in the United Nations (UN) General Assembly in favour of an immediate and worldwide moratorium on executions and will support the European Union (EU) in pushing this initiative forward in such a manner as to guarantee the best possible success within the UN. Italy's leading role in the fight against the death penalty follows a long tradition beginning in 1786, when the Grand Duchy of Tuscany was the first state in the world to abolish the death penalty.

7. A moratorium on executions is but one step in the right direction, the ultimate goal remaining the complete abolition of the death penalty in all circumstances.

8. In the meantime, a moratorium is an important step as it saves lives at once and has the potential of demonstrating to the public in retentionist countries that an end to state-sponsored killings does not lead to any increase in violent crime. On the contrary, a moratorium on executions can bring about a change of atmosphere in society fostering greater respect for the sanctity of human life, and thus contribute to reversing the trend towards ever-increasing hate and violence.

9. Finally, a universal moratorium on the death penalty represents a concrete and highly symbolic political act, which could help change an international climate which is all too often characterised by violent actions which take their victims – by no means exclusively in a context of conflict – among civilian populations. A universal moratorium on the death penalty would also make a significant contribution to the establishment of a shared and operational body of principles and rules leading towards a more effective rule of law at international level.

10. The Assembly calls on all member and observer states of the Council of Europe to actively support the Italian moratorium initiative in the UN General Assembly and to make the best use of their influence in order to convince countries that are still on the sidelines to join in. In this context, it warmly welcomes the resolution in the same sense, adopted by the European Parliament on 26 April 2007, on the initiative for a universal moratorium on the death penalty.

11. On 14 May 2007 in Brussels, the ministers for foreign affairs of the EU entrusted Italy and the EU presidency, currently held by Germany, with the task of preparing a draft resolution on a universal moratorium on the death penalty to be submitted to the UN General Assembly. The German Minister Günter Gloser has confirmed that the EU presidency will soon submit a report and has reaffirmed the goal of obtaining the support of all member states for the proposal for a moratorium put forward by Italy.

12. The Assembly recalls that, whilst 60 states have so far ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), adopted by the UN General Assembly in 1989 to promote the universal abolition of the death penalty, 11 Council of Europe member and observer states have not yet done so, namely Albania, Armenia, France, Japan (observer), Latvia, Mexico (observer), Poland (signed but not ratified), the Russian Federation, Ukraine, and the United States of America (observer). For countries which have de facto and *de jure* abolished the death penalty (Albania, Armenia, France, Latvia, Mexico (observer), Poland and Ukraine), or which maintain a moratorium (Russian Federation), the ratification of the Second Optional Protocol to the ICCPR would be a valuable gesture of political support for abolition, and would contribute to further isolating the remaining retentionist countries.

13. The Council of Europe's own instruments against the death penalty are also still lacking ratifications. In particular, Protocol No. 6 to the European Convention on Human Rights has still not been ratified by the Russian Federation, despite the commitment to do so undertaken upon accession to the Council of Europe in 1996. Protocol No. 13 to the European Convention on Human Rights on the abolition of the death penalty in all circumstances, including in times of war or imminent threat of war, has still not been signed by Azerbaijan and the Russian Federation, and has still not been ratified by Armenia, France, Italy, Latvia, Poland and Spain. For the sake of the strong and unified signal to be sent by the Council of Europe as a whole, the Assembly calls on the countries concerned to sign and ratify these instruments without further delay.

14. The Assembly notes in this context that Italy's Chamber of Deputies approved on 2 May 2007, in a second reading, the constitutional bill containing "Amendments to Article 27 of the constitution concerning the abolition of the death penalty"; the bill is presently before the Senate for its second reading and final adoption under the current procedure for constitutional revision. The bill aims to delete from Article 27, paragraph 4, the following words: "unless in the cases provided for by military laws in case of war", thus eliminating any reference to the death penalty in the Italian Constitution and making it possible to ratify Protocol No. 13 to the European Convention on Human Rights.

B. Explanatory memorandum, by Mr Pietro Marcenaro

1. Procedure to date

"The death penalty is disgusting, particularly if it condemns an innocent. But it remains an injustice even when it falls on someone who is guilty of a crime."[1]

1. The Committee on Legal Affairs and Human Rights was seized for report on 16 March 2007 (Reference No. 3323). On 19 April 2007, the committee appointed Mr Pietro Marcenaro (Italy, SOC) as its rapporteur.

2. The Italian initiative for a universal moratorium on executions

2. Italy, taking up its seat as a non-permanent member of the United Nations Security Council in January 2007, plans to use its position for a set of activities aimed at fighting the death penalty at the worldwide level. Italian Foreign Minister Massimo D'Alema stated in early January 2007: "I believe [abolishing the death penalty] must constitute one of the top commitments of our international efforts because it is urgent to have an initiative to put an end to the barbarianism of the death penalty".[2]

3. Italy has a long tradition of opposition to the death penalty. Italian philosopher and politician Cesare Beccaria (1738-1794) made the first ever case against the death penalty, and the Grand Duchy of Tuscany was also the first state to permanently abolish the death penalty in 1786.[3]

4. Italy presented death penalty moratorium proposals at the United Nations (UN) General Assembly in 1994 and 1995, unsuccessfully at the time.

5. On 27 July 2006, the Italian Chamber of Deputies unanimously adopted a resolution urging the government to table another universal moratorium proposal in the UN General Assembly.

6. On 19 December 2006, a declaration on the death penalty drafted on Italy's initiative by the European Union and signed by 85[4]member countries, was introduced at the UN General Assembly. The undersecretary in the Italian Ministry for Foreign Affairs, Mr Gianni Vernetti, stated that "[this] initial positive result will allow us to launch an even more significant campaign on national and European level, hopefully making it possible to create the conditions under which the next General Assembly is able to approve a resolution on a universal moratorium on the death penalty".

7. On 2 January 2007, following a wave of denunciations across Europe and the world over Saddam Hussein's execution, Italy began a diplomatic push to put its drive for a worldwide moratorium on the death penalty on the agenda of the UN General Assembly.

8. The 3rd World Congress against the Death Penalty (Paris, 1-3 February 2007), in its final declaration, strongly supported the moratorium initiative. As representative of the Parliamentary Assembly, Renate Wohlwend (Liechtenstein, EPP/CD) spoke out strongly in favour of a moratorium as a first step towards definitive abolition. Although France has been abolitionist since 1981, in a symbolic move, following the World Congress, the French Parliament voted to amend the constitution so as to incorporate an explicit reference to the ban on the death penalty.[5]It follows Georgia and Kyrgyzstan, which had done so at the end of 2006.[6]

9. On 18 April 2007, Italy received the backing of UN Secretary General Ban Ki-moon, who "welcomed" the Italian proposal for a death penalty moratorium and efforts to promote a global ban on capital punishment.[7]

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1. Guiliano Amato, Prime Minister of Italy, 14 September 2000, commenting on a scheduled execution in Virginia, United States of America, quoted by Amnesty International.
2. Interview with the Italian news agency ANSA; see Inter Press Service News Agency, 10 January 2007 (source: www.ipsnews.net/print. asp?idnews=36122).
3. See interview with Irene Khan, Secretary General of Amnesty International (source: www.lifeinitaly.com/news/news-detailed.asp?newsid=5141).
4. By the end of April 2007, this number had risen to 88 countries from all geographical groups. However, Italy needs a minimum of 100 signatures if the moratorium is to have a chance to win a majority vote in the 192-member General Assembly (source: Inter Press Service (IPS) News Agency, "Death Penalty: Italy keeps up pressure for UN Moratorium", Ernst-Jan Pfauth, 6 April 2007).
5. Katharina Ossenova, "France Parliament amends constitution to ban death penalty, allow impeachment", *Jurist Legal News and Research*, 20 February 2007.
6. Amnesty International, *Death Penalty News*, AI Index: ACT 53/004/2006, December 2006, p. 4.

10. On 26 April 2007, the European Parliament adopted a resolution strongly welcoming the Italian initiative for a universal moratorium and urged all EU bodies and member states "to gather third-country support for the statement" and "to immediately submit – seeking co-sponsorship of other countries in other continents – a resolution for a universal moratorium on the death penalty".[8]In April 2007, the EU Council of Ministers, on the initiative of Italian Foreign Minister D'Alema, decided to "keep this issue high on the EU and the international agenda", promising to "carefully explore prospects for relaunching consideration of this important question in UN fora."[9]

11. Amnesty International's Secretary General, Irene Khan, at a meeting with Prime Minister Romano Prodi on 27 April 2007, asked Italy to lead the anti-death penalty campaign, encouraging Mr Prodi to "continue the battle" against a practice she describes as "morally wrong and juridically indefensible, as well as cruel and inhumane".[10]Amnesty International has a long and successful track record of opposition to the death penalty. In its report published in Rome on 27 April 2007 ("Death penalty on the decline"), the organisation provides reliable factual information demonstrating that the countries which still execute the death penalty are increasingly isolated on the international scene.

3. Background information: death penalty on the decline[11]

12. According to Amnesty International, there has been a noticeable decrease in the number of executions worldwide from 2 138 in 2005 to 1 591 in 2006, representing a 25% decline.[12]As of April 2007, more than half of the world's countries, 129 to be exact, have now abolished the death penalty in law or in practice.[13]Of those 129 countries, 89 countries have abolished the death penalty for all crimes,[14]10 have abolished the death penalty for all crimes save exceptional crimes (that is to say, wartime crimes), and 30 countries are abolitionist in practice.[15]Regrettably, 68 countries retain and implement the death penalty, but, as Amnesty International points out, the number of countries which carry out executions in any given year is significantly lower.[16]

13. More than 90% of known executions in 2006 took place in only six countries: China, Iran, Pakistan, Iraq,[17]Sudan, and the United States of America[18]– an observer state of the Council of Europe. While 38 of the 50 US states have laws allowing for the death penalty, there appears to be an increasing trend in favour of placing moratoria on state-wide implementation of the death penalty, as can be seen in the case of New York,[19]Florida and California;[20]certain other US states, including New Jersey,[21]Maryland, Montana and Nebraska, have even started moving towards a complete ban.[22]Based on available public records, which may cause the number of executions to be underestimated in countries lacking accountable government and free media, China alone accounts for more than two thirds of all executions worldwide. However, in January 2007, legislation came into effect in China, requiring an additional layer of review and ratification by the Supreme

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7. See "Hands off Cain", News archive (18 April 2007), interview with Ban Ki-moon.
8. European Parliament resolution of 26 April 2007 on the initiative for a universal moratorium on the death penalty, provisional edition, P6_TA-PROV(2007)0166.
9. Press release, Council of the European Union, 2795th/2796th Council meetings, (8425/07 (Presse 80)), Luxembourg, 23-24 April 2007 at p. 20. As an example of concerted efforts across Europe, the Council of Europe Committee of Ministers announced its decision to submit a statement of interest in support of the *Amicus Curiae* brief by the European Union in the case of Medellin, a Mexican national sentenced to death, before the United States Supreme Court.
10. News item, "Amnesty asks Italy to lead anti-Death Penalty Campaign", ANSA, Rome, 27 April 2007.
11. Factual information based on the report by Amnesty International, "Death penalty on the decline" (Rome, 27 April 2007).
12. Amnesty International press release, "Death Penalty: Executions fall as pressure grows for universal moratorium", AI Index: ACT 50/013/2007, 27 April 2007.
13. Amnesty International, *Facts and Figures on the Death Penalty* (last updated 16 April 2007).
14. Between 1977 and 2006, the number of abolitionist countries rose from 16 to 89.
15. This number increases to 129, including the countries which have not carried out any executions for the past 10 years or more and can therefore be considered as abolitionist in practice.
16. Amnesty International, *Facts and Figures on the Death Penalty*, op. cit.
17. Council of the European Union press release, "Declaration by the presidency on behalf of the European Union on the death penalty in Iraq", 11917/05 (Presse 220), P 096/05, 2 September 2005.
18. Council of the European Union press release, "Declaration by the presidency on behalf of the European Union on the 1000th execution in the US", 15262/05 (Presse 341), P137, 2 December 2005.
19. *Facts and Figures*, op. cit., paragraph 11.
20. Amnesty International, *Death Penalty News*, op. cit., pp. 3-4.
21. Council of the European Union press release, "Declaration by the presidency on behalf of the European Union on death penalty moratorium in New Jersey", 5598/06 (Presse 23), 25 January 2006.
22. *The Economist*, "Capital Punishment: Here is thy sting", 28 April 2007, p. 66.

People's Court of all death sentences handed down by lower courts, which may lead to a decrease in the number of executions in 2007.[23]Iran's execution rate nearly doubled from 2005 to 2006. Iraq also witnessed a dramatic increase in executions in 2006, bringing the number up to 65. Saudi Arabia, among the worst offenders in 2005, saw a decrease in 2006 to 39 executions, but witnessed an upsurge in early 2007 (48 executions through to April).

14. The small number of countries that still resort to executions on a significant scale is becoming increasingly isolated in the international community. Given the growing global move towards a universal moratorium on the death penalty, Irene Khan notes that "[t]hese hard core executioners are isolated and out of tune with global trends".[24]Undoubtedly, the world is moving towards being death-penalty-free, the question is not one of if but one of when and at what cost to the lives of those who will be executed before then.[25]The time is now ripe for a fresh push in favour of a death-penalty-free world.

15. Indeed, Europe has substantially become a death penalty-free zone, except for Belarus, where death sentences are known to have been applied in 2006.[26]

16. With respect to the Americas, the United States of America stands alone in having applied the death penalty since 2003.

17. As regards central Asia, the situation also appears, at least formally, to follow a positive trend. Kyrgyzstan has adopted a constitution that explicitly bans the death penalty.[27]Turkmenistan abolished the death penalty entirely in 2000, Kazakhstan and Tajikistan have adopted a moratorium on the death penalty (although both countries have yet to commute their death sentences – Kazakhstan 28 persons, Tajikistan 167 persons – to life imprisonment)[28]and Uzbekistan has indicated its firm commitment to abolish the death penalty in 2008.[29]However, as the International Helsinki Federation for Human Rights cautiously suggests, despite the visible positive trend, "nothing can be taken for granted in this region where prison conditions are deplorable, secrecy surrounds all matters relating to the death penalty and changing political wills could overturn the accomplished achievements".[30]Such caution is backed by Amnesty International's report, which provides evidence of death sentences known to have been applied in Kazakhstan and Kyrgyzstan in 2006.[31]

18. On the African continent, only six countries are known to have carried out executions in 2006.

19. A possible reason for a downward trend in the application of the death penalty is a growing worldwide awareness that the death penalty does not deter violent crime, and that, on the contrary, there appears to be little or no correlation between crime rates and the death penalty. In the context of the United States of America, in particular, there seems to have been a realisation that a large margin of error is accountable for the wrongful execution of more than 120 innocent people since 1973. As has been observed:

> *"Now questions over America's most popular method of execution are prompting some campaigners to ask, hopefully, whether this could be the beginning of the end of capital punishment. […] And if injections are outlawed, then a majority of Americans might prefer life imprisonment without parole rather than returning to the electric chair, firing squad or gas chamber. Indeed, there are opinion polls which suggest that half the electorate already feels that way."*[32]

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23. Amnesty International, *Death Penalty News*, op. cit., p. 2.
24. Amnesty International press release, "Death penalty: executions fall as pressure grows for universal moratorium", 27 April 2007.
25. Amnesty International report, *Death Penalty: Stop the state killing*, AI Index: ACT 50/011/2007, p. 2.
26. Amnesty International, *Death sentences and executions in 2006* (accessed: 10 May 2007).
27. Report by International Helsinki Federation for Human Rights (IHF), "Central Asia, Closer to Becoming a Death Penalty-Free Region?" presented at the 3rd World Congress Against the Death Penalty, Paris, February 2007. See also: Kuban Abdymen, "Death Penalty: Central Asia Nearing Abolition", IPS, 2 March 2007.
28. Unofficial statistics as of January 2007, IHF report, p. 2. In the case of Tajikistan, despite its moratorium, it continues to pronounce the death penalty without implementing it, IHF report, ibid., p. 3.
29. IHF report, ibid.
30. IHF report, ibid. summary.
31. Amnesty International, *Death sentences and executions in 2006* (accessed: 10 May 2007).
32. *The Economist*, "Capital Punishment: Here is thy sting", 28 April 2007, p. 66.

20. Louise Arbour, the United Nations' High Commissioner for Human Rights, has also referred to the renewed momentum since Saddam Hussein's execution as an important opportunity which must be seized in order to advance this important human rights issue:

> *"There is a renewed momentum, or focus, or interest on the question of the abolition of the death penalty. It's been possibly fuelled by the concerns, or the visibility of the executions in Iraq, which, in a sense, I think mobilised international public attention on the question of the death penalty and I would certainly hope that in the course of this year, we will see renewed efforts, debate, discussions on that issue."*[33]

4. The Parliamentary Assembly's position on abolition and moratorium

21. The Assembly's position on an immediate and worldwide moratorium as an important first step in the process towards universal abolition is aptly summed up in the contribution by Renate Wohlwend (Liechtenstein, EPP/CD), the Assembly's long-standing rapporteur on death penalty issues, to the 3rd World Congress against the Death Penalty:

> *"The Council of Europe's experience has shown that a moratorium is an excellent way to smoothly move away from executions. When the general population realises that stopping executions in no way leads to an increase in murders or other serious crimes – and it is a well-documented fact that this is definitely not the case, even to the contrary – then there is much less resistance against the final abolition of the death penalty in public opinion."*[34]

5. Conclusions and recommendations

22. In light of the need to seize the momentum in pushing forward the universal and immediate moratorium of the death penalty, a step which must be seen as a precursor to the final abolition of the death penalty in all circumstances, the Parliamentary Assembly joins the European Union in promoting this issue within the United Nations. In this context, the Assembly strongly welcomes the Italian initiative in the United Nations General Assembly in favour of an immediate and worldwide moratorium on executions.

23. A concerted effort by all Council of Europe member and observer states is vital to this aim. The Assembly therefore recommends that the following actions be taken without delay:

– all member and observer states of the Council of Europe to actively support the Italian moratorium initiative in the United Nations General Assembly and to make the best use of their influence in order to convince countries that are still on the sidelines to join in;

– all remaining member states of the Council of Europe (even those who have already abolished or placed a moratorium on the death penalty) to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) adopted by the UN General Assembly in 1989 to promote the universal abolition of the death penalty;

– all remaining member states of the Council of Europe to ratify the Council of Europe's own instruments against the death penalty, in particular Protocol No. 6 and Protocol No. 13.

33. UNIFEED transmission, 6 March 2007.
34. Full text of speech appended hereto.

Appendix – Full text of speech delivered by Renate Wohlwend (Liechtenstein, EPP/CD) on the occasion of the 3rd World Congress against the Death Penalty (Paris, 1-3 February 2007)

Ladies, gentlemen, dear friends,

First of all, let me thank you for inviting me to present the Council of Europe's experience in abolishing the death penalty, via the moratorium.

I am proud to say that our Organisation has succeeded in making the whole of our continent – with the sad exception of Belarus – a death-penalty-free zone. To be more precise: the death penalty is completely abolished in all member states of the Council of Europe (that is, all European countries except Belarus), except the Russian Federation, where a moratorium is in place since Russia's accession to the Council of Europe in 1996. Total abolition is one of the commitments Russia made prior to accession to the Council of Europe. As rapporteur for the Parliamentary Assembly, I presented a report last year "reminding" Russia of her commitment. The signals received from Moscow after the almost unanimous adoption of this report show that complete abolition should be only a matter of time.

Reintroduction of the death penalty, anywhere in Europe, would be a direct violation of Protocol No. 6 and would create a major political crisis. A few "populist" politicians in Poland mooted this idea last summer, which was dropped very quickly after it became clear what the consequences of such a move would be for their country's standing in Europe.

The Council of Europe's experience has shown that a moratorium is an excellent way to smoothly move away from executions. When the general population realises that stopping executions in no way leads to an increase in murders or other serious crimes – and it is a well-documented fact that this is definitely not the case, even to the contrary – then there is much less resistance against the final abolition of the death penalty in public opinion.

This is particularly true when a moratorium is introduced following a widely publicised case of a miscarriage of justice, leading to the condemnation of an innocent man. Many of us are legal practitioners, as I am, and we all know that the judicial process is far from perfect, anywhere in the world. Mistakes do happen, and when the penalty is death, they cannot be corrected ever again, they are utterly irreversible.

Right now, the scandalously blunderous way in which Saddam Hussein and his henchmen were executed in Iraq provides an excellent prompt to demand an end to executions, once and for all. The flagrant violation of human dignity was obvious to all. No need to look at the horrid videos which circulated on the Internet shortly after these botched hangings, which, to be honest, I was unable to face. These executions are a demonstration of the fact that the death penalty does not serve to pacify in any way the victims of crime. No doubt Saddam Hussein is responsible for the violent deaths of tens of thousands of innocent people. But his execution, instead of being perceived as some kind of just satisfaction for his victims, came across as an act of revenge of the winner against the loser of a conflict between competing warlords. Saddam has been given the opportunity to be seen as a martyr for "his side's" cause, rather than a fairly punished mass-murderer, who should rightly spend the rest of his life in prison. It is the latter outcome that his many victims would have deserved.

I know that even with the best "prompts" to call for an end to executions, this step still requires true leadership from politicians, who have to guide public opinion and not just give in to perceived popular sentiment.

I can assure you that it was also not so easy for the Council of Europe to adopt Protocol No. 6 to the European Convention on Human Rights, which mandates the abolition of the death penalty in peacetime. After all, it is the governments of the member states which dominate the Council's executive body, the Committee of Ministers, which has to approve all conventions and protocols opened for signature; and the ministers, as a rule, strive to work by consensus, and their decisions are often limited to the lowest common denominator. But the Parliamentary Assembly has, once again, successfully played its role as the Council of Europe's conscience.

When the European Convention on Human Rights was adopted in 1950, capital punishment was still foreseen in the penal codes of most founding members of the Council of Europe. Executions still took place in France, Greece, Ireland, Turkey and the United Kingdom. Article 2 of the Convention, protecting the right to life, consequently provided for an express exception for the execution of capital punishment.

But in the early 1970s, moves towards abolition were initiated in the Parliamentary Assembly. The first motion in favour of abolition in 1973, supported mostly by Scandinavian parliamentarians, was defeated in 1975. But five years later, in April 1980, the Assembly adopted Resolution 727 appealing to the parliaments of those

member states which still maintained the death penalty to abolish it, and asked the Committee of Ministers to draft an additional protocol to the European Convention on Human Rights aimed at the abolition of the death penalty in peacetime.

Meanwhile, after the fall of the Berlin Wall in 1989 and the dismantling of the USSR at the end of 1991, the new democracies in central and eastern Europe turned towards the Council of Europe and applied for membership. In most of these countries, the death penalty was still widely used, and the functioning of the judiciary, inherited from the communist past, was very problematic.

The Parliamentary Assembly, which had by that time become staunchly abolitionist, after the accession of a number of abolitionist southern European countries and abolition in France in 1981, made use of its powers in the process of admission of new member states in order to ensure abolition in the candidate countries in central and eastern Europe.

Following a report of another Swedish colleague, Hans Göran Franck, Resolution 1044 (1994) laid down the abolition of the death penalty as a condition precedent for the accession of a new member state: an immediate moratorium on executions, to be followed by a commitment to sign Protocol No. 6 within three years.

The method proved to be efficient, albeit sometimes a little bit difficult on countries caught up in a difficult process of democratic transition, with public opinions at times disoriented by the speed of political, legal and economic change. But in fact the results were there: no candidate country walked away from the effort, and in fact or in law, all dropped the death penalty. I already mentioned that Russia is unfortunately running behind schedule as regards definitive abolition, but I can assure you that the Assembly will not stop pushing until this commitment is fulfilled as well.

Enough said by way of introduction. I am looking forward to the discussion we will now begin around this table. Thank you for your attention.

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Reporting committee: Committee on Legal Affairs and Human Rights.

Reference to committee: Follow-up to the current affairs debate, Reference No. 3323 of 16 March 2007.

Draft resolution unanimously adopted by the committee on 8 June 2007.

Members of the committee: Mr Dick **Marty** (Chairperson), Mr Erik **Jurgens**, Mr György Frunda, Mrs Herta Däubler-Gmelin (Vice-Chairpersons), Mr Athanasios **Alevras**, Mr Miguel Arias, Mr Birgir Ármannsson, Mrs Aneliya Atanasova, Mr Abdülkadir Ates¸, Mr Jaume **Bartumeu Cassany**, Mrs Meritxell Batet, Mrs Soledad Becerril, Mrs Marie-Louise **Bemelmans-Videc**, Mr Erol Aslan Cebeci, Mrs Pia Christmas-Møller, Mrs Ingrıda Circene (alternate: Mr Boriss **Cilevicˇs**), Mrs Lydie Err, Mr Valeriy **Fedorov**, Mr Aniello Formisano, Mr Jean-Charles **Gardetto**, Mr József Gedei, Mr Stef Goris, Mr Valery Grebennikov, Mr Holger **Haibach**, Mrs Gultakin Hajiyeva, Mrs Karin Hakl, Mr Nick Harvey, Mr Andres **Herkel**, Mr Serhiy **Holovaty**, Mr Michel Hunault, Mr Rafael Huseynov, Mrs Fatme Ilyaz, Mr Kastriot Islami, Mr Zˇeliko **Ivanji**, Mrs Katerˇina Jacques, Mr Karol Karski, Mr Hans Kaufmann (alternate: Mr Andreas **Gross**), Mr András Kelemen, Mrs Katerˇina Konecˇná, Mr Nikolay Kovalev (alternate: Mr Yuri **Sharandin**), Mr Jean-Pierre Kucheida, Mr Eduard Kukan, Mrs Darja Lavtizˇar-Bebler, Mr Andrzej Lepper, Mrs Sabine **Leutheusser-Schnarrenberger**, Mr Tony Lloyd, Mr Humfrey Malins, Mr Pietro **Marcenaro**, Mr Alberto Martins, Mr Andrew McIntosh, Mr Murat Mercan, Mrs Ilinka Mitreva, Mr Philippe Monfils, Mr João Bosco **Mota Amaral**, Mr Philippe Nachbar, Mrs Nino Nakashidzé, Mr Tomislav Nikolic´, Mrs Carina Ohlsson, Ms Ann Ormonde (alternate: Mr Patrick **Breen**), Mr Claudio Podeschi, Mr Ivan **Popescu**, Mrs Maria Postoico, Mrs Marietta de Pourbaix-Lundin, Mr Christos **Pourgourides**, Mr Jeffrey Pullicino Orlando, Mr Valeriy Pysarenko, Mr François Rochebloine, Mr Francesco Saverio Romano, Mr Armen Rustamyan, Mr Kimmo **Sasi**, Mr Christoph **Strässer**, Mr Mihai Tudose, Mr Vasile Ioan Daˇnut, **Ungureanu**, Mr Øyvind **Vaksdal**,Mr Egidijus **Vareikis**, Mr Miltiadis Varvitsiotis (alternate: Mrs Elsa **Papadimitriou**), Mrs Renate Wohlwend, Mr Marco Zacchera, Mr Krysztof **Zaremba**, Mr Vladimir Zhirinovsky, Mr Miomir Zˇ uzˇul.

NB: The names of the members present at the meeting are printed in bold.

See 22nd Sitting, 26 June 2007 (adoption of the draft resolution, as amended); and Resolution 1560.