



EUROPE AGAINST THE DEATH PENALTY

**Death
is not
justice**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



THE DEATH PENALTY IS NOT A DETERRENT AGAINST CRIME

Death is not justice

Information from countries that have abolished the death penalty continually proves that there is no link between the death penalty and crime rates. Scientific studies do not back the idea that the death penalty really has a deterrent effect as we believe it does. Moreover a 2012 study on the death penalty in Connecticut (United States) focusing on 34 years of murder trials, shows that the death penalty sentence is random. Indeed, the crimes perpetrated by those who avoided the death penalty are as serious as those sentenced to death.

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, some 143 people on death row have been found innocent at the national level. As well as miscarriages of justice, innocent people can be executed deliberately – the death penalty is a notorious means of silencing political opponents in some countries. 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. Instead, it put the inhumanity and brutality of his punishment at the top of the international media agenda.

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 has experienced. It does not restore a victim to life, but rather extends a cycle of violence and brutality. Human rights abuses should not be punished with further human rights abuses.

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

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.

Europe against the death penalty

■ For more than 30 years the Council of Europe has worked to outlaw the death penalty in Europe. Since 1997 no executions have taken place in any of our 47 member countries. The death penalty has been legally abolished in most of these countries but we still need to consolidate abolition in Europe and achieve abolition worldwide.

■ The right to life and the prohibition of torture and degrading and inhuman treatment lies at the heart of the European Convention on Human Rights. This Convention, drawn up by the Council of Europe in 1950 and adopted in 1953, lays out the fundamental principles that guarantee human rights for the 820 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.

■ 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.

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Further information

www.coe.int/deathpenalty

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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