

Death is not justice – the Council of Europe and the death penalty

For the past 30 years the Council of Europe has worked to outlaw the death penalty in Europe. In the last ten years no executions have taken place in any of our 47 member countries.¹ The death penalty has been legally abolished in most of these countries but there is still to consolidate abolition in Europe and achieve abolition worldwide.

The right to life and the prohibition of torture, degrading and inhuman treatment lies at the heart of the European Convention of Human Rights. This Convention, drawn up by the Council of Europe and adopted in 1950, lays out the fundamental principles that guarantee human rights for the 800 million inhabitants of our 47 member states. A ban on the death penalty in peacetime is provided by Protocol No. 6 of the Convention – and so far all countries but one have signed and ratified it. Protocol No. 13 extends that ban to all circumstances – including times of war. This protocol still needs to be ratified by eight member states.

The death penalty is a very emotive issue. It touches some of our deepest instincts, including ideas of revenge, honour, hatred, and fear. When we hear of a particularly vicious crime or are close to the victim of a brutal act, we naturally have intense reactions, which could include wanting to see the perpetrator put to death. Many people across the continent still feel that the death penalty would be an acceptable response to particularly barbarous acts, and there are of course some countries in the world where the death penalty still exists.

Such legally sanctioned killing is as inhumane as the acts it seeks to redress. Victims of crime need support and justice, but there are many reasons why the death penalty is not consistent with justice and other key values of our societies. We should work to keep Europe a death penalty free zone.

Human rights apply to everyone

It might seem paradoxical that someone who has raped and murdered has the right to live when their victims have suffered so cruelly. Yet killing by the State – which is in effect what the death penalty is – does not defend the victim's rights either. Killing the criminal is simply another crime – and it cannot right a past wrong or ease any of the pain the victim experienced. It does not restore a victim to life – but rather extends a cycle of violence and brutality. Human rights abuses should not be met with another human rights abuse.

Abolishing the death penalty does not mean being soft on crime – people who commit terrible crimes should be punished severely and learn that their behaviour is unacceptable.

The death penalty is not a deterrent against crime

Information from countries that have abolished the death penalty continually prove that there is no link between the death penalty and crime rates. A major UN study, updated in 1996, concluded that there is no proof 'that executions have a greater deterrent effect than life imprisonment'. Findings from the USA, where the use of the death penalty differs from state to state reveal that this punishment does not prevent crime. According to the American Civil Liberties Union, states that have death penalty laws do not have lower crime or murder rates than states without such laws.

¹ List of member states: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "The former Yugoslav Republic of Macedonia", Turkey, Ukraine, United Kingdom.

The justice system can and does make mistakes

The risk of making an irreparable mistake and executing an innocent person is very real– and this occurs more often than people may realise. In the USA, since 1976, more than 113 people have been released from death row after having been found to be innocent. As well as miscarriages of justice, innocent people can be executed on purpose - the death penalty is a notorious means of silencing political opponents like Ken Sarawewa in Nigeria or the Fulan Gong in China. Such victims are commonly sentenced to death after unfair trials.

Murderers should not be transformed into martyrs

The death penalty can also bestow martyrdom on some individuals, and can give credence to political or pseudo-religious causes that uphold violence and death as part of their methods. Despite the need to appropriately punish one of the world's worst criminals, the hanging of Saddam Hussein has not brought justice or reconciliation to Iraq. Rather it put the inhumanity and brutality of his punishment at the top of the international media agenda.

What can I do to support the continuing abolition of the death penalty?

Unfortunately, the abolition of the death penalty is still unfinished business. Many Europeans are still in favour of the death penalty, and there is a continuing need to explain why it is wrong, why it has been abolished, and why it should remain abolished. Your support is essential for this. You can also support policies and measures to persuade other countries beyond Europe such as the USA and Japan to abolish the death penalty. We have to encourage them again and again to follow the example of European and many other countries by saying yes to justice and no to cruelty, torture and death.

Further information on www.coe.int/ [death penalty site address when established]