

# Joint Declaration by the EU High Representative for Foreign Affairs and Security Policy and the Secretary General of the Council of Europe on the European and World Day against the Death Penalty

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On the European and World Day against the Death Penalty, the Council of Europe and the European Union (EU) reiterate their strong opposition to capital punishment in all circumstances and for all cases. The death penalty is an affront to human dignity. It constitutes cruel, inhuman and degrading treatment and is contrary to the right to life. The death penalty has no established deterrent effect and it makes judicial errors irreversible.

All EU and Council of Europe member states have abolished the death penalty. Abolition in law or practice is a pre-condition of Council of Europe membership and the absolute ban on the death penalty in all circumstances is entrenched in both Protocols No 6 and No 13 of the European Convention on Human Rights and the EU Charter of Fundamental Rights. We call on those European states that have not yet done so to ratify them.

We also reiterate our call to the authorities in Belarus, the only country on the European continent still using the death penalty, to introduce a moratorium as a decisive step towards aligning the country with pan-European standards.

On a global level, the Council of Europe and the EU will continue to work towards the abolition of the death penalty. We will support the upcoming Resolution of the UN General Assembly on a moratorium on the use of the death penalty and the EU and Belgium will host the 7<sup>th</sup> World Congress Against the Death Penalty in Brussels at the end of February 2019.

Pending the introduction of a moratorium, the Council of Europe and the EU urge those countries still applying the death penalty to commute any remaining death sentences to prison terms and, in any case, to ensure that conditions of detention respect human dignity. In line with international

law, those countries shall not carry out executions on minors, on pregnant women, or on people with mental illness or intellectual disabilities. Furthermore, using the death penalty on people convicted of economic crimes, on people who are themselves victims of serious crimes such as marital rape and whose acts – motivated by genuine self-defence – result in the incidental death of another person cannot be justified. Member states should refrain from supporting, through mutual legal assistance or other forms of co-operation, the drug policies of countries where drug offences may be sanctioned with the death penalty.

Member states should continue taking effective measures to prevent their involvement, however indirect, in the use of the death penalty by third countries, such as by adopting measures that prevent the trade in goods that could subsequently be used to carry out executions. In this context, the Council of Europe and the EU will continue promoting the “Global Alliance to end trade in goods used for capital punishment and torture”.

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