

What Role should the European Union (EU) and Member States play on Death Penalty? ¹

International Day against the Death Penalty

The EU is opposed to the death penalty in all circumstances and considers that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights. The full abolition of the death penalty is the main objective of the EU Guidelines on Death Penalty reviewed in 2008. Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy, declared the fight against the death penalty as her personal priority.

However, in meetings of the European Parliament it can be recognised that not all members have a clear commitment against the death penalty. This has to be taken as an indication that the EU needs to consolidate its position against death penalty.

Currently, 48 European nationals are facing capital punishment around the world. Worldwide, 43 countries retain the death penalty. There are some successes around the world in the fight against the death penalty. More than two-thirds of the countries in the world have now abolished the death penalty in law or practice. Some, as Sri Lanka, are at least adopting moratoriums. But on the other side, there are still strong global players, like the US, that promote the idea that the death penalty plays a role in reducing crime even though it has been empirically disproved. China is another country to work very slowly on the process of abolishing the death penalty. This shows that there is still a lot of promotion to do for the EU on the international level.

The EU Guidelines on Death Penalty can be seen as a good instrument, which in many cases such as with the criteria for accession countries, has been very helpful. In the case of Spain, for example, it was thereby possible to abolish the death penalty in a relatively short time after a long period of dictatorship.

According to Amnesty International, the EU could do more in its fight against the death penalty. The World Day of Death Penalty on 10 October 2010 focused on the US, one of the main strategic partners of the EU. On 27 September 2010 Brandon Rhode was the 40th person to be executed this year in the US, and the 1228th person since 1977, the year when judicial killing was resumed. Brandon Rhode was 18 years old when he committed

Guest speakers were Barbara Lochbihler, Member of the European Parliament (Greens); Nicole Bjerler, Amnesty International; Robert Bryan, lawyer in the US; Sabine Kebir, Poets, Essayists, and Novelists (PEN) and Christian Behrmann, European Commission. The reception took place on 6 October 2010. The opinions expressed do not necessarily represent the opinions of the Heinrich-Böll-Stiftung.

the crime. Later on it was diagnosed that he suffered from a brain disorder and therefore could not be seen as accountable for his actions. The execution team took half an hour to search for a vein to inject Rhode and another half an hour for the drug to operate.

Mumia Abu-Jamal is in prison in Pennsylvania since almost 3 decades though it is not unusual to be on the death row for such a long time in the US. Mumia Abu-Jamal has become a symbol in the fight against the death penalty. Like almost all concerned persons, he belongs to a minority, he is black and poor and many things went wrong in his case but he is not alone in this situation. There are another 1,000 similar cases in the US. Mumia Abu-Jamal is very well-known by the press, as from prison he writes books and articles and speaks out against human rights abuses. He is recognised as a voice against the death penalty around the world.²

There has been progress in the fight against the death penalty and some executions were prevented due to joint actions. But there could be more pressure from the EU on this matter.

The US regularly declares its commitment to human rights. In this respect the EU should call on the US to implement its words as the practice stands in big contrast to these words. Whereas 130 states around the world abolished the death penalty by law or at least adopted moratoriums by this time, the US belongs to a diminishing group of states that still exercises the death penalty. In this sense the EU has to push the US more forcefully to abandon the practice of executions.

President Obama does not speak out against the death penalty because many deem that a political suicide. Pressure from the EU is of enormous importance as it is one of the few ways to bring the fight against the death penalty into public debate. In this context European action can have a considerable influence.

The EU has different instruments concerning the fight against the death penalty and the EU appropriates around one billion euros for a period of seven years for this purpose.³

One of the instruments relates to the EU's bilateral work which basically consists of two elements: The first is the EU's relation with third countries around the world in which the main tool of the EU is the Human Rights Dialogue. Right now there are about 40 of these dialogues around the world in which the death penalty is one of the topics addressed. The second element consists of individual cases which the EU follows on a systematic basis. Because an intervention in every single case is not possible the EU decides on its engagement in a strategic way. In this context the EU Guidelines on Death Penalty set out a framework for EU instruments and criteria under which the EU intervenes in individual cases. The countries most often under the spotlight in 2010 are Iran and the US.

² According to Robert Bryan, lawyer in the USA

³ According to Christian Behrmann, European Commission

Another instrument in the fight against the death penalty is the co-operation assistance to support civil society engagement as civil society plays a key role in this fight in the view of the Commission. Here, the death penalty is one of the priorities. From the 16 projects chosen after the last call of proposals, five take place in the US.