**28 February 2022**

**CONTRIBUTION OF THE EUROPEAN UNION TO THE REPORT ON THE QUESTION OF DEATH PENALTY PURSUANT TO RESOLUTION 42/24 ADOPTED BY THE HUMAN RIGHTS COUNCIL ON 27 SEPTEMBER 2019**

**Introduction**

The European Union would like to thank the United Nations for the call for contributions for the upcoming report on capital punishment and the implementation of safeguards guaranteeing protection of the rights of those facing the Death Penalty. The UN report will pay special attention to the imposition of the Death Penalty on persons younger than 18 years of age at the time of the offence, on pregnant women, on persons with mental or intellectual disabilities and on the matter of the human rights of children of parents sentenced to the Death Penalty or executed. The present note is the EU input to the UN report and touches upon the EU policy and action on this regard.

**European Union policy on the Death Penalty**

The EU holds a strong and principled position against the Death Penalty and is a key actor in the fight against the Death Penalty worldwide. The EU considers that abolition of the Death Penalty contributes to the enhancement of human dignity and the progressive development of human rights. It considers capital punishment to be a cruel and inhuman treatment, failing to provide deterrence to criminal behaviour, and representing an unacceptable denial of human dignity and integrity. All European Union Member States are fully committed to this policy.

The EU Action Plan on Human Rights and Democracy (2020-2024) maintains at the heart of its priorities, the work towards the worldwide abolition of the Death Penalty and in countries where the Death Penalty still exists, insists on the respect of minimum standards and work towards a moratorium on executions as a first step towards abolition [[1]](#footnote-1).

Where Death Penalty is still maintained, the EU emphasises that states should only use the Death Penalty in line with the minimum standards as set out in the EU guidelines on Death Penalty[[2]](#footnote-2), based on the provisions contained in international human rights law and other international standards. Those minimum standards include a call to the states that still maintain the Death Penalty to, inter alia, progressively restrict the use of Death Penalty and not to impose capital punishment for offences committed by persons below eighteen years of age and on pregnant women.

**Overview of EU action**

The abolition of the Death Penalty has been a thematic priority under the EU Instrument for Democracy and Human Rights (EIDHR) and remains a priority under the new Global Europe Human Rights and Democracy Thematic Programme. Funds are channelled through civil society organisations worldwide and contribute to training within the judiciary, public awareness raising, the creation of national networks, the monitoring of the use of the Death Penalty, advocacy for legal reform and dialogue on specific issues such as the use of Death Penalty on counter-terrorism and the on the fight against drugs. In 2021, EU funds from the 2018 global call for proposals amounting to EUR 8.1 million continued to be implemented in projects of this kind in the following countries: China, India, Malawi, Equatorial Guinea, Niger, the Philippines, Taiwan, Uganda, the US, Cameroon, Democratic Republic of Congo, Indonesia, Malaysia, Bahrain, Egypt, Iraq, Jordan, Kuwait, Saudi Arabia, Turkey and the United Arab Emirates. The Death Penalty also featured in the Partnership and Cooperation Agreement-Facility,  through which EU funds supported work on public perceptions about the Death Penalty in Indonesia as well as an advocacy project in Japan designed to gather support for the abolition of the death  penalty across the parties and to enhance awareness of the criminal justice system.

Throughout its work, the EU contributes to the implementation of the 2030 Agenda and the achievement of its Sustainable Development Goals, including SDG16 on “peace, justice and strong institutions”. The EU promotes the adoption of a rights-based approach into all areas of action. Equality is a focus and cross-cutting priority in EU’s multilateral and bilateral relations and cooperation. In this respect, the EU calls on all countries to introduce and implement comprehensive anti-discrimination laws, regulations and policies, and to reinforce capacity and raise awareness for legal professionals, including those working in the judiciary and the penitentiary.

The EU raises its opposition to the Death Penalty in all relevant multilateral and regional fora, in particular at the UN, and takes an active role in promoting the UNGA Resolutions on the Moratorium on the use of Death Penalty. The EUSR for Human Rights contributed to the Union’s longstanding efforts toward the global abolition of the Death Penalty. He systematically raised the EU principled opposition to Death Penalty at every opportunity and in virtually all discussions with retentionist countries, including in 2021, the United States, Saudi Arabia, Egypt, India, or Pakistan, and the human rights dialogue with the African Union. He also gave a keynote address at the International Conference on the Death Penalty organised by Portugal’s EU Presidency in May 2021. Concurently, the issue of capital punishment remained among priorities of the EUSR’s engagement with regional and international organisations as well as with local and international civil society organisations.

To mark the World / European Day against the Death Penalty each 10 October, the EU and the Council of Europe issue a joint statement reaffirming their firm opposition to the use of capital punishment in all circumstances, and their commitment to the abolition of the Death Penalty worldwide. In parallel, numerous EU Delegations mark this important date by organising various debates, conferences and other public awareness activities.

The EU will continue its efforts to achieve a moratorium on the use of the Death Penalty, as a first step towards its complete abolition in all parts of the world, and continue to promote the adoption of the UNGA resolution on the universal moratorium, as well as the follow-up to the Human Rights Council Resolution on the question of the Death Penalty. In 2021, the EU participated actively in the work of the Human Rights Council which adopted a resolution on the Death Penalty, by 29 votes in favour, 12 against and 5 abstentions. The Resolution called upon States that have not yet acceded to or ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the Death Penalty, to consider doing so.

Ending the trade in goods used in capital punishment is particularly important for eliminating the Death Penalty. Better trade regulation in those goods can be one of the building blocks in EU’s continuing struggle to abolish the capital punishment.

At multilateral level, the EU fully supports initiatives aimed at addressing this issue. Inspired by the EU ‘Anti-Torture’ Regulation, the EU launched the ‘Alliance for Torture-Free Trade’ in 2017, joined by more than 60 States. Its aim was and remains to end the trade in goods used for torture and the Death Penalty. The EU call on all states to join it and to step up efforts towards establishing common international standards on torture-free trade.

At UN level, the EU continues to support the work following up on the EU-led UN General Assembly resolution 73/304 on torture-free trade, adopted in June 2019, and on the UN Secretary General’s report (‘Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards’).

Furthermore, the EU engaged with the Council of Europe in its efforts to better regulate the trade in goods which could be used for “capital punishment, torture or other cruel, inhuman or degrading treatment” encouraging all Council of Europe member states to implement its Recommendation (Recommendation CM/Rec(2021)2 “on measures against the trade in goods used for the Death Penalty, torture and other cruel, inhuman and degrading treatment or punishment”).

1. <https://www.consilium.europa.eu/media/46838/st12848-en20.pdf> chapter 1.1 , page 8 [↑](#footnote-ref-1)
2. <https://data.consilium.europa.eu/doc/document/ST-8416-2013-INIT/en/pdf> [↑](#footnote-ref-2)