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## **Position of the Parliamentary Assembly as regards the Council of Europe member and observer states which have not abolished the death penalty**

Recommendation 1760 (2006)

Reply from the Committee of Ministers  
adopted at the 985<sup>th</sup> meeting of the Ministers' Deputies (31 January 2007)

1. The Committee of Ministers has duly considered Recommendation 1760 (2006) reflecting the position of the Parliamentary Assembly as regards the Council of Europe member and observer states which have not abolished the death penalty.
2. The Committee of Ministers wishes to reiterate its firm opposition to the death penalty which constitutes an inhuman punishment in contradiction with the fundamental right to life which everyone must enjoy. Acknowledging with satisfaction the growing and irreversible trend towards universal abolition, it recalls that the death penalty has been *de facto* abolished in all member states since 1997. It notes that all member states, with the exception of the Russian Federation, have ratified Protocol No. 6 to the ECHR prohibiting recourse to capital punishment in time of peace. It welcomes the rapidly growing number of states having ratified Protocol No. 13 to the ECHR which prohibits the death penalty at all times. The Committee has repeatedly urged the Russian Federation to ratify Protocol No. 6, thus making the Council of Europe a *de jure* death penalty free zone, and will continue to follow progress towards ratification. Moreover, it promotes ratification of Protocol No. 13 by those states not having ratified it yet.
3. As expressed in its reply to the Assembly's Recommendation 1627 (2003), the Committee of Ministers commends the Parliamentary Assembly's sustained determination and fully supports its initiatives, to enter into informed debate with the legislative bodies of two observer states, Japan and the United States of America (USA).
4. In response to paragraph 9, the Committee of Ministers has requested its Chairperson to transmit Resolution 1349 (2003) to the Governments of Japan and the USA and, in doing so, to call on them to intensify dialogue with the Committee on the question of the death penalty. The Chair will stress the Council of Europe's attachment to this vital issue and highlight the extensive experience of the Organisation in this field, which might be drawn upon to achieve a worldwide moratorium on executions and subsequent abolition. The Chairperson will also draw attention to the obligation for observer states to meet the requirements of Statutory Resolution (93) 26, the additional criteria adopted by the Committee of Ministers on 7 July 1999, and relevant international legal standards.
5. As regards the further country specific recommendations made by the Assembly, the Committee of Ministers is able to convey to the Assembly the following elements based on information provided by the delegations of the three member states concerned:
  - Albania: the government has informed the Committee that the law on the ratification of Protocol No. 13 to the European Convention on Human Rights was adopted by the National Assembly on 9 November 2006. The instruments of ratification will soon be sent to the Secretary General. As regards the Military Penal Code

which provides the death penalty in certain circumstances, the draft law amending it in the light of Protocol No. 13 has not yet been adopted by the National Assembly;

- Azerbaijan: the government has informed the Committee that the Law on Abolition of the Death Penalty of 10 February 1998, which amends and supplements the Criminal Code, Code of Criminal Procedure and Corrective-Labour Code, abolished the death penalty and amended the said Codes accordingly, in particular by providing for imprisonment for life. In accordance with Paragraph IV of the above-mentioned law, the death sentences imposed before adoption of this law were commuted to life imprisonment. Azerbaijan has acceded to the Second Optional Protocol to the UN International Covenant on Civil and Political Rights on the abolition of the death penalty. An Act for this purpose has been passed by Parliament and was signed by the President on 11 December 1998. It is recalled that Azerbaijan ratified Protocol No. 6 to the European Convention on Human Rights on 15 April 2002 (entry into force on 1 May 2002);

- Latvia: the government has informed the Committee that it has established a working group to review the existing policy of criminal sentences provided in the Criminal Law of the Republic of Latvia. Within the framework of this work, the abolition of the death penalty for crimes committed in wartime will also be examined.

6. The Committee of Ministers will inform the Parliamentary Assembly about further developments.