

European Union  
Delegation  
We care for the  
people

Useful websites on  
death penalty

European Instrument for  
Democracy and Human  
Rights

- <http://www.eidhr.eu/highlights/death-penalty>

Death Penalty World  
Wide

- [www.deathpenaltyworldwide.org](http://www.deathpenaltyworldwide.org)

Selection of short  
abolitionist videos

Inadequacy of Death  
Penalty System &  
Administration  
Bryan Stevenson (PRI's  
Chairperson) – Racism  
and the Death Penalty

- <http://www.youtube.com/watch?v=6e3ZfKcgQyw>

Need for International  
Consistency  
Amnesty International –  
Video Campaigns Against  
the Death Penalty

- <http://www.amnesty.org/en/death-penalty>

Death Penalty information  
centre:

- <http://www.deathpenaltyinfo.org/getcat.php?cid=5>

Catalogue of films:

<http://www.ncadp.org/index.cfm?content=15>

Selection of Films on the  
Death Penalty

- "In Prison My Whole Life" (2007) British movie, directed by Marc Evans
- "Dead Man Walking" (1995)
- "The Green Mile" (1999)

## World / European Day Against The Death Penalty



The European Union holds a strong and principled position against the death penalty. The abolition of the death penalty worldwide represents **one of the main objectives** of the EU's human rights policy and a **priority of HR/VP Ashton**.

The death penalty is cruel and inhuman, and has not been shown in any way to act as a deterrent to crime. The European Union regards abolition as essential for the protection of human dignity, as well as for the progressive development of human rights.

In 2007 abolitionists celebrated when the High Court of Malawi abolished the mandatory death penalty. In what has become known as the Kafanteyeni ruling the mandatory death penalty was deemed by the bench as unconstitutional as it amounts to an arbitrary deprivation of life, denies an accused the right to a fair trial and the right to be free from inhuman and degrading treatment. Although not implemented since 1992, Malawi retains the death penalty for murder, rape, treason, armed robbery and burglary with aggravated circumstances.

Following this ruling, resentencing hearings were granted to over 180 prisoners that were sentenced to the mandatory death penalty and are still alive today. Resentencing hearings give prisoners the opportunity to present mitigating evidence before the court so that a judge may be persuaded to hand down a sentence other than death.

Fantastic right? Yes. But, how many of the prisoners have had their resentencing hearing? Depressingly the answer to this question is zero. Not one of the 180 prisoners has been afforded a resentencing hearing in the five years since the Kafanteyeni ruling. The sad truth is that Malawi's criminal justice system has not yet managed to ensure that the rights of these prisoners are protected.

**The European Union would like appeal to the Government of Malawi to abolish the death penalty.**

For more information please have a look at European Union Delegation to the Republic of Malawi Website:  
[http://eeas.europa.eu/delegations/malawi/index\\_en.htm](http://eeas.europa.eu/delegations/malawi/index_en.htm)

## World / European Day against the Death Penalty on 10 October 2012

### Resources

The international and regional instruments for the **abolition** of the Death Penalty and/or **restricting** its use include:

World-wide:

- [2nd Optional Protocol to the International Convention on Civil and Political Rights \(ICCPR\)](#) (peacetime)

Regional:

- [Protocol to the American Convention on Human Rights](#),
- [Protocols No 6 and 13 to the European Convention on Human Rights](#);
- [UN minimum standards](#);
- [Ban on the execution of juvenile offenders \(ICCPR article 6, Convention on the Rights of the Child article 37\)](#).

### Trends and challenges

- [Quinquennial Report of the UN Secretary-General on "Capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty"](#) of 18 December 2009 confirms a very marked trend towards abolition and restriction of the use of capital punishment in most countries.

### EU policy on the death penalty

- 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.
- On 16 June 2010, [EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission Catherine Ashton](#) in her speech in the European Parliament – declared that the EU's work on abolishing the death penalty worldwide is [a personal priority](#)

- The [EU guidelines on the death penalty](#) - the first set of EU human rights guidelines adopted by the Council in 1998 - set out the framework for diplomatic EU action, including objectives, circumstances and instruments. The multitudes of tools for systematic EU action provided for by the EU Guidelines are ranging from bilateral diplomacy over action in multilateral forums to cooperation assistance.

### **EU bilateral action**

- The EU carries out a significant number of declarations or demarches on the death penalty towards third countries. The EU works both on individual cases and towards moratoria of the application of the death penalty and, in due course, abolition. The EU considers, case by case, and on the basis of the [UN minimum standards](#) (which prohibit inter alia the execution of minors and pregnant mothers), whether to make demarches over the use of the death penalty. Under its “countries on the cusp” campaign, the EU carries out lobbying activities in countries on the verge of abolishing/reintroducing the DP. Over the last year, the EU carried out individual and general/cusp demarches on the death penalty in around 20 countries.
- The EU encourages third countries to ratify the relevant international UN and other instruments, such as the 1989 [Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty](#). Such a step reinforces the commitment not to use the death penalty and can encourage other countries to follow suit so that abolition becomes even more secure.
- In the context of its numerous [human rights dialogues](#) with third countries, the EU raises death penalty related issues with countries that still have the death penalty on their statute books and / or carry out executions. The EU equally pursues its abolitionist agenda in its contacts with anti-death penalty circles and works on fostering public debate about the death penalty in retentionist countries, e.g. by organizing public seminars.
- The EU is also the first regional body in the world to have adopted [rules prohibiting the trade in goods used for capital punishment \(and torture and illtreatment\)](#), as well as the supply of technical assistance related to such goods.

### **EU action in multilateral for a**

- **UN level:** The EU successfully sponsored a yearly resolution at the Commission on Human Rights (CHR) from 1997 to 2005 – calling for abolition and, in the meantime, to establish a moratorium (NB: no resolution at CHR 62 nor at the first 3 sessions of the HR Council due to the transition period). In 2005, the number of co-sponsors of the HRC resolution reached 81. The EU Presidency presented a statement on the death penalty on behalf of 85 signatories in the UNGA Plenary on 19 December 2006. The June 2007 GAERC decided that the EU would introduce, in the framework of a cross-regional alliance, a resolution against the death penalty at the 62nd United Nations General Assembly. This landmark resolution 62/149 (2007), calling for a universal

moratorium on the death penalty, was successfully adopted by UNGA62 on 18 December 2007. On 18 December 2008, UNGA63 adopted resolution 63/168 (2008) reaffirming the 2007 UNGA resolution's call for a moratorium on the use of the death penalty; there were 106 votes in favour, 46 against and 34 abstentions. On 21 December 2010, UNGA65 adopted resolution 65/206 (2010) on the same issue, by a record 109 votes in favour to 41 against, with 35 abstentions.

- The EU also continues to **join forces with other international organisations and multilateral bodies** active in promoting the abolition of the death penalty. To take the example of the Council of Europe ("CoE"): Both the Council of Europe and the EU are unreservedly opposed to the use of capital punishment under all circumstances and have consistently called for the universal abolition of this punishment. A close co-operation between the EU and the CoE in the fight against the death penalty in general and for a death penalty-free Europe in particular is for both institutions of added value.

### **EU support to abolition of the death penalty under the European Instrument for Democracy and Human Rights**

The European Instrument for Democracy and Human Rights (EIDHR) operates as part of a broad set of EU instruments, in partnership with Member States and many other donors, in order to support actions against Death Penalty. Abolition of the death penalty is **one of the thematic priorities** for assistance under the EIDHR

**In the past (starting 1994), the Commission funded over 30 projects worldwide, with an overall budget of over €15 million. Funded activities** included: Strengthening the defence of death penalty cases (China); Informing and supporting strategies for replacing the death penalty (Philippines); Support for human rights defenders campaigning for the abolition of the death penalty (worldwide); A study of how States' death penalty systems comport with minimum standards designed to protect due process and fairness (USA).

#### **Useful documents:**

- [EU Death Penalty Guidelines](#)
- [EIDHR Evaluation Report on the Abolition of the Death Penalty Projects](#)
- [EU Annual Report on Human Rights](#)

#### **Recent UN documents**

- [Quinquennial Report of the UN Secretary-General to the UN Economic and Social Council: "Capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty", 18 December 2009](#)
- [Report of the UN Secretary-General to the UN General Assembly: "Question of the death penalty", 16 July 2010](#)
- [Report of the UN Secretary-General to the UN General Assembly: "Moratoriums](#)

- [on the use of the Death Penalty", 11 August 2010](#)

**Useful links:**

- [EEAS](#)
- [DG DEVCO](#)
- [EU Delegation to the USA](#)
- [EU guidelines towards third countries on the death penalty](#)
- [Council of Europe](#)
- [Death Penalty Focus: 10 Reasons to Oppose the Death Penalty](#)
- [Amnesty International](#)
- [World Coalition against the Death Penalty](#)
- [Hands Off Cain](#)
- [Death Penalty Worldwide](#) (database)
- [Harm Reduction International](#)
- [Reprieve](#)
- [Witness to Innocence](#)
- [EIDHR](#)
- [Death Penalty Worldwide](#)

