

Resolution 1807 (2011)¹

The death penalty in Council of Europe member and observer states: a violation of human rights

Parliamentary Assembly

1. The Parliamentary Assembly reiterates its principled opposition to the death penalty in all circumstances. It takes pride in its successful contribution to eradicating this inhuman and degrading punishment from almost all of Europe, by having made abolition of the death penalty a condition for accession to the Council of Europe.
2. European experience has shown conclusively that the death penalty is not needed to prevent an increase in violent crime and that political leaders who led the way towards abolition did not suffer any backlash from public opinion.
3. The Assembly urges the United States of America and Japan, as observer states, and Belarus, which aspires to become a member state of the Council of Europe, to join the growing consensus of democratic countries that protect human rights and human dignity by abolishing the death penalty.
4. As regards the United States of America, the Assembly:
 - 4.1. congratulates those American states which have recently abolished the death penalty (in particular, New Mexico, New Jersey and New York State) and invites others, as well as the federal jurisdiction, to follow their lead;
 - 4.2. regrets that the arbitrary and discriminatory application of the death penalty in the United States and the public scandals surrounding the different methods of execution used (lethal injection, electric chair, firing squad) have stained the reputation of this country, which its friends expect to be a beacon for human rights;
 - 4.3. considers that, particularly in the present time of budgetary constraints, scarce resources are better used to improve crime prevention and to increase the rate of clearance of serious crimes rather than to fight protracted legal battles in order to put to death individual perpetrators.
5. Also, as regards the Avena judgment (*Mexico v. United States of America*) of the International Court of Justice, the Assembly urges that:
 - 5.1. the federal legislature pass legislation enabling those Mexican nationals condemned to death without having been provided with the consular assistance mandated by the Vienna Convention on Consular Relations to be retried following the correct procedures;
 - 5.2. all judicial authorities in the United States be given the possibility to ensure that, in future, foreign nationals who may be subjected to the death penalty are provided with appropriate consular assistance, in compliance with the international obligations of the United States under the Vienna Convention.

1. Assembly debate on 14 April 2011 (17th Sitting) (see [Doc. 12456](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Wohlwend). Text adopted by the Assembly on 14 April 2011 (17th Sitting).



6. As regards Japan, the Assembly:

6.1. is deeply disappointed by the missed opportunity of the presence in recent governments of openly abolitionist ministers of justice. *De facto moratoria* were unfortunately followed by a continuation of the atrocious practice of executions carried out under a shroud of secrecy and taking the death row inmates and their families by surprise;

6.2. expects that the recent introduction of the lay judge system in Japan will contribute to increasing popular awareness both of the cruelty of the death penalty system and its fallibility, thus promoting its eventual abolition.

7. As regards Belarus, the Assembly, recalling its [Resolutions 1671 \(2009\)](#) and [1727 \(2010\)](#):

7.1. strongly condemns continued executions since 2008, which have caused much damage to the credibility of Belarus' bid to move closer to the family of democratic European states which protect human rights and human dignity;

7.2. urges the competent authorities to declare a moratorium on executions without further delay and take the necessary steps to abolish the death penalty in law.