

P7_TA(2010)0351

World Day against the Death Penalty

European Parliament resolution of 7 October 2010 on the World day against the death penalty

The European Parliament,

- having regard to Protocol No 6 to the Convention for the protection of human rights and fundamental freedoms concerning the abolition of the death penalty, of 28 April 1983,
- having regard to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, of 15 December 1989,
- having regard to its previous resolutions on the abolition of the death penalty, in particular that of 26 April 2007 on the initiative for a universal moratorium on the death penalty¹,
- having regard to its resolutions of 26 November 2009 on China: minority rights and application of the death penalty², of 20 November 2008 on the death penalty in Nigeria³, of 17 June 2010 on executions in Libya⁴, of 8 July 2010 on North Korea⁵, of 22 October 2009 on Iran⁶, of 10 February 2010 on Iran⁷, and of 8 September 2010 on human rights in Iran, in particular the cases of Mohammadi Ashtiani and Zahra Bahrami⁸,
- having regard to United Nations General Assembly Resolution 62/149 of 18 December 2007 calling for a moratorium on the use of the death penalty, and United Nations General Assembly Resolution 63/168 of 18 December 2008 calling for the implementation of the 2007 General Assembly resolution 62/149,
- having regard to the UN Secretary-General's report to the General Assembly on moratoriums on the use of the death penalty, of 11 August 2010 (A/65/280),
- having regard to the UN Secretary-General's report to the fifteenth session of the Human Rights Council on the question of the death penalty, of 16 July 2010 (A/HRC/15/19),
- having regard to the speech of the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission delivered in the plenary of 16 June 2010 on human rights policy, recalling that the abolition on death penalty world wide was a priority for the EU and her own personal priority,
- having regard to EP President Jerzy Buzek's declaration of 19 October 2009, making a strong appeal for the abolition of capital punishment,

¹ OJ C 74 E, 20.3.2008, p. 775.

² Texts adopted, P7_TA(2009)0105.

³ OJ C 16 E, 22.1.2010, p. 71.

⁴ Texts adopted, P7_TA(2010)0246.

⁵ Texts adopted, P7_TA(2010)0290.

⁶ Texts adopted, P7_TA(2009)0060.

⁷ Texts adopted, P7_TA(2010)0016.

⁸ Texts adopted, P7_TA(2010)0310.

- having regard to the final declaration adopted by the 4th World Congress against the Death Penalty, held in Geneva from 24 to 26 February 2010, which calls for universal abolition of the death penalty,
 - having regard to the 2008 resolution of the African Commission on Human and Peoples' Rights, the 2009 resolution of the OSCE Parliamentary Assembly on a moratorium on the death penalty, and other regional initiatives such as those taken by the Inter-American Commission on Human Rights,
 - having regard to the revised and updated version of the EU Guidelines on the Death Penalty, adopted by the Council on 16 June 2008,
 - having regard to the World Day against the Death Penalty and the establishment of a European Day against the Death Penalty on 10 October each year,
 - having regard to Article 2 of the Charter of Fundamental Rights of the European Union,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the European Union is strongly committed to working towards the abolition of the death penalty everywhere and is striving to achieve universal acceptance of this principle,
 - B. whereas the EU is the leading institutional actor in the fight against the death penalty worldwide and its action in this area represents a key priority of its external human rights policy; whereas the EU is also the leading donor in support of efforts by civil society organisations around the world to bring about the abolition of the death penalty,
 - C. whereas the death penalty is the ultimate cruel and inhuman and degrading punishment, which violates the right to life as enshrined in the Universal Declaration of Human Rights, and whereas the detention conditions created by the death penalty decision amount to torture that is unacceptable to states respecting human rights,
 - D. whereas various studies have shown that the death penalty has no effect on trends in violent crime,
 - E. whereas evidence shows that the death penalty affects first and foremost underprivileged people,
 - F. whereas the provisions of Protocols 6 and 13 to the European Convention on Human Rights prohibit Council of Europe member states from applying the death penalty,
 - G. whereas the EU is working towards moratoria on the application of the death penalty by third countries and, in due course, abolition and ratification of the relevant international UN and other instruments and in particular, the Second Optional Protocol to the International Covenant on Civil and Political Rights, which provides for the abolition of the death penalty,
 - H. whereas the abolition of the death penalty is one of the thematic priorities for assistance under the European Instrument for Democracy and Human Rights (EIDHR), which has funded over 30 projects worldwide since 1994, with an overall budget of over € 15 million,
 - I. whereas, following the entry into force of the Lisbon Treaty, Parliament's consent is

required for the conclusion of trade agreements and, in general, international agreements with third countries,

- J. whereas the Statute of the International Criminal Court and those of the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the Special Panels for Serious Crimes in Dili, Timor-Leste, and the Extraordinary Chambers in the Courts of Cambodia exclude the death penalty for war crimes, crimes against humanity and genocides, the most serious crimes of concern to the international community over which they have jurisdiction,
- K. whereas in 2007 and 2008 the UN General Assembly adopted the historic resolutions 62/149 and Resolution 63/168, which call for a worldwide moratorium on executions and ultimately seek the abolition of the death penalty, and in this regard highlights the fact that the number of countries supporting this resolution has increased and that, as a result, Resolution 63/168 was adopted by an overwhelming majority of 106 to 46, with 34 abstentions,
- L. whereas the Fourth World Congress Against the Death Penalty, which met in Geneva in February 2010, appealed to de facto abolitionist states to abolish the death penalty by statute, abolitionist states to incorporate the topic of universal abolition into their international relations, and international and regional organisations to support universal abolition through the adoption of resolutions for a moratorium on executions,
- M. whereas 154 states in the world have abolished the death penalty in law or in practice, and 96 of these have abolished it for any offence, 8 have retained it only for exceptional crimes such as those committed in wartime, 6 have a moratorium on executions in place and 44 are abolitionist in practice (i.e. countries that have not carried out any executions for at least 10 years or countries which have binding obligations not to use the death penalty),
- N. whereas more than 100 countries that retain the death penalty for crimes have outlawed the execution of juvenile offenders; stressing, however, that a small number of countries continue to execute child offenders in flagrant violation of the international law, in particular of Article 6(5) of the ICCPR; stressing, in particular, that Iran has the highest rate of detention of minors,
- O. whereas there are currently dozens of confirmed European nationals on death row or facing capital punishment around the world and stressing in this regard the crucial need to consolidate and strengthen the European response to the potential execution of European nationals,
- P. whereas on 23 March 2010 the President of the State Duma of the Russian Federation, Boris Gryzlov, at a meeting in Moscow with members of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, said that Russia had failed to ratify the Protocol No 6 to the European Convention on Human Rights, concerning the abolition of the death penalty, in view of terrorist threats in the country,
- Q. welcoming the fact that on 11 February 2010 the Parliament of Kyrgyzstan ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and that on 21 May 2010 the final draft of the Constitution, which prohibits, inter alia, the death penalty and which has now been adopted, was made public by the interim Government of Kyrgyzstan,

- R. whereas 43 countries worldwide retain the death penalty and the highest number of executions took place in China, Iran and Iraq; whereas China alone carried out about 5 000 or 88% of the world total of executions; Iran put at least 402 people to death, Iraq at least 77 and Saudi Arabia, at least 69,
- S. whereas Iran is still applying death penalty by stoning, and whereas this runs contrary to the Second Optional Protocol to the International Covenant on Civil and Political Rights,
- T. whereas the North Korean state authorities systematically carry out state killings and the justice system is subservient to the state, and whereas the death penalty is applied for a broad range of crimes against the state and is extended periodically by the Criminal Code, while citizens, including children, are forced to attend public executions,
- U. whereas in Japan inmates and their relatives and lawyers are kept in the dark about their fateful day until it arrives,
- V. whereas the Presidential Council of Iraq has recently ratified the death sentences of at least 900 prisoners, including women and children,
- W. underlining that Belarus remains the only European country still applying the death penalty in practice; noting that both the Parliamentary Assembly of the Council of Europe and the European Union have repeatedly urged Belarus to abolish the death penalty; whereas details about the death penalty in Belarus are secret, there are serious concerns regarding the fairness of trials and, under the Criminal Executive Code, the death penalty is carried out in private by means of shooting, the detention facility administration informs the judge about executions and the judge informs the relatives; whereas the body of an executed person is not given for burial to his or her relatives and the place of burial is not communicated,
- X. whereas 35 states out of the 50 which make up the United States of America, have the death penalty, although 4 of them have not held executions since 1976; whereas in 2009, executions increased to 52 following the termination of a de facto moratorium in force from September 2007 to May 2008 although, for the seventh consecutive year, the number of death sentences in the United States of America decreased, to 106,
- Y. welcoming the fact that some states, including Montana, New Mexico, New Jersey, New York, North Carolina and Kentucky have moved against the death penalty through measures including a moratorium on executions or its abolition, while condemning the executions of Teresa Lewis in the State of Virginia and of Holly Wood in Alabama despite evidence that both of them were mentally retarded persons, and stressing the cases of Mumia Abu-Jamal, on death row in Pennsylvania, and of Troy Davis, in Georgia,
1. Reiterates its long-standing opposition to the death penalty in all cases and under all circumstances and emphasises once again that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights;
 2. Condemns all executions wherever they take place; strongly calls on the EU and its Member States to enforce the implementation of the UN resolution on a universal moratorium on executions with a view to total abolition in all states which still practise the death penalty; calls on the Council and the Commission to take action in order to progressively restrict its use while insisting that it be carried out according to international minimum standards; expresses its deep concern regarding the imposition of the death penalty on minors and on

persons with mental or intellectual disability and calls for their immediate and definitive ending;

3. Urges the EU to use all tools of diplomacy and cooperation assistance available to it to work towards the abolition of the death penalty;
4. Calls upon states applying the death penalty to declare an immediate moratorium on executions; further encourages countries such as China, Egypt, Iran, Malaysia, Sudan, Thailand and Vietnam to issue official statistics concerning the use of the death penalty in these countries; also urges North Korea to immediately and permanently stop public executions;
5. Calls on Japan to shed light into its system of capital punishment;
6. Encourages the states that have not abolished the death penalty to respect safeguards protecting the rights of those facing the death penalty, as laid down in the United Nations Economic and Social Council Safeguards; calls on the Council and the Commission to encourage those remaining countries which have not signed and ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights to do so, and those Member States that have not signed Protocol No 13 to the European Convention on Human Rights on the death penalty to do so;
7. Calls on OSCE member states, in particular the United States and Belarus, to adopt an immediate moratorium on executions;
8. Calls on Kazakhstan and Latvia to amend provisions in their national legislation that still allow for the imposition of the death penalty for certain crimes under exceptional circumstances;
9. Strongly encourages EU Member States and all co-sponsors of the 2007 and 2008 UNGA resolutions to introduce, in the framework of a reinforced cross-regional alliance, a third resolution on the death penalty at UNGA65 which should in priority address:
 - the abolition of 'State secrets' regarding the death penalty;
 - the position of a Special Envoy who would not only monitor the situation and apply pressure with a view to increased transparency within the systems of capital punishment, but also continue to persuade those who still maintain the death penalty to adopt the UN line for a moratorium on executions with a view to abolishing the death penalty;
 - the 'most serious crimes' threshold for the lawful application of capital punishment;
10. Calls on the OSCE participating states to encourage the Office for Democratic Institutions and Human Rights and OSCE Missions, in cooperation with the Council of Europe, to conduct awareness-raising activities against recourse to the death penalty, particularly with the media, law enforcement officials, policy-makers and the general public;
11. Calls on retentionist OSCE states to treat information concerning the death penalty in a transparent manner, providing public information on the identity of individuals sentenced to death or executed and statistics on the use of the death penalty, in accordance with OSCE commitments;

12. Urges the Council and the Commission, notably in view of the setting-up of the EEAS, to provide guidance for a comprehensive and effective European death penalty policy with regard to dozens of confirmed European nationals facing execution in third countries, which should include strong and reinforced mechanisms in terms of the identification system, the delivery of legal assistance, EU legal interventions and diplomatic representations;
13. Further encourages the activities of non-governmental organisations working for the abolition of the death penalty, including Hands Off Cain, Amnesty International, Penal Reform International, the World Coalition Against the Death Penalty and the International Helsinki Federation for Human Rights, Sant'Egidio and Reprieve; welcomes and supports the recommendations on EU instruments in the fight against the death penalty made at the 12th EU-NGO Forum on Human Rights;
14. Undertakes to monitor the issue of the death penalty, to raise specific cases with the relevant national authorities and to consider possible initiatives and ad hoc missions in retentionist countries, so as to urge government authorities to adopt a moratorium on executions with a view to completely abolishing them;
15. Requests the Council and the Commission, when it comes to concluding agreements with countries that still apply the death penalty or with countries which have not signed the moratorium with a view to abolishing the death penalty to strongly encourage them to do so;
16. Requests the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission and the Member States to continue to speak with one voice and to keep in mind that the main political content of the resolution must be the adoption of a worldwide moratorium as a crucial step towards the abolition of the death penalty;
17. Calls in particular on the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission to demonstrate the political priority she attaches to the abolition of the death penalty by systematically raising the issue in political contacts with retentionist countries and through regular personal interventions on behalf of those at risk of imminent execution;
18. Recalls that the full abolition of the death penalty remains one of the main objectives of the EU Human Rights policy; considers that this target will only be achieved by close cooperation between states, education, awareness-raising, efficiency and effectiveness;
19. Encourages regional cooperation to this end; points out, for example, that Mongolia formally established a moratorium on executions in January 2010 and that, as a positive consequence of this, several retentionist countries have been considering the constitutionality of this form of punishment;
20. Calls on the Council and Commission to identify ways in which to improve the implementation and effectiveness of the EU Guidelines on the Death Penalty during the current review of the EU's human rights policy, in particular in view of the planned revision of the Guidelines in 2011;
21. Calls on the Council and the Commission to use the World Day and the European Day against the Death Penalty to highlight, among others, the cases of Sakineh Mohammadi

Ashtiani, Zahara Bahrami, Mumia Abu-Jamal, Troy Davis, Oleg Grishkovstov, Andrei Burdyko and Ebrahim Hamidi, Suliamon Olyfemi and Siti Zainab Binti Duhri Rupa;

22. Instructs its President to forward this resolution to the High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the EU Member States, the UN Secretary-General, the President of the UN General Assembly and the governments of the UN member states.