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Towards the universal abolition of the death penalty in all circumstances

Report[1]
Committee on Legal Affairs and Human Rights
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1. Reference to committee: Doc. 16301, Reference 4931 of 26 January 2026.

A. Draft resolution[2]

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 Council of Europe geographical and legal space a death penalty-free zone, by having made the commitment to 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 the Council of Europe member States have ratified Protocol No. 6 to the Convention (ETS No. 114, concerning the abolition of the death penalty in time of peace) and the Second Optional Protocol to the 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 (ETS No. 1).

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. It 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 using execution methods that are unnecessarily cruel or painful, which may amount to torture or inhuman or degrading treatment in themselves. Capital punishment can also be used as a tool of internal political repression, or as a means of diplomatic leverage by using 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 a partner for democracy status with the Assembly. It strongly deplores that executions continue to be carried out in many states across the United States, 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 15 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 prisoners and their families. The Assembly welcomes the retrial and acquittal by Japanese courts of 87-year-old Iwao Hakamada, who spent more than 45 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 a 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 their 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 the Resolution of the United Nations General Assembly calling for a moratorium on the use of the death penalty in 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 the capital punishment since 2007, as well as with the country's international human rights obligations. This is

2. Draft resolution adopted unanimously by the committee on 16 March 2026.

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 real 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 United Nations 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 Coordination 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 Israel 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 is therefore deeply concerned about ongoing legislative proposals before the Knesset that would, if adopted, introduce mandatory death sentences by military courts in the West Bank and expand the death penalty in Israel and East Jerusalem in a way that would only apply to killings of Israeli citizens or residents, with potential discriminatory effects against Palestinians. If these bills were adopted, they would represent a clear setback in Israel's long-standing stance on the use of the death penalty and a violation of its obligations under international human rights law, distancing the country from the values of the Council of Europe and the growing international consensus in favour of abolition.

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 it 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 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 Resolution 1560 (2007)) 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 the 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, Saudi Arabia, Iraq 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 have often the power to exercise judicial discretion when sentencing, to overturn or commute death sentences, and to establish legal precedents in favour of moratoria of executions or partial abolition. Some of their decisions have paved the way for full abolition *de jure.* 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 from 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 pro-death penalty narratives that may be gaining traction among younger generations in Europe, raising awareness about the death penalty's inherent cruelty and ineffectiveness.

12. The Council of Europe and the Assembly should contribute to the upcoming 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 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 terms of imprisonment;

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, the 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 terms of imprisonment;

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 terms of imprisonment;

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

13.4. strongly urges Israel to maintain its long-standing abolition of the death penalty for ordinary crimes, refrain from expanding the list of crimes punishable by death in a discriminatory manner, and refrain from introducing exceptional execution procedures characterised by secrecy and/or a lack of safeguards, in accordance with its obligations under the United Nations International Covenant on Civil and Political Rights;

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

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

13.5.2. commute all existing death sentences to terms of imprisonment;

13.5.3. 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;

13.6. 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;

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

13.7.1. raise, in their bilateral relations with retentionist countries that still carry out executions, the need for immediate steps towards moratoria 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;

13.7.2. advocate for the universal abolition of the death penalty in multilateral fora, 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;

13.7.3. 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 fora;

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

13.7.5. 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;

13.7.6. monitor the situation of their nationals who are on death row in retentionist countries, taking all possible diplomatic measures to ensure that their human 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;

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

13.8. 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 are considering expanding its scope, such as Israel;

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

13.10. 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

B. Explanatory memorandum by Ms Gala Veldhoen, rapporteur[3]

1. Introduction

1. This report is based on a motion for a resolution tabled by the Committee on Legal Affairs and Human Rights on 4 December 2025. The motion referred to the prohibition of capital punishment in all circumstances as a fundamental principle of the Council of Europe and recalled the role of the Parliamentary Assembly in making Europe a death penalty-free continent, in particular, with Recommendation 891 (1980) "European Convention on Human Rights - Abolition of capital punishment", which paved the way for Protocol No. 6 to the European Convention on Human Rights (ETS No. 114), and Recommendation 1246 (1994) "Abolition of capital punishment", which led to the adoption of Protocol No. 13 (ETS No. 187). The Reykjavík Declaration, adopted at the 2023 Summit of Heads of State and Government of the Council of Europe, gave new impetus to the Organisation's long-standing fight against the death penalty in Europe and beyond. The Assembly should lead the effort against the reintroduction of the death penalty, and in favour of its universal abolition, in all places and in all circumstances.

2. On 26 January 2026, the committee appointed me as rapporteur. I have also been the Assembly's General Rapporteur on the abolition of the death penalty since 2 October 2024. In this capacity, I have made statements regarding observer and partners for democracy States that still impose the death penalty, and I have reported periodically to the committee on the information collected and the action taken.[4] I presented my last information note to the committee in June 2025.[5]

3. More than a decade has passed since the adoption by the Assembly of Resolution 1807 (2011), focused on the death penalty in the Council of Europe member and observer States. To maintain the abolitionist momentum, France will host the 9th World Congress Against the Death Penalty in Paris in June 2026. This congress will focus on the role of judges in the abolition of the death penalty, as well as on youth mobilisation. This report aims to contribute to this event by taking stock of recent trends, including new abolitions in Africa, regressions in certain Council of Europe observer States and Belarus, and developments in countries whose parliaments have observer or partner for democracy status with the Assembly. It will also briefly address the role of the judiciary and youth.

2. The role of the Council of Europe towards the abolition of death penalty

4. At the Council of Europe, in addition to the right to life guaranteed by Article 2 of the European Convention on Human Rights (ETS No. 5, hereafter "the Convention"), Protocol No. 6 to the Convention, which came into force on 1 March 1985, abolishes the death penalty in peacetime. It is the first legally binding instrument providing for the unconditional abolition of the death penalty in peacetime. It has been ratified by all 46 member States (the Russian Federation had signed it only, when it was still a member State).[6] Protocol No. 13, which was signed on 3 May 2002 and came into force on 1 July 2003, abolishes the death penalty in all circumstances. The latter has been signed and ratified by forty-five member States, most recently by Armenia on 19 October 2023. The Russian Federation did not sign it, whereas Azerbaijan has signed but not yet ratified it.[7]

5. Even though the death penalty is not explicitly prohibited in the text of Article 2 of the Convention, developments in the case law of the European Court of Human Rights (hereafter "the Court"), particularly with regard to Article 3 of the Convention, which prohibits torture and inhuman or degrading treatment or punishment, show that this penalty has become obsolete and contrary as such to the Convention. Accordingly, in the Court's view, the obligations of the States Parties to the Convention and its protocols also prohibit the extradition or expulsion of individuals to countries where they face the death penalty. Such extradition or expulsion would then constitute a violation of Article 3. It will be recalled that in the *Soering v. the United Kingdom*[8] judgment of 1989, the Court found a violation in the UK authorities' intention to send the applicant to the United States where there was a risk that he would spend several years on "death row",

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3. This explanatory memorandum is drawn up under the responsibility of the rapporteur.
4. General Rapporteur on the abolition of the death penalty: Terms of reference.
5. AS/Jur/Inf(2025)17, 20 June 2025. This information note is updated every two years by successive General Rapporteurs.
6. As of 2 March 2026. ETS No. 114; Chart of signatures and ratifications of Treaty 114.
7. As of 2 March 2026. ETS No. 187; Chart of signatures and ratifications of Treaty 187. On Azerbaijan's signature of Protocol No. 13, see the news. On Armenia's ratification, see the news.
8. Judgment of 7 July 1989, Application No. 14038/88.

pending his execution. In the 2005 *Öcalan v. Turkey* judgment,[9] the Court concluded that the application of the death penalty delivered following an unfair trial would be in breach of Article 3 of the Convention and held that the use of the death penalty in peacetime was unacceptable. In the *Al-Saadoon and Mufdhi v. the United Kingdom*[10] judgment of 2010, in light of the progress made regarding the abolition of the death penalty, the Court concluded for the first time that the death penalty was inhuman or degrading treatment irrespective of the circumstances in which it was delivered or applied (violation of Article 3) and that Article 2 had been amended so as to prohibit the death penalty in all circumstances. Furthermore, in *Al Nashiri v. Poland,*[11] concerning the transfer of an alleged terrorist to the United States despite the risk that he could be sentenced to death, the Court found that there had been a violation of Articles 2 and 3 of the Convention taken together with Article 1 of Protocol No. 6. Afterwards, the Court delivered similar judgments in cases such as *Al Nashiri v. Romania,*[12] *A.L. (X.W.) v. Russia,*[13] *M.A. and Others v. Bulgaria*[14] and *Al-Hawsawi v. Lithuania.*[15] The Court has adopted interim measures, under Rule 39 of the Rules of Court, for three individuals who were sentenced to death in the context of the Russian full-scale invasion of Ukraine. In the *Saadoune v. Russia and Ukraine*[16] case, concerning a Moroccan national, member of the Armed Forces of Ukraine who surrendered to the Russian forces during the hostilities and was sentenced to death in the so-called "Donetsk People's Republic", the Court indicated that the Government of the Russian Federation should ensure that the death penalty imposed on the applicant would not be carried out, ensure appropriate conditions of his detention, and provide him with any necessary medical assistance and medication. The same interim measures were granted by the Court in the *Pinner v. Russia and Ukraine*[17] and *Aslin v. Russia and Ukraine*[18] cases concerning two British nationals in the same context. These individuals have since been released following diplomatic efforts.

6. The Assembly has expressed its firm and principled opposition to the death penalty in all circumstances. It considers that it is the ultimate form of cruel, inhuman and degrading punishment and that it violates the right to life. In the report leading to Resolution 1807 (2011) "The death penalty in Council of Europe member and observer states: a violation of human rights", the rapporteur (Ms Renate Wohlwend, Liechtenstein, EPP) reminded some of the key arguments for abolition, including the irreversibility of the death penalty, its arbitrary and biased application, ineffectiveness, and cost.

7. The first report on the abolition of the death penalty was presented in the Assembly in 1980, giving impetus to the discussions on capital punishment.[19] A recommendation suggested to the Committee of Ministers to amend Article 2 of the Convention, concerning the right to life, in order to prohibit the death penalty.[20] Already in 1994, the Assembly was of the view that capital punishment should also be outlawed in respect of acts committed in time of war or of imminent threat of war; it therefore recommended that the Committee of Ministers draw up an additional protocol to the Convention abolishing the death penalty in all circumstances.[21] At the same time, the Assembly developed a practice whereby it required European States wishing to join the Council of Europe (in the 1990s and early 2000s) to undertake to apply an immediate moratorium on executions as a first step towards abolition in law and to sign and ratify Protocol No. 6 to the Convention.[22] This is how the Assembly contributed to making the Council of Europe a *de facto* death penalty-free zone. The Court later acknowledged this when it found that there was consistent State practice in observing the moratorium on capital punishment, as evidence of the European consensus against the death

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9. Judgment of 12 May 2005, Application No. 46221/99.
10. Judgment of 2 March 2010, Application No. 61498/08.
11. *Al Nashiri v. Poland,* Judgment of 24 July 2014, Application No. 28761/11.
12. *Al Nashiri v. Romania,* judgment of 31 May 2018, Application No. 33234/12. See also the decision of the Committee of Ministers adopted at their 1514th meeting (DH) (3-5 December 2024) CM/Del/Dec(2024)1514/H46-30.
13. *A.L. (X.W.) v. Russia*, Judgment of 29 October 2015, Application No. 44095/14.
14. *M.A. and Others v. Bulgaria*, Judgment of 20 February 2020, Application No. 5115/18.
15. *Al-Hawsawi v. Lithuania,* Judgment of 16 January 2024, Application No. 6383/17.
16. *Saadoune v. Russia and Ukraine*, Application No. 28944/22, pending case, Interim measures indicated on 16 June 2022.
17. *Pinner v. Russia and Ukraine*, Application no. 31217/22, pending case, Interim measures indicated on 29 June 2022.
18. *Aslin v. Russia and Ukraine*, Application No. 31233/22, Interim measures indicated on 29 June 2022.
19. Resolution 727 (1980) "Abolition of capital punishment".
20. Recommendation 891 (1980) "European Convention on Human Rights – Abolition of capital punishment".
21. Resolution 1044 (1994) and Recommendation 1246 (1994), "Abolition of capital punishment".
22. See for example Opinion No. 193 (1996) "Russia's request for membership of the Council of Europe", paragraph 10.2 and Resolution 1896 (2012) "The honouring of obligations and commitments by the Russian Federation", paragraph 5 welcoming the decision of the Constitutional Court to abolish *de facto* the death penalty and urging Russia to ratify Protocol No. 6; Opinion 190 (1995) "Application by Ukraine for membership of the Council of Europe", paragraph 12.2. For countries which had abolished the death penalty before the request for accession, the Assembly included in the list of commitments the signature and ratification of Protocol No. 6 (see for example Opinion 222 (2000) "Azerbaijan's application for membership of the Council of Europe").

penalty.[23] In 2007, the Assembly welcomed the efforts in the United Nations General Assembly (UNGA) in advocating for an international moratorium on the death penalty.[24] In 2011, in its last resolution focused solely on the death penalty, the Assembly addressed the situation in the United States of America and Japan (both observer States) and Belarus. Over the years, the Assembly has also covered the issue of the death penalty in country-specific resolutions. Examples include those relating to Belarus,[25] Bosnia and Herzegovina,[26] China,[27] Tunisia,[28] the United States of America[29] and countries whose parliament has a partner for democracy status with the Assembly such as Jordan,[30] Morocco,[31] and Palestine.[3233] In January 2018, in Recommendation 2123 (2018) on "Strengthening international regulations against trade in goods used for torture and the death penalty",[34] the Assembly called for a ban on the trade in goods that have no practical use other than for the purposes of the death penalty or torture. According to the Assembly, "Council of Europe member States are required to take effective measures to prevent activity within their jurisdictions that might contribute to or facilitate capital punishment … in other countries, including by effectively regulating the trade in goods that may be used for such purposes".

8. The Committee of Ministers held its last discussion on the abolition of the death penalty on 24 September 2025. On this occasion, it adopted a new decision on the abolition of the death penalty. It notably reiterated the Council of Europe's aim to have a death penalty-free zone in Europe and beyond, and to pursue the fight against its reintroduction and in favour of its universal abolition, in line with the 2023 Reykjavik Declaration. It also welcomed the continued global trend towards the abolition of the death penalty demonstrated by the adoption by the UNGA on 17 December 2024 of the 10th Resolution calling for a moratorium on the use of the death penalty supported by a record of 130 votes, while deeply deploring the reported global rise in executions.[35] The Committee of Ministers reaffirmed that the Organisation stands ready to contribute to the World Congress against the death penalty which will take place in France in 2026.[36] At the 4th Council of Europe Summit held in May 2023 in Reykjavik, the Heads of State and Government declared that "the Council of Europe has played a crucial role to ensure that Europe is a death penalty free-zone and it should pursue the fight against the reintroduction of the death penalty, and in favour of its universal abolition, in all places and in all circumstances." They therefore gave a new impetus to the Organisation's long-standing fight against the death penalty in Europe and beyond. Council of Europe activities in this field include initiatives concerning young people across Europe, but also specific actions, for example for young people from Belarus and from the South of the Mediterranean (in the framework of the North-South Centre) and a multilateral co-operation programme called "Death is not Justice: Abolition of the Death Penalty in Europe and Beyond."

3. Global trends

9. According to the NGO Ensemble contre la peine de mort (ECPM),[37] there are currently 113 countries which have abolished the death penalty for all crimes. These include all the Council of Europe member States, along with Assembly observers Canada and Mexico, as well as Kyrgyzstan, whose parliament has partner for democracy status with the Assembly, and Kazakhstan. Nine States have abolished the death penalty for ordinary crimes only, including Israel (an Assembly observer), and 29 provide for the death penalty in their legislation but have not conducted any execution at least for the last 10 years, including Morocco (whose parliament has partner for democracy status) and the Russian Federation (former member). This means that, in all, 151 countries (more than two-thirds of the world's countries, around 77 %) no longer

23. *Al-Saadoon and Mufdhi v. the United Kingdom,* Judgment of 2 March 2010, paragraphs 116 and 120.
24. Resolution 1560 (2007) "Promotion by Council of Europe member states of an international moratorium on the death penalty".
25. Resolution 2172 (2017) "The situation in Belarus".
26. Resolution 2201 (2018) "The honouring of obligations and commitments by Bosnia and Herzegovina.
27. Resolution 1621 (2008) "General policy debate on the situation in China".
28. Resolution 2166 (2017) "Political transition in Tunisia", 30 May 2017.
29. Resolution 1539 (2007) "The United States of America and international law".
30. Resolution 2183 (2017) "Evaluation of the partnership for democracy in respect of the Parliament of Jordan".
31. Resolution 2282 (2019) "Evaluation of the partnership for democracy in respect of the Parliament of Morocco".
32. Resolution 1969 (2014) "Evaluation of the partnership for democracy in respect of the Palestinian National Council".
33. Resolution 1896 (2012) "The honouring of obligations and commitments by the Russian Federation".
34. This led to the adoption by the Committee of Ministers of Recommendation CM/Rec(2021)2 to member States on measures against the trade in goods used for the death penalty, torture and cruel, inhuman or degrading treatment or punishment.
35. A/RES/79/179.
36. CM/Del/Dec(2025) 1538/4.1 – Abolition of the death penalty.
37. Barometer – ECPM.

execute prisoners, i.e. they are either abolitionist (62 %) or have a *de facto* moratorium on executions (15 %). Lastly, there are 47 States whose law provides for the death penalty for ordinary crimes and still carry it out (retentionist States), including the USA and Japan (both Council of Europe observer States), Jordan (partner for democracy) and Belarus.

10. The five States that executed the most in the world in 2024 were, in order: China, Iran, Saudi Arabia, Iraq and Yemen. For the second consecutive year, executions were recorded in the lowest number of countries. According to the Amnesty International report, "Death sentences and Executions 2024",[38] at least 1 518 executions were known to have taken place globally in 2024. This represents an increase of 32% from the 1 153 known executions in 2023 and marks the highest number of executions recorded by Amnesty International since 2015. The significant increase in the known global total was mainly due to a spike in executions in three countries: Iran, Iraq and Saudi Arabia. Oman carried out its first known executions since 2021. At least 44 women were known to have been executed in 2024, with 30 executions reported in Iran, 9 in Saudi Arabia, 2 in Egypt and Yemen and 1 in Iraq. It should be noted that these figures do not include the executions carried out in China, where data on the use of the death penalty remains classified as a State secret and where thousands of executions were probably carried out in 2024. Neither do they include the executions carried out in North Korea, Vietnam, and possibly in Syria. The methods of executions used in 2024 included beheading (Saudi Arabia), hanging, lethal injections, shooting and nitrogen gas asphyxiation. Amnesty International recorded 2 087 new death sentences in 2024, a 14% decrease on the 2 428 known total of 2023. It recorded significant rises in the number of death sentences in the Democratic Republic of Congo, India, Iraq, Mauritania, Niger, Tunisia and Yemen. Globally, at least 28 085 persons were under death sentence at the end of 2024. Commutations or pardons of death sentences were recorded in 18 States.

11. According to Amnesty International, the death penalty continued to be applied in ways that violated international law and standards in 2024. At least 8 public executions were recorded in Afghanistan and Iran. At least 8 people were executed for crimes that occurred when they were under 18 years of age. People with mental or intellectual disabilities were under death sentence in several countries, including Japan and the United States. Moreover, death sentences were imposed after proceedings that did not meet international fair trial standards in numerous countries, including China, Egypt, Iran, Iraq, Saudi Arabia and Singapore. The death penalty was used for crimes that did not involve intentional killing, and therefore did not meet the threshold of "most serious crimes" under Article 6 of the International Covenant on Civil and Political Rights (ICCPR); for instance, for drug-related offences (China, Iran, Saudi Arabia and Singapore) and different forms of treason and crimes against the State (Iran, Saudi Arabia and Yemen). In Iran, the death penalty continued to be used to punish individuals who challenged the Islamic Republic and its ideology during the Woman Life Freedom uprising of 2022, including women human rights defenders such as Sharifeh Mohammadi (sentenced to death in June 2024).[39]

12. Volker Türk, UN High Commissioner for Human Rights, noted an "alarming increase in the use the capital punishment in 2025, especially for offences not meeting the 'most serious crimes' threshold required under international law, the continued execution of people convicted of crimes committed as children, as well as persistent secrecy around executions".[40] This increase was also driven by executions for drug-related violations. In Iran, at least 1 500 individuals were reportedly executed in 2025, with at least 47% relating to drug offences. On 10 January 2026, the Tehran Prosecutor General declared that all arrested protesters would be charged with "Moharebeh" (enmity towards God), a crime punishable by death, contrary to international human rights law. On 14 January 2026, the head of the judiciary declared that the Iranian authorities had announced that the demonstrators would be tried quickly and executed.[41] During the UN Human Rights Council's thirty-ninth special session on the deteriorating human rights situation in the Islamic Republic of Iran, many speakers condemned the widespread arbitrary arrests and detentions, including of children, and the risk of the arbitrary application of the death penalty in the context of the repression of nationwide protests beginning 28 December 2025. Mai Sato, UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran denounced the use of the death penalty against peaceful protesters, demonstrating clear disregard for the right to freedom of assembly and expression, and the right to life.[42] The Assembly has also noted with profound concern the significant rise in the use of the death penalty

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38. Amnesty International Global Report: Death Sentences and Executions 2024 | Amnesty International USA, April 2025.
39. Her death sentence was later commuted to 30 years' imprisonment. See https://iranhr.net/en/articles/8262/.
40. "Alarming trends in executions in 2025 raise serious human rights concerns" – UN Human Rights | OHCHR.
41. "Protests in Iran: ECPM warns of the risk of an escalation in the use of the death penalty".
42. "Human Rights Council Adopts Resolution Extending Mandates of Fact-Finding Mission and Special Rapporteur on Iran and Calling for an Urgent Investigation into Human Rights Violations in Iran in the Context of the Protests Beginning 28 December 2025" | OHCHR.

in Iran in 2025.[43] In Saudi Arabia, the number of executions in 2025 rose to 356, exceeding the previous record set in 2024. 78% of those were for drug-related offences, following the resumption of such executions in late 2022. Saudi authorities executed Jalal al-Labbad in August and Abdullah al-Derazi in October, for crimes allegedly committed when they were minor, in complete disregard of international human rights law.[44] In Afghanistan, public executions continued and on 11 April 2025, four people convicted of murder were executed by victims' relatives at sports stadiums. At least 24 people were executed in Somalia and 17 in Singapore. In China and the Democratic People's Republic of Korea, the use of the death penalty remains shrouded in secrecy, making it difficult to obtain accurate numbers.[45] In Burkina Faso, the government adopted a draft law re-establishing the death penalty on 3 December 2025.[46]

13. Important positive steps are being taken across the world on the prohibition of capital punishment. Since January 2017, at least eight countries (Chad, Guinea, Sierra Leone, Kazakhstan, Papua New Guinea, the Central African Republic, Suriname and most recently Zimbabwe)[47] have abolished the death penalty for all crimes. Equatorial Guinea, Zambia and Ghana have abolished it for ordinary crimes only. In 2023, Malaysia's parliament voted to remove the mandatory death penalty[48] and the country's resentencing process reduced the number of people at risk of execution by more than 1 000. The Parliament of Indonesia adopted a new criminal code that became effective in 2026. This revised code allows death sentences to be commuted to life imprisonment or 20 years' imprisonment after a probationary period of 10 years, under certain conditions. Vietnam reduced the number of offences punishable by death from 18 to 10. Pakistan introduced legislation to remove two capital offences, while still retaining 29.[49] The Parliament of Kenya established a task force to review national legislation on the death penalty in February 2025.

14. In December 2024, the UNGA adopted the 10th resolution calling for a moratorium on the use of the death penalty. The resolution was adopted by 130 States (including all Council of Europe member States, Canada, Mexico, Morocco, Israel, Jordan, Kazakhstan and Kyrgyzstan), while 32 voted against it (including the US and Japan), 22 abstained and 9 did not take part in the vote.[50] This represented the highest number of positive votes ever recorded since the submission of the first resolution at the UNGA in 2007. Antigua and Barbuda, Kenya, Morocco and Zambia voted in favour of the resolution calling for a moratorium on the use of the death penalty for the first time. While Antigua and Barbuda went from a vote against to a vote in favour, Kenya, Morocco and Zambia shifted from abstention to a vote in favour.

15. On 7 October 2025, the UN Human Rights Council adopted a resolution on the question of the death penalty, with 31 votes in favour, 7 against, and 8 abstentions. The resolution, among other things, urged all States to protect the rights of persons facing the death penalty by complying with their international obligations; called upon States that had not yet acceded to or ratified the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, to consider doing so; and called upon States that had not yet abolished the death penalty to take active steps to reduce the number of offences for which the death penalty may be imposed and to limit them strictly to the "most serious crimes".

16. It is important to note that the Second Optional Protocol to the ICCPR (providing for the abolition of the death penalty for all crimes, with a reservation possible in time of war) has been ratified so far by 92 States, including all Council of Europe member States.

43. Resolution 2642 (2026) "Political crisis in the broader Middle East: the need to protect human rights and the rights of all minority groups".
44. "Two children executed in Saudi Arabia".
45. "'Alarming' increase in use of death penalty last year, despite global trend towards abolition" | UN News.
46. "Burkina Faso: ECPM calls on the authorities to abandon the draft law re-establishing the death penalty".
47. However, the law includes a provision allowing the death penalty to be temporarily reinstated during a state of public emergency.
48. "Malaysia and the Politics Behind the Death Penalty: A Tumultuous Relationship" – WCADP (worldcoalition.org), 24 October 2022. This legislative change has resulted in 900 death sentences being commuted by the Federal Court.
49. The legislation is pending approval by the National Assembly since Senate passage in July 2025.
50. A/HRC/RES/60/17.

4. Situation in Council of Europe observer States and countries whose parliaments have observer or partner for democracy status with the Assembly

4.1. United States of America

17. The United States ratified the ICCPR on 8 June 1992, making a reservation to Article 6, which enshrines the right to life, but it has not acceded to the Second Optional Protocol, aiming at the abolition of the death penalty. The US has had Council of Europe observer status since 1996. Of the 50 US Federal States, 23 (plus the District of Columbia) have abolished the death penalty[51] and 23 still retain the death penalty, with four [52] having introduced official moratoriums on executions. At the federal level, after a 17-year hiatus, 13 executions were carried out under President Donald Trump first administration between July 2020 and January 2021.[53]Following a moratorium on the federal death penalty under the Biden administration, on 20 January 2025, President Donald Trump signed an executive order calling to "restore" the federal death penalty. He also called on the Attorney General to "take all necessary and lawful action" to ensure that States with capital punishment have sufficient access to the drugs needed for lethal injection execution.[54]On 7 April 2025, Attorney General Pam Bondi directed the prosecutor to seek the death penalty for Luigi Mangione, marking the first federal death sentence sought by the second Trump administration.[55]

18. According to the Death Penalty Information Center, as of 1 October 2025 a total of 2 024 people were under death sentence in the United States of America (most of them in California, Florida, Texas, Alabama, North Carolina, Ohio, Pennsylvania and Arizona).[56]The number of death sentences decreased in the last decade: from 49 in 2015 to 23 in 2025. However, in 2025, 47 prisoners were executed (compared to 25 in 2024 and making it the highest figure in 16 years) in 11 States, including 3 through firing squad and 5 through lethal gas.[57] Texas remains the leading executing State in the country, carrying out 597 of the total number of executions since 1977. Many non-abolitionist States have not carried out an execution for at least ten years (e.g. California or Nevada).

19. Methods of execution continue to raise concerns. The majority of executions in the United States have been by lethal injection. However, in the last few years States in the United States have encountered difficulties in procuring products for this purpose and have consequently resorted to questionable or even secret products or experimental combinations of substances. In addition, some States are considering other execution methods. In 2025, South Carolina carried out the first executions by firing squad in the US in 15 years, raising serious human rights concerns, which I underlined on the occasion of the 23rd World Day Against the Death Penalty.[58] Notably, the reportedly botched execution of Mikal Mahdi by firing squad on 11 April 2025 resulted in a visibly prolonged and distressing death.[59] This incident, along with the firing squad execution of Brad Sigmon a month earlier, has drawn criticism from medical professionals and human rights advocates, highlighting the persistent risks of cruel and inhuman treatment associated with certain methods of execution. Other 4 States (Idaho, Mississippi, Oklahoma and Utah) allow for the use of the firing squad. In Idaho, the firing squad will be the primary method effective in July 2026. Alabama, Arkansas, Louisiana, Mississippi and Oklahoma have all authorised execution by nitrogen hypoxia. Alabama and Louisiana have issued a protocol for its use and are the only States that have performed an execution by nitrogen hypoxia.[60] On the occasion of the 22nd World Day against the Death Penalty, I condemned the use of this method and

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51. See Death Penalty Information Center (as of 16 June 2025).
52. California (since 2019), Oregon (2011), Pennsylvania (2015), Ohio (2020).
53. "US carries out last federal execution before Trump leaves", *Deutsche Welle*, 16 January 2021.
54. "Among Flurry of First-Day Executive Orders, President Trump Issues Order on the Death Penalty" | Death Penalty Information Center.
55. "U.S. Attorney General Directs Prosecutors to Seek Death Penalty for Luigi Mangione, Marking First Federal Death Sentence Sought By This Trump Administration" | Death Penalty Information Center.
56. "Death row overview", Death Penalty Information Center.
57. "List of Defendants Executed in 2025" | Death Penalty Information Center.
58. "General Rapporteur calls for the universal abolition of capital punishment and to counter any narrative that seeks to justify its reintroduction".
59. "Sam Levin: Autopsy suggests South Carolina botched firing squad execution, *The Guardian,* 8 May, 2025. "Lawyers Raise Concern as Autopsy Finds South Carolina's Second Firing Squad Execution May Have Been Botched" | Death Penalty Information Center.
60. "Alabama | Use of Nitrogen Hypoxia for Executions Could Endanger Spiritual Advisors and Prison Staff in the Execution Chamber", 1 November 2023. "Alabama Attorney General Seeks Execution with Unprecedented, Untested Method Using Nitrogen Hypoxia | Death Penalty Information Center", 28 August 2023. "Louisiana Resumes Executions After 15-Year Hiatus with First Nitrogen Gas Execution | Death Penalty Information Center", 3 April 2025. "Alabama Execution Witnesses Report "Violent Thrashing" of Prisoner and More Than 225 "Agonized Breaths" in Nitrogen Gas Execution" | Death Penalty Information Center, 27 October 2025.

noted that the execution of Kenneth Smith in Alabama in January 2024 (the first execution using this method) had exposed the harsh reality of this technique, as witnesses reported seeing him convulse and struggle for several minutes before losing consciousness.[61] The Committee of Ministers of the Council of Europe, in its Declaration of 30 January 2024, also expressed its particular concern over the use of this method of execution, despite serious concerns by a number of international organisations that it may amount to torture, cruel, inhuman or degrading treatment. Nine States still allow electrocution as a method of execution: Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, and Tennessee.

20. The use of the death penalty in the United States also raises concerns regarding the death row phenomenon, which causes mental illness and a significant increase of physical disabilities of inmates. Although this is prohibited by international law and the Eighth Amendment to the United States Constitution, the United States has on several occasions executed death row inmates who were likely suffering from a mental disorder. The United States also executes people over 70 years of age,[62] women,[63] and foreign nationals, including those who have not obtained the consular assistance to which they are entitled under the Vienna Convention on Consular Relations of 24 April 1963, which means it is in breach of international law.[64] In addition, it has been reported that racial and ethnic minorities are disproportionately overrepresented on death row.[65] Tommy Lee Walker, a Black man, was convicted and sentenced to death for the rape and murder of a white woman in 1954, despite he claimed his innocence. He was executed on 12 May 1956, at just 21 years old. Seventy years later, on 21 January 2026, Dallas County officials formally exonerated Mr Walker in a historic resolution, acknowledging that "Mr Walker's arrest, interrogation, prosecution and conviction were fundamentally compromised by false or unreliable evidence, coercive interrogation tactics, and racial bias", which represented "egregious violations of Mr Walker's constitutional rights".[66]

21. Despite some positive abolitionist tendencies, there are still serious difficulties that prevent a substantial advance towards the abolition of the death penalty in the United States. In its decision on the death penalty of 24 September 2025, the Committee of Ministers regretted that executions continue to be carried out in 2025 in the United States, reaching the highest figure since 2015, and called again on the authorities to promote an open and democratic debate towards the abolition of the death penalty. It also reiterated the Council of Europe's readiness to share its experience on abolition of the death penalty with its observer States, including the United States, through initiatives in conjunction with them. In its Declaration of 30 January 2024, the Committee of Ministers called on States within the US to establish a moratorium on the death penalty as a first step towards its abolition at all levels.

4.2. Japan

22. Japan has been a Council of Europe observer State since 1996. It ratified the ICCPR on 21 June 1979 but has not ratified the Second Optional Protocol, aiming at the abolition of the death penalty. In Japan, 19 crimes carry the death penalty (including crimes that do not involve the death of the victim and fall short of the definition of "most serious crimes" under international law). In practice, however, it appears that the death penalty is used only for murder and robbery resulting in manslaughter. Japan has carried out 99 executions of capital punishment since 2000. In 2018, the country more than tripled its annual figure (4 to 15) as a result of the hanging of 13 men in the high-profile case of the Aum Shinrikyo cult, responsible for the deadly sarin gas attack on the Tokyo metro in 1995.[67] Three people in 2019, three people in 2021 and one person in 2022 were executed by hanging.[68] The last and only execution in 2025 (27 June), regrettably after a nearly 3 year-pause, was the execution of Takahiro Shiraishi, convicted in 2020 of the murder and rape of nine people in 2017 by the Tokyo District Court and sentenced to death. Chiara Sangiorgio, Death Penalty Advisor at Amnesty International, denounced a "significant setback to efforts to end the use of the death penalty in

61. "The death penalty does not make society safer" says General Rapporteur.
62. See Mr Cruchten's statement of 20 April 2018, in which he condemned the execution of Walter Leroy Bloody, aged 83, by Alabama after spending 30 years in prison.
63. 18 women since 1976. The last woman to be executed was Amber McLaughlin (3 January 2023 in Missouri).
64. See the report "The death penalty in Council of Europe member and observer states: a violation of human rights" (rapporteur: Ms Renate Wohlwend) for the Committee on Legal Affairs and Human Rights, 3 January 2011, pp. 9-11.
65. In Dialogue with the United States, Experts of the Human Rights Committee Welcome Measures to Address Gun Violence, Raise Issues Concerning Police Violence Towards Civilians and Hate Crimes | OHCHR.
66. "I Have Been Tricked Out of My Life": Dallas Man Exonerated 70 Years After Execution" | Death Penalty Information Center.
67. Mr Cruchten's statement of 9 July 2018.
68. ECPM and Center for Prisoners' Rights, "The death penalty in law in practice", Japan, 2024.

Japan". She called for the introduction of a moratorium on executions and the commutation of all death sentences to terms of imprisonment.[69] Three new persons were sentenced to death in 2024 and at least one in 2025.[70] There are currently 102 under the death sentence.

23. Many Japanese practices relating to the death penalty alarm human rights activists in particular. Some executions involved men whose appeal to secure a retrial was still pending before the courts. Prisoners are often given only a few hours' notice of their execution, and their families and lawyers are informed only after it has taken place.[71] Amnesty International has repeatedly condemned Japan's execution procedures as being "shrouded in secrecy". In October 2021, the UN Human Rights Council adopted a resolution that calls on non-abolitionist States to end secret executions or executions with little or no prior warning, which impair the ability of the convicted individual and family members to prepare for death and can amount to cruel, inhuman or degrading treatment.[72] In addition, Amnesty International points out that people with mental disabilities have been sentenced to death in Japan and are still on death row.[73] Moreover, people sentenced to death live in very questionable conditions. They are isolated from other inmates and their contacts with the outside world are limited to rare and closely supervised visits from members of their families, their lawyers and other officially authorised visitors. Some inmates, such as Iwao Hakamada (see below) and Kenji Matsumoto (whose eight requests for retrial have been rejected)[74] showed signs of seriously disturbed thinking and behaviour due to their detention. Under Article 475 of the Japanese Criminal Procedure Code, the death penalty shall be ordered within six months from the date when the judgment becomes final, the period of the request for retrial or pardon being exempted.[75] Yet, Japan is one of the countries with the longest periods spent on death row, and few people can have access to the places where condemned inmates are executed or even meet them.[76] The release of death row inmates found to be innocent or their release pending a retrial has sparked heated debate in Japan concerning the death penalty. The best-known case is that of 87-year-old Iwao Hakamada, who spent more than 45 years on death row,[77] and was known as the longest serving death row prisoner in the world. Acquitted on 26 September 2024 by the Shizuoka District Court following a retrial, his case has sparked renewed debate about the reliability of Japan's death penalty system and highlighted concerns about wrongful convictions.[78] On 28 October 2022, the UN Human Rights Committee reiterated many of the previous concerns it expressed, and notably condemned the fact that death row inmates continue to be kept in prolonged solitary confinement, including for up to 40 years before execution, are subjected to 24-hour video surveillance, and continue to be denied prior notice of the day of execution.[79] In November 2024, UN special rapporteurs issued a report to the Japanese Government highlighting similar concerns.[80]

24. Nonetheless, capital punishment still has the broad support of Japanese society. According to a survey conducted in 2025 by Japan's Cabinet Office, 83.1% of respondents were in favour of the continued use of the death penalty.[81] However, according to researchers from the Death Penalty Project, Japanese people form their views on the death penalty with limited information.[82] The authorities are not considering abolishing the capital sentence or introducing a new moratorium on executions (a moratorium was instituted between November 1989 and March 1993), despite recommendations made by a large number of States in connection with the last Universal Periodic Review by the United Nations, as well as by the UN Human Rights Committee.[83] Japan voted against the UNGA resolution for the moratorium on the use of the death penalty in December 2022 and 2024. In its decision on the death penalty of 24 September 2025, the Committee of

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69. "Japan: Cruel execution a stain on country's human rights record" – Amnesty International.
70. "Japan: Death penalty for man who killed four in gun and knife attack".
71. Amnesty International, "Japan: Two hanged as reprehensible executions continue", 13 July 2017.
72. "Death-Row Prisoners in Japan Sue Over Same-Day Notice of Executions" | Death Penalty Information Center.
73. Amnesty International 2020, p. 29.
74. *Ibid*.
75. "Japan Hanging on to Death Penalty", South Asia Human Rights Documentation Centre. 28 May 2006.
76. FIDH, "The Death Penalty In Japan, A Practice Unworthy of a Democracy", Report of the International investigation mission, no. 359, March 2003, p. 19, and Philippe Pons, "Au Japon, il ne faut pas 'troubler l'âme' des condamnés à mort", *Le Monde*, 25 March 2005.
77. "This Japanese man spent almost five decades on death row. He could go back", *CNN*.
78. "Death penalty under renewed scrutiny in Japan", *The Japan Times*.
79. Human Rights Committee, Concluding observations on the seventh periodic report of Japan, 30 November 2022, CCPR/C/JPN/CO/7.
80. "U.N. rapporteurs call on Japan to suspend capital punishment".
81. Francis Tang, "Over 80% of Japanese say death penalty system is "unavoidable"", *The Japan Times*, 22 February 2025.
82. "Lawyer: Popular support a flawed reason for death penalty in Japan", *Asahi Shimbun*, 31 March 2021.
83. UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Japan, June-July 2023: "Abolition of the death penalty at the United Nations Human Rights Council 53rd session" – WCADP.

Ministers of the Council of Europe regretted that Japan resumed executions in June 2025, carrying out its first execution since July 2022. It called on Japan to promote an open and democratic debate towards the abolition of the death penalty, and reiterated the Council of Europe's readiness to share its experience on abolition of the death penalty with its observer States, through initiatives in conjunction with them.

25. From 7 to 9 November 2025, Tokyo hosted the 5th Regional Congress on the Death Penalty in East Asia, organized by ECPM, in partnership with the Centre for Prisoners' Rights, the Japan Federation of Bar Associations and the Asian Death Penalty Abolition Network. The event gathered more than 300 lawyers, parliamentarians, representatives of the United Nations, NGOs and former death row inmates and allowed them to engage in dialogue on the role of parliamentarians in the abolition of the death penalty in Japan, transparency regarding detention conditions of people sentenced to death, and advocacy pathways to abolition. While paving the way for the 2026 World Congress, it also highlighted major obstacles towards abolition in Eastern Asia.

4.3. Israel

26. Israel has an observer status with the Assembly since 1957. Israel abolished the death penalty for ordinary crimes under a law passed in 1954. This law maintained the legality of the death penalty for certain criminal offenses, such as treason, genocide and offences under the Nazi crimes law. Since Israel was granted observer status with the Assembly, the death penalty has been carried out only once (in 1962). In December 2020, 2022 and 2024, Israel voted in favour of the UNGA resolutions on the moratorium on the use of the death penalty. Nevertheless, Israel is still not a Party to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.

27. On 3 November 2025, the Knesset's National Security Committee ruled admissible a bill presented by Limor Son Har Melech, a member of the Knesset for the Otzma Yehudit (Jewish Power) party and supported by the Israeli Minister of National Security Itamar Ben-Gvir. On 11 November 2025, the bill was approved in first reading by 39 votes to 16.[84] The most recent version of the bill proposes to give jurisdiction to military courts of the occupied West Bank excluding East Jerusalem to try residents, Palestinians and foreigners, but excluding those residing in Israeli settlements, accused of causing the death of a person in an act falling within the Israeli law definition of "terrorism", and impose the mandatory death penalty for such acts. The death penalty could be imposed regardless of whether the prosecution requests it or supports its imposition and with the decision of a simple majority of the judges, while current legislation requires unanimity.[85] There would be no possibility of reducing or commuting the sentence, nor of being granted a pardon. The same bill proposes to allow civil courts of Israel and East Jerusalem to impose the death penalty for anyone found guilty of intentionally causing "the death of a person with the purpose of harming an Israeli citizen or resident".[86] In that case, the death penalty would be the maximum sentence, but not mandatory. In both cases, execution would take place within 90 days of the final verdict, and the method of execution would be hanging. The draft bill is currently pending before the National Security Committee of the Knesset. It must still be voted in the second and third readings in the plenum before it can be enacted and come into force. Among others, ECPM,[87] Amnesty International[88] and the UN Special Rapporteurs[89] all called for its withdrawal, underlining that it contravenes both international law and Israel Basic Law on Human Liberty and Dignity of 1992, which has constitutional status.[90] They denounced the expansion of offences punishable by death, the use of hanging as mandatory, the introduction of special procedures that strip away key fair-trial and human rights safeguards under international human rights law, including through restricting access to those under death sentence and imposing confidentiality of the information on the implementation of the death penalty, as well as the discriminatory application against Palestinians.[91] In February 2026, Prime Minister Benjamin Netanyahu reportedly asked National Security Minister Itamar Ben-Gvir to soften the proposal, citing concerns over potential international fallout.[92]

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84. Penal Law (Amendment – Death Penalty for Terrorists) – 2025.
85. According to the latest amendments proposed by the Committee Chair as of 26 February 2026 (not yet accepted by the Committee) the death sentence would be the default option, with the possibility of imposing a life sentence when "special circumstances exist". Current legislation already allows military courts to impose the death penalty in the West Bank, but only as a maximum sentence and with the requirement of being unanimous.
86. According to the latest amendments proposed by the Committee Chair as of 26 February 2026 (not yet accepted by the Committee), this wording is replaced by "the death of a person with the aim of negating the existence of the State of Israel".
87. "Israel: ECPM calls for withdrawal of draft law extending the scope of the death penalty".
88. "Israel's Knesset must drop discriminatory death penalty bills".
89. "Israel: UN experts urge withdrawal of death penalty bill", OHCHR.
90. "Israel's Knesset must drop discriminatory death penalty bills".

28. A second bill, whose revised version was approved by the Constitution, Law and Justice Committee of the Knesset on 30 December 2025 and adopted at its first reading at the plenary session of the Knesset on 13 January 2026, aims at establishing special and expedited procedures for the arrest, detention and prosecution of those suspected of having participated in "acts of hostility, murder, rape, looting, and kidnapping" in connection to the attacks of 7 October 2023.[93] It proposes to grant special jurisdiction only to ad hoc military courts to try those charged with offences related to these attacks under "any law", including the Law for the Prevention and Punishment of the Crime of Genocide, as well as offences of "harming state sovereignty and integrity, causing war, and assisting the enemy in war". The death penalty could be imposed with a simple majority vote of the panel of sitting judges (the court is composed of three judges) and appeals could be considered.[94]

29. If these bills were adopted, they would represent a clear set back in Israel's positive engagement for the adoption since 2007 of UNGA resolutions calling for a moratorium on executions and would distance Israel from the group of States which have rejected the death penalty in law or in practice. Such measures would also violate Israel's obligations under international human rights law, particularly under the ICCPR.

4.4. Jordan

30. Jordan is not a Party to the Second Optional Protocol to the ICCPR. In Resolution 2086 (2016) of 26 January 2016, in which the Assembly granted partner for democracy status to the Parliament of Jordan, it called for the abolition of the death penalty in that country. In December 2020, December 2022, and December 2024, Jordan voted for the UNGA resolutions for the moratorium on the use of the death penalty.

31. No executions have been reported since 2021.[95] Nonetheless, the death penalty continues to be provided for in the Criminal Code. In 2021, at least 11 death sentences were issued. In 2023, three new death sentences were recorded, followed by at least seven additional death sentences in 2024. As of the end of 2024, the total number of individuals under death sentence in Jordan had risen to over 223. It is worth noting that a regional congress on the death penalty was organised in Amman to explore specific issues linked to the abolition of the death penalty in the Middle East.

32. In Resolution 2183 (2017) of October 2017,[96] the Assembly regretted the fact that while a *de facto* moratorium on executions was purportedly introduced in 2006, the courts continued to hand down death sentences. It called on the Jordanian Parliament to intervene with the authorities to stop executions and reinstate the moratorium pending the abolition of the death penalty in the Criminal Code, in keeping with the commitment to act to abolish capital punishment, which is one of the criteria for granting partner for democracy status (Rule 65.2 of the Assembly's Rules of Procedure). In Resolution 2469 (2022) "Evaluation of the partnership for democracy in respect of the Parliament of Jordan", the Assembly regretted again the fact that courts continue to hand down death sentences. It called on the Jordanian Parliament to intervene to introduce a *de jure* moratorium pending the abolition of the death penalty, in line with the expectations indicated by the Assembly upon granting partner for democracy status. It also called on the Jordanian Parliament to take the lead in explaining to the public the importance of abolishing the death penalty.

4.5. Kyrgyzstan

33. Kyrgyzstan has a partner for democracy status with the Assembly since 2014. Kyrgyzstan stopped using capital punishment in 1998, with the introduction of a moratorium on executions. It prohibited its use in law in 2007 when a constitutional reform abolished the death penalty. In 2010, it ratified the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty. However, following the rape and murder of a 17-year-old girl in September 2025, President Sadyr Japarov suggested amending the Constitution to reinstate the death penalty for the rape of a child and for the rape and murder of a child or adult victim, as well as withdrawing from the Protocol.[97]

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91. "Israel/OPT: Legislative proposals on death penalty violate international law", Amnesty International.
92. "Israel | Netanyahu pushes to water down terrorist death penalty bill over fear of global fallout".
93. Tribunals Law "Prosecution of participants in the October 7 Massacre Events Bill, 5786-2025".
94. "Israel/OPT: Legislative proposals on death penalty violate international law – Amnesty International".
95. https://web.archive.org/web/20251002090612/https://gulfnews.com/world/mena/jordanian-executed-by-hanging-for-burning-wife-to-death-1.81303112.
96. Resolution 2183 (2017), "Evaluation of the partnership for democracy in respect of the Parliament of Jordan", paragraphs 6.8 and 13. See also the report of the Committee on Political Affairs and Democracy, rapporteur: Ms Josette Durrieu (France, SOC), Doc. 14399 and addendum, and the opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Andrea Rigoni (Italy, ALDE), Doc. 14412.
97. "Kyrgyz leader seeks death penalty for worst crimes against children and women" | Reuters.

34. On 20 October 2025, UN High Commissioner for Human Rights Volker Türk called on the authorities in Kyrgyzstan to halt immediately efforts to reintroduce the death penalty, warning that such move would be a serious breach of international law.[98] In addition, the UN Human Rights Committee, overseeing the implementation of the ICCPR, has made clear that, as the ICCPR and the Second Optional Protocol do not contain provisions for their denunciation, abolition of the death penalty is legally irrevocable for States that have accepted those treaties. This also means that States are barred from reintroducing it.

35. In its decision of 10 December 2025, the Kyrgyz Constitutional Court confirmed that the reintroduction of the death penalty could not be submitted for referendum, considering that such a measure would be incompatible with the constitutional guarantee of the right to life and with the express constitutional prohibition of the death penalty. The Court further recalled that Kyrgyzstan has undertaken binding commitments under international human rights treaties, in particular the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, forbidding the reintroduction of capital punishment. This decision was welcomed by the International Commission of Jurists.[99] I publicly welcomed this decision, and I propose that it is also welcomed in the draft resolution as a good example of how the judiciary can contribute to upholding abolition.

36. Nonetheless, on 21 January 2026, Ms Aziza Abdirasulova, a prominent Kyrgyz human rights defender who has been awarded the 2026 Council of Europe Raoul Wallenberg prize in recognition of her efforts to protect fundamental rights with a particular focus on prisoners' rights, freedom from torture, and the right to peaceful assembly, expressed concerns over the initiative to reinstate capital punishment in Kyrgyzstan and emphasised that "despite a recent decision of the Constitutional Court stating that its return is impossible, this issue remains open."[100]

4.6. Morocco

37. As an Assembly partner for democracy since 2011, the Moroccan Parliament has undertaken to continue its efforts "to raise the awareness of the public authorities and the main players in politics and civil society of the need to make progress in the discussion of … the death penalty" and to continue "to encourage the authorities concerned to maintain the de facto moratorium that has been established on executions of the death penalty since 1993".[101] The 2011 Constitution expressly enshrines the "right to life" but without abolishing the death penalty. Despite the unofficial moratorium, death sentences continue to be handed down: between 2010 and 2020, 103 death sentences were recorded by the authorities.[102] 10 death sentences were recorded in 2021, 3 in 2022, 2 in 2023 and 2 in 2024.[103]

38. In its most recent resolution on the evaluation of the partnership for democracy in respect of the parliament of Morocco, of May 2019, the Assembly expressed regret that little progress had been achieved with regard to the death penalty and once again called on the Moroccan Parliament to abolish the death penalty in law, and, pending abolition, to declare a *de jure* moratorium on executions.[104] In the context of the last Universal Periodic Review by the UN Human Rights Council (2023), Morocco stated that it continued its efforts to promote public debate on the question of the abolition of the death penalty. Several States recommended however that Morocco abolished formally the death penalty and ratified the Second Optional Protocol to the ICCPR.[105] Some States also recommended that Morocco reduced the number of offences punishable by death in the Criminal Code. As of 2023, there were still 48 legislative provisions related to the death penalty.[106]

39. The recent developments confirm the positive dynamic in Morocco to consolidate the moratorium on executions and advance towards the abolition of the death penalty. In 2024, in a landmark shift, Morocco voted for the first time in favour of the UNGA's resolution calling for a global moratorium on the use of the death penalty, after previously abstaining on similar resolutions. In its last decision on the death penalty (24 September 2025), the Committee of Ministers welcomed this positive step and stated that the Council of

98. "Kyrgyzstan: Reintroduction of death penalty would violate international law, Türk warns" | OHCHR.
99. "Kyrgyz Republic: ICJ welcomes Constitutional Court ruling blocking reintroduction of the death penalty" | ICJ.
100. "2026 Raoul Wallenberg Prize Laureate, Ms Aziza Abdirasulova, speaks out against the reinstatement of the death penalty in Kyrgyzstan" – Abolition of the death penalty.
101. "Moroccan Parliament obtains 'Partner for Democracy' status with PACE", Press release – AP032(2011), 21 June 2011.
102. "Trente ans de moratoire, une attente interminable", Rapport de mission d'enquête au Maroc, ECPM, p.29.
103. Ibid. for 2023 and 2024: Annual reports by Amnesty International.
104. Resolution 2282 (2019) "Evaluation of the partnership for democracy in respect of the Parliament of Morocco", paragraph 5.1.
105. "Universal Periodic Review – Morocco" | OHCHR.
106. www.ecpm.org/en/2024/04/23/peine-de-mort-maroc-2023/.

Europe stands ready to continue the exchanges on this theme with those States covered by the policy of the Council of Europe towards neighbouring regions, in particular with Morocco. In July 2025, King Mohammed VI offered royal pardon to 23 inmates on the death row, converting their death sentences to fixed terms. The Moroccan Parliament also definitively adopted the bill reforming the Code of Criminal Procedure, as part of a broader reform aiming to enhance fair trial guarantees, promote the rights of the defence, and modernise the tools of criminal procedure.[107] Morocco also supported the resolution on the question of the death penalty at the 60th session of the UN Human Rights Council on 7 October 2025.

40. On 9 and 10 October 2025, on the occasion of the World Day against the death penalty, I participated in the launch of a co-operation project on the abolition of the death penalty in Morocco, to be implemented by the Moroccan National Human Rights Council and the Directorate General Human Rights and Rule of Law of the Council of Europe. The project should include representatives from civil society, parliamentarians, and youth. The declaration of intent published by the Moroccan National Human Rights Council and the Council of Europe explained it as an initiative to strengthen the co-operation in the field of awareness-raising to the question of death penalty.[108]

4.7. Palestinian Authority

41. By becoming a partner for democracy on 4 October 2011,[109] the Palestinian National Council (PNC) undertook to promote discussions in support of the abolition of the death penalty in the Criminal Code and to continue the *de facto* moratorium in force in the West Bank since 2005. In the territories administered by the Palestinian Authority, the West Bank continued to pass death sentences, but no execution has been recorded since 2005. However, death sentences were still handed down and carried out in the Gaza Strip, which has been under Hamas control since 2007. In Resolution 2105 (2016)[110] "Evaluation of the partnership for democracy in respect of the Palestinian National Council, the Assembly noted that while a *de facto* moratorium on executions had been in place since 2005 in the West Bank, courts in Gaza continued to hand down death penalty sentences and Hamas authorities continued to carry out illegal executions. The Assembly roundly condemned these executions and urged the PNC to intervene with Hamas to stop executions in Gaza and to abolish the death penalty in the Palestinian Criminal Code. Despite this call, further executions were carried out in the Gaza Strip.

42. Amnesty International is unable to confirm current figures, due to the recent conflicts and wars.

43. On 6 June 2018, the Palestinian Authority signed the Second Optional Protocol to the ICCPR, and acceded to this treaty on 18 March 2019.[111] It has been reported that Palestinian Authority courts in the West Bank have not issued death sentences in recent years.

5. The situation in Russia and Belarus

5.1. Russian Federation

44. As a former Council of Europe member State, the Russian Federation first signed Protocol No. 6 in April 1997. However, the Russian Parliament had not yet ratified it when it was excluded from the Council of Europe on 16 March 2022, contrary to its accession commitment contained in the Assembly's Opinion 193 (1996). It did not sign Protocol No.13 and it has not yet signed the Second Optional Protocol to the ICCPR. There have been no executions in the country since 1999.[112] The Russian Constitutional Court played an active part in the *de facto* abolition of the death penalty. In 1999, it ruled death sentences illegal until jury trials were implemented nationwide. In 2009, it decided to extend the moratorium indefinitely on the grounds that it was a process that reflected "a trend in international law and was in accordance with the commitments entered into by the Russian Federation".

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107. "Adoption of Criminal Procedure Code Reform, Major Step in Justice Modernization" | Maroc.ma.
108. "Launch of a co-operation on the abolition of the death penalty with the Moroccan Conseil National des Droits de l'Homme" – Abolition of the death penalty.
109. Resolution 1830 (2011) "Request for partner for democracy status with the Parliamentary Assembly submitted by the Palestinian National Council", 4 October 2011.
110. Adopted on 19 April 2016, paragraph 7.3.
111. Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty at UNTC.
112. The Russian Federation introduced a moratorium on executions in August 1996. However, executions were carried out between 1996 and 1999 in the Chechen Republic.

45. Following the Russian Federation's full-scale invasion of Ukraine launched on 24 February 2022, Dmitry Medvedev, the Deputy chairman of the country's Security Council, commented on the exclusion of Russia from the Council of Europe and said that this was a "good opportunity to restore a number of important institutions to prevent especially serious crimes, such as the death penalty for the most dangerous criminals".[113] It is known that the Russia-backed separatists in eastern Ukraine do not apply the moratorium on the death penalty.[114] Besides the above-mentioned death sentences against two British and one Moroccan nationals (see paragraph 5), two captured US volunteers also risked facing the death penalty. The Kremlin spokesperson said at the time that the US volunteers involved in the war were not covered by the Geneva Conventions.[115] It is alleged by legal experts that death sentences were imposed in those territories to discourage foreign volunteers from joining Ukraine's military.[116] Some of these foreign volunteers were later released in prisoner exchange deals.

46. The Committee of Ministers of the Council of Europe has recently reiterated its call on the authorities of the Russian Federation to transform the moratorium on the death penalty, established by the Constitutional Court, into a *de jure* abolition.

5.2. Belarus

47. Belarus entered into international commitments by ratifying the ICCPR on 12 November 1973 but is not a Party to the Second Optional Protocol. It is the only State on the continent of Europe that still carries out executions in its territory. The method of execution employed is the firing squad. The last reported execution was the one of Viktar Skrundzik in 2022.[117] On 24 June 2024, a German national was sentenced to death by the Minsk Regional Court in Belarus following closed-door proceedings on charges of terrorism and related offences under multiple articles of the Belarusian Criminal Code. The lack of transparency in the trial raised serious fair trial concerns. However, on 30 July 2024, President Aliaksandr Lukashenka issued a presidential pardon. The individual was subsequently released to the German authorities as part of a broader prisoner exchange.[118] According to the World Coalition Against the Death Penalty, at least 4 people are currently under death sentence (as of February 2026). It should be borne in mind that since figures on the application of the death penalty are classified as a State secret, these are minimum numbers and the actual figures may be higher.

48. The executions in Belarus raise several concerns in the light of two practices contrary to international law. Firstly, it has been revealed that several sentences have been carried out in secret. The Belarusian authorities execute people sentenced to death without giving them prior notice or informing their families or their lawyers. Furthermore, families are unable to recover the body of the executed family member or even to find out where they are buried. In 2021, Belarus executed Viktar Paulau, constituting the first officially recorded execution since 2019.[119] Family members of Viktar Paulau and institutions such as the UN Human Rights Committee had repeatedly requested information about Paulau's whereabouts since June 2021. However, Belarusian authorities did not respond to any inquiries and only notified the family in August 2021 that Paulau had been executed by providing a death certificate.[120] Paulau was executed while his petition to the UN Human Rights Committee was still being examined.

49. Moreover, many death sentences are passed at the end of unfair trials during which proof of guilt is provided by "confessions" drawn up after the use of torture or in the absence of any defence counsel.[121] The Belarusian authorities do not hesitate to carry out secret executions of death row inmates whose cases are being considered by the UN Human Rights Committee.

50. In May 2022, Aliaksandr Lukashenka widened the scope of the death penalty to planning an attack or an act of sabotage, dubbed "attempting an act of terrorism".[122] Human rights groups denounced the new law adding new charges in death penalty regulations, and they alleged that the expansion of the death penalty

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113. "Dmitry Medvedev vows to reintroduce death penalty", The Barents Observer, 26 February 2022.
114. "В ДНР отменили мораторий на исполнение смертных приговоров" – РИА Новости, 08 July 2022.
115. "US volunteer fighters captured in Ukraine could face death penalty, says Russia" | Ukraine | *The Guardian*, 21 June 2022. They were later released in a prisoner exchange in September 2022.
116. "Foreign Fighters Sentenced to Death in Russia-Held Eastern Ukraine", *The New York Times*.
117. "Condemned prisoner's death date revealed more than a year after the execution", 17 February 2023.
118. Amnesty International, Death sentences and executions in 2024, p.28.
119. Amnesty International 2021, p. 10, 38.
120. Amnesty International 2021, p. 38; according to other sources, Paulau's family was only informed about the execution in 2022, see "UN Rights Committee Condemns Belarus's Execution Of Man While Case Still Pending", RFE/RL, 10 March 2022.
121. Amnesty International 2013, p. 29.

target many opponents and anti-war activists, including the exiled leader of the opposition.[123] In March 2023, Lukashenka signed a law extending capital punishment to civil servants and military personnel for the crime of "high treason against the State".[124] Both amendments to the Criminal Code (2022 and 2023) seem contrary to international law standards on the use of the death penalty, which limit it to the most serious crimes, involving intentional killing,[125] and have been denounced by the Committee of Ministers of the Council of Europe.[126]

51. The Assembly and the Committee of Ministers have been advocating for the abolition of the death penalty in Belarus for many years through several resolutions and co-operation programmes.[127] On 17 March 2022, the Committee of Ministers decided to suspend relations between the Council of Europe and Belarus due to the active participation of Belarus in the aggression of the Russian Federation against Ukraine.[128] At the same time, a contact group on co-operation with Belarusian democratic forces and civil society (Council of Europe Contact Group on Belarus) was established. In its decision on the death penalty of 24 September 2025, the Committee of Ministers reiterated its strong call on the authorities of Belarus to stop executions pending abolition of the death penalty and to apply the alternative punishment provided for in the Belarusian criminal legislation; and encouraged the implementation of the activities on the death penalty within the framework of the Contact Group. The Committee of Ministers also welcomed the adoption last June by Belarusian democratic forces of a memorandum on the abolition of the death penalty in Belarus, which was supported by the United Transitional Cabinet and the Office of Sviatlana Tsikhanouskaya, thereby representing a unified position of the Belarusian democratic forces in favour of the abolition of the death penalty. It followed a workshop organised by the Council of Europe with Belarusian democratic forces and civil society. The memorandum *inter alia* affirms that the death penalty constitutes an inhuman and degrading treatment, incompatible with human dignity. It also states that the capital punishment does not deter crime, countering the widespread narrative of those supporting the death penalty in Belarus. It also highlights how the capital punishment in Belarus has become a tool of political repression, particularly following recent amendments to criminal legislation that broadened its application to include charges that are often used to target political activists. The Secretary General of the Council of Europe welcomed this memorandum which is a strong step forward in the fight for human rights, democracy, and dignity.[129] In addition, the Action Plan for Belarus of the Council of Europe Contact Group was revised and updated for 2024-2025.Two of the 15 activities were specifically geared towards the abolition of the death penalty: (i) the promotion of the abolition of the death penalty in Belarusian society, including the diaspora, with a workshop aimed at and with the active participation of Belarusian youth; and (ii) a brainstorming seminar on the next steps towards the abolition of the death penalty in Belarus, aimed more at policymakers.[130]

52. The Assembly has regularly expressed its grave concern about executions and death sentences in Belarus and the way they are carried out, and called on the Belarussian authorities to introduce an official moratorium on executions. On 21 April 2022, the Bureau of the Assembly also decided to suspend all relations between the Assembly and the Belarusian authorities, as a result of the latter's participation in the aggression against Ukraine. In its Resolution 2530 (2024) "A democratic future for Belarus", the Assembly called on Belarus to "establish without delay a moratorium on the death penalty leading to its full abolition, and ensure that any remaining death sentences are commuted" and "on the General Rapporteur for a Democratic Belarus, the General Rapporteur for political prisoners, the General Rapporteur on the situation of human rights defenders, and the General Rapporteur on the abolition of the death penalty to work closely together on Belarus and to establish a structured dialogue with the Office of Sviatlana Tsikhanouskaya, the United Transitional Cabinet, the Coordination Council and their respective structures".[131]

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122. "Belarus president changes death penalty law to target opposition",*Euronews*, 19 May 2022.
123. "Western Democracies, Human Rights Groups Denounce Belarus' Use of Death Penalty to Target Political Opponents and Anti-War Activists" | Death Penalty Information Center, 23 May 2022.
124. Sergei Kuznetsov, "Belarus wants to bring in death penalty for 'high treason'", POLITICO, 7 December 2022.
125. Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin (A/78/327) [EN/AR/RU/ZH] – Belarus, 25 August 2023, referring to the position of the UN Human Rights Committee on Article 6 of the ICCPR.
126. Decision of 5 April 2023.
127. See Resolution 1857 (2012), "The situation in Belarus", 25 January 2012; Resolution 2172 (2017), "The situation in Belarus", 27 June 2017; Resolution 2372 (2021), "Human rights violations in Belarus require an international investigation", 21 April 2021; Council of Europe Action Plan for Belarus 2019-2021.
128. Committee of Ministers, Decision CM/Del/Dec(2022)1429/2.5,17 March 2022.
129. "Council of Europe Secretary General welcomes the memorandum adopted by Belarusian democratic forces to abolish the death penalty in Belarus" – Portal.
130. CM/Inf(2024)15.
131. See also Resolution 2587 (2025) "The urgent need for free and fair elections in Belarus", paragraph 20.6.

6. The role of judges in the abolition of the death penalty

53. According to Amnesty International, the death penalty is often imposed in biased judicial systems. Several executions took place after convictions in trials that violated the most fundamental rules of fairness, based on evidence obtained under torture and with inadequate legal assistance. In some countries, the death penalty is mandatory for certain offences, which means that judges cannot take into account the circumstances of the offence and the situation of the accused when sentencing.[132] On the occasion of the 2025 World Day against the Death Penalty, the Consultative Council of European Judges issued a statement in which it stressed the important contribution already made by judges towards its universal abolition and expressed its unequivocal support for the abolition of the death penalty. It underlined the role judges play by refusing to extradite persons to countries where they are at risk of being sentenced to death, by speaking up against capital punishment, and by advocating alternatives when participating in discussions within international judicial networks and other fora.[133] ECPM has also underlined the key influence of judges and prosecutors on the abolition of the death penalty.[134]

54. Historically, judges often paved the way towards the abolition of the death penalty. In 2005, in *Roper v. Simmons*, the United States Supreme Court held that the "Eighth and Fourteenth Amendments forbid imposition of the death penalty on offenders who were under the age of eighteen when their crimes were committed." The decision, after the execution of 22 people who committed crimes under the age of 18 during the modern death penalty era, marked the end of the juvenile death penalty in the United States.[135] More recently, in August 2016, the Supreme Court of the State of Delaware, ruled that the State's capital sentencing procedures violated the capital defendants' right to a jury trial by allowing the judge to determine whether the prosecution had proven all the facts necessary to impose a death sentence and by permitting death sentences to be imposed without a unanimous jury vote. Similarly, in October 2018, the Supreme Court of the State of Washington declared the State's death penalty statute unconstitutional.[136] Washington formally repealed the death penalty from State law in 2023, and Delaware did the same in 2024.[137] In April 2024, in the State of California, a federal judge ordered the review of 35 death penalty convictions after learning that prosecutors had intentionally excluded Black and Jewish people from juries in capital murder trials in 1995 through discriminatory jury selection tactics.[138] On 10 December 2025, the Constitutional Court of the Kyrgyz Republic concluded "that reinstating the death penalty through a constitutional amendment is incompatible with the Constitution and is therefore impermissible and impossible."[139] The Russian Constitutional Court also played an active part in the *de facto* abolition of the death penalty. First, it prohibited death sentences until jury trials were established throughout the country. Second, on 19 November 2009, it decided to extend the moratorium indefinitely on the ground that it was a process that reflected "a trend in international law and was in accordance with the commitments entered into by the Russian Federation". Following that decision, 697 death sentences were commuted to life imprisonment.[140] Judges have also contributed to restrict the use and frame of the application of death penalty. On 20 September 2024, the Taiwanese Constitutional Court ruled that the death penalty could be imposed only in the most serious cases of intentional homicide, that mentally ill defendants could not be sentenced to death or executed, that legal representation must be provided to defendants both at trial and on appeal and that capital sentences must be handed down unanimously by trial courts and courts of appeal.[141]

55. During its 58th session, the UN Human Rights Council hosted a biennial high-level panel discussion on the question of the death penalty, with the object of addressing human rights violations relating to the use of the death penalty. The theme of the panel was "Contribution of the judiciary to the advancement of human

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132. "Peine de mort" – Amnesty International.
133. "The CCJE expresses its strong commitment to the worldwide abolition of the death penalty" – Consultative Council of European Judges.
134. "The role of judges" – ECPM.
135. "Immature Minds in a "Maturing Society": Roper v. Simmons at 20" | Death Penalty Information Center.
136. See *State v. Gregory*. The Washington's Supreme Court ruled that the system of death penalty used by the State was arbitrary and racially discriminatory.
137. See "Washington's Unconstitutional Death-Penalty Law Stricken from the Books | Death Penalty Information Center", 21 April 2023, and "Delaware Officially Removes Death Penalty from State Statutes Eight Years After State Supreme Court Finds It Unconstitutional | Death Penalty Information Center", 26 September 2024.
138. "Federal Judge Orders Alameda County District Attorney to Review 35 Capital Cases Following Disclosure of Prosecutorial Misconduct in Jury Selection" | Death Penalty Information Center.
139. Ruling of the Constitutional Court of the Kyrgyz Republic.
140. Amnesty International, "Death sentences and executions 2010", 28 March 2011, p. 25.
141. The Death penalty Project, press release: "Constitutional Court sets Taiwan on an irrevocable path to abolishing the death penalty", 20 September 2024. See also Amnesty International, "Taiwan. La Cour constitutionnelle reconnaît de graves lacunes dans l'application de la peine de mort, sans l'abolir pour autant", 20 September 2024.

rights and the question of the death penalty".[142] In its opening statement, the UN High Commissioner for Human Rights, Volker Türk, underlined the critical role that the judiciary plays in reducing the use of the death penalty by interpreting and applying the law. He encouraged States that have not yet abolished the death penalty to grant greater flexibility in sentencing, increasing transparency and promoting restorative justice. The exchanges showed that courts have the power to overturn unjust sentences, ensure due process, and set legal precedents that favour abolition. For example, in Malaysia, reforms allowed judicial discretion in sentencing, ensuring that punishment is proportionate to the crime. Between 2023 and 2024, Malaysian courts undertook an extensive review of 1 021 death row cases, commuting most of these sentences to imprisonment. Zimbabwe's decision to abolish the death penalty in 2024 follows years of judicial decisions that gradually reduced the number of crimes punishable by death and commuted death sentences to life imprisonment. Virginia Mabiza, Attorney-General of Zimbabwe, emphasised that "through its jurisprudence, the courts have shaped the constitutional and legal framework and reinforced the fundamental principles of justice and human dignity."[143]

56. International judges have also addressed the issue of death penalty. In this regard, in 2004, the International Court of Justice ruled that the United States had violated the obligation to provide consular information under the Vienna Convention on Consular Relations of 24 April 1963, following an application filed by Mexico after 52 Mexican nationals had been sentenced to death, and ordered the United States to carry out a judicial review of the convictions of the 52 Mexican nationals.[144] Nevertheless, Texas executed several Mexican nationals who had been deprived of consular protection.[145] In Europe, the European Court of Human Rights had a critical and essential role in ensuring the abolition of the death penalty[146] (see section 2), that the Committee of Ministers of the Council of Europe recalled in its decision of 24 September 2025.[147]

57. The judiciary plays a pivotal role in the transition towards abolition by ensuring fair trials, preventing wrongful convictions, and promoting humane sentencing practices. The Council of Europe has stepped up its efforts in this field. The joint program of the Council of Europe and the European Union "MA-Just", promoting a more protective, accessible, and effective justice system in Morocco, included a series of measures to train and raise awareness among judges on the implementation of alternative sentences.[148] In addition, the co-operation project on the abolition of the death penalty between the Council of Europe and the Moroccan National Council for Human Rights, announced in October 2025, notably aims to offer awareness-raising to be conducted for stakeholders in the judiciary.[149]

7. Youth mobilisation for the abolition of the death penalty

58. The Reykjavík Declaration, adopted at the 2023 Summit of Heads of State and Government of the Council of Europe emphasised the need to include "a youth perspective in the Organisation's intergovernmental and other deliberations as youth participation in decision-making processes improves the effectiveness of public policies and strengthens democratic institutions through open dialogue."[150] In 2024, in its report on the follow-up to the Reykjavik Declaration, the Committee of Ministers welcomed the initiatives that had been launched "to promote the global abolition of capital punishment and the fight against pro-death penalty narratives in Europe and beyond, aimed notably at youth, through the new multilateral co-operation programme 'Death is not Justice: Abolition of the Death Penalty in Europe and Beyond'".[151]

59. Indeed, in this framework, the Council of Europe, in collaboration with its civil society partners ECPM and the German Coalition to Abolish the Death Penalty, and with the support of the Permanent Representations of France and Switzerland to the Council of Europe, organised the 3rd workshop "Death is not Justice – youth advocacy and awareness-raising for the abolition of the death penalty" from 3 to

142. OHCHR | 58th session of the Human Rights Council (24 February to 4 April 2025), p.11-12.
143. "Abolition of the death penalty is gaining momentum worldwide" | OHCHR.
144. International Court of Justice, *Avena and Other Mexican Nationals (Mexico. v. United States of America)*, judgment of 31 March 2004, ICJ Reports 2004, p. 12.
145. See the reactions by my predecessor Ms Marietta Karamanli (France, SOC): Call on the state of Texas not to execute Ramiro Hernandez (coe.int), 8 April 2014.
146. European Court of Human Rights, Factsheet – Death penalty abolition, March 2024.
147. Committee of Ministers, CM/Del/Dec(2025)1538/4.1, 24 September 2025, paragraph 4.
148. "Vers une justice plus protectrice, accessible et efficace au Maroc-(MA-JUST)-Prisons – Implementation of Human Rights, Justice and Legal Co-Operation Standards".
149. "Launch of a co-operation on the abolition of the death penalty with the Moroccan Conseil National des Droits de l'Homme" – Abolition of the death penalty.
150. Reykjavik Declaration, p.8.
151. 133rd Session of the Committee of Ministers (Strasbourg, 16-17 May 2024), Report on follow-up to the Reykjavík Declaration – "Reykjavík – one year on", paragraph 8.

6 June 2025 at the European Youth Centre, in Strasbourg. The workshop brought together around 50 young volunteers, students and active members of civil society aged between 18 and 30, coming from 27 Council of Europe member States and 5 other States. The participants worked on their upcoming projects in preparation for the 9th World Congress against the death penalty, took part *inter alia* in sessions focused on legal strategies for the abolition of the death penalty The participants also worked on the actions they could take in the future and discussed joint projects and possible co-operation across the network.[152] In addition, they have been introduced to the new HELP (Human Rights Education for Legal Professionals) module on the abolition of the death penalty, available since the beginning of July 2025. This comprehensive training course is designed to familiarise lawyers and legal professionals from Europe and beyond, with the fundamental concepts and major legal texts governing the death penalty at the supranational level.[153]

60. Similar workshops have been organised for youth from Belarus and from Africa in the framework of the North-South Centre. In 2024 the workshop "Advancing the Abolition of the Death Penalty Among the Belarusian population" was organised in Vilnius for young people from Belarus, as part of the activities of the Council of Europe Contact group on Belarus, in co-operation with the Viasna Human Rights Centre and the Belarusian National Youth Council. It gathered young activists to train them on the abolition of the death penalty and to identify projects and activities to promote the abolition.[154] Several projects have already been implemented. Another workshop, "*Death is not Justice – youth advocacy and awareness-raising for the abolition of the death penalty in Africa*", took place from 24 to 27 June 2024 within the framework of the 9th African University on Youth and Development, organised by the North-South Center in Cidade Velha, Cabo Verde.[155]

61. Beyond training the young participants to advocate for the abolition of the death penalty, the goal of the project "Death is not Justice: Abolition of the Death Penalty in Europe and Beyond" is to create a network of young ambassadors to continue the fight for the abolition across Europe and the world, in the context of the resurgence of pro-death penalty narratives. In 2025, for the second time, the Youth Ambassadors prepared a declaration on the occasion of the 23rd European and World Day Against the death penalty, in which they reiterated that "the death penalty protects no one" and declared their "unwavering hope and determination to build a just and equitable world free from capital punishment".[156] Some of them are also conducting specific actions and individual projects to promote the abolition. These include conferences, exhibitions, publication of legal articles, awareness-raising actions, and involvement in local associations and branches of NGOs.[157] The project of young ambassadors against the Death penalty was notably presented at the 5th Regional Congress on the Death Penalty held in Tokyo last November.[158] The co-operation project between the Council of Europe and the Moroccan National Human Rights Council, announced in October 2025, will also target i*nter alia* young people, including through the organisation of advocacy workshops on the abolition of the death penalty for young people from Morocco, who will subsequently be able to join the network of young ambassadors against the death penalty.[159]

62. In its decision on death penalty of 24 September 2025,[160] the Committee of Ministers encouraged the pursuit of initiatives from the Council of Europe and its member States to promote the global abolition of capital punishment, in particular initiatives concerning young people. It welcomed the development of the training course on youth advocacy, as well as similar initiatives for young people from Belarus, and for young people from the South (in the framework of the North-South Centre). It also welcomed the launch of a new HELP module on the abolition of the death penalty and encouraged implementation of the multilateral co-operation programme "Death is not Justice: Abolition of the Death Penalty in Europe and Beyond".

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152. "Workshop "Death is not Justice": Young Ambassadors take action for global abolition of the death penalty" – Abolition of the death penalty.
153. "New HELP module on the Abolition of the Death Penalty" – Abolition of the death penalty.
154. "Advancing the Abolition of the Death Penalty Among the Belarusian population".
155. "Workshop Death is not Justice – youth advocacy and awareness-raising for the abolition of the death penalty in Africa" – Abolition of the death penalty.
156. Declaration by the Youth Ambassadors for the Abolition of the Death Penalty on the occasion of the European and World Day against the Death Penalty, 10 October 2025.
157. "Workshop Death is not Justice – youth advocacy and awareness-raising for the abolition of the death penalty in Africa" – Abolition of the death penalty.
158. "The project of Young Ambassadors against the Death penalty presented at the Regional Congress on the Death Penalty" – Abolition of the death penalty.
159. "Launch of a co-operation on the abolition of the death penalty with the Moroccan Conseil National des Droits de l'Homme" – Abolition of the death penalty.
160. See CM/Del/Dec(2025)1538/4.1 – Abolition of the death penalty, op. cit.

63. I hope that the network of young ambassadors against the death penalty will be presented at the World Congress against the death penalty.

8. Conclusions

64. The global trend continues towards the universal abolition of the death penalty. In Europe in particular, capital punishment has been almost entirely abolished on the continent. The Council of Europe has been one of the principal actors in setting standards and norms in the fight for the abolition of the death penalty. The rejection of capital punishment constitutes one of the main principles and values of the Organisation. The Assembly has contributed to the abolition of the death penalty in all European countries (except Belarus) by making a moratorium on executions and a commitment to abolition a prerequisite for accession to the Organisation. There have been no executions in the 46 Council of Europe member States since 1997.

65. However, we should not take this for granted. As the Committee of Ministers has stated in its decision on the death penalty of 24 September 2025, "the abolitionist cause might be undermined by the instrumentalisation of a growing feeling of insecurity among the population" and "political proposals and debates arise on the possibility of reintroducing the death penalty." The Assembly will not accept any backsliding on this question. 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.

66. The Council of Europe is endeavouring to protect individuals against the death penalty in both its member and observer States and in neighbouring countries with co-operation status with the Assembly. It is extremely worrying that executions continue to be carried out in the US and Japan, Council of Europe observer States. Not only has there been an increase in executions in the US in 2025 (the highest figure since 2015), but some States are also using brutal methods of execution that may amount to torture, such as nitrogen hypoxia, firing squad and electrocution. Japan resumed executions in June 2025, carrying out its first execution since July 2022. In my view, the retention and the application of the death penalty in these two countries remain troubling.[161] I welcome the fact that all States with a partner for democracy status with the Assembly either have a moratorium on executions (Morocco), or have not carried out executions for a significant number of years (reportedly five years in Jordan and 20 years in Palestine, in the West Bank). However, I believe that the Assembly should reiterate its call for these States to abolish the death penalty in law without delay, in line with the expectations it expressed when this status was conferred, while underlining its willingness to contribute to the process. The Assembly should also strongly urge Israel to refrain from introducing new legislation that would expand the death penalty in both the West Bank (military courts) and Israel.

67. The Council of Europe must also contribute to the universal abolition of the death penalty beyond Europe and its observer and partner States. It can do so by sharing its expertise and practice on abolition with other parts of the world. This is fully in line with the Reykjavik Declaration. While it is encouraging to see the abolitionist process growing in Africa (24 African States have abolished the death penalty since 1990) and that a record number of countries voted in favour of the 10th UNGA resolution calling for a moratorium on the use of the death penalty in 2024, I am extremely concerned that a shrinking group of retentionist countries are increasing the number of executions, particularly in Asia and the Middle East. In this context, the 9th World Congress against the Death Penalty to be held in Paris in June 2026 presents an opportunity to take stock of global progress and propose strategies to address concerning trends. The Council of Europe and the Assembly should actively participate in this event, sharing their expertise on the role of justice and youth, as well as their success story of establishing a Europe free from the death penalty.

68. The draft resolution that I am presenting to you contains a list of recommendations for different stakeholders, including member States, national parliaments, observer States (US and Japan), States whose parliaments have observer status (Israel) or partnership for democracy status with the Assembly (Jordan, Kyrgyzstan, Morocco, Palestine), and other international actors.

161. The Assembly has in the past found both countries in violation of their duties under Statutory Resolution (93) 26 on observer status: see Resolution 1253 (2001), paragraph 7.