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Death penalty

Greens/EFA motion for resolution

Tabled by Barbara Lochbihler, Igor Šoltes, Heidi Hautala, Molly Scott Cato, Davor Škrlec, Ulrike Lunacek, Jean Lambert, Ernest Urtasun, Michèle Rivasi, Bodil Valero on behalf of the Greens/EFA Group

The European Parliament,

- having regard to its previous resolutions on the abolition of the death penalty, in particular that of 7 October 2010 on the World Day Against the Death Penalty,
- having regard to Protocols 6 and 13 to the European Convention on Human Rights,
- having regard to Article 2 of the Charter of Fundamental Rights of the European Union,
- having regard to the EU Guidelines on the Death Penalty,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) and the Second Optional Protocol thereto,
- having regard to the Study on the impact of the world drug problem on the enjoyment of human rights, issued by the UN High Commissioner for Human Rights in September 2015,
- having regard to the resolutions of the UN General Assembly, in particular that of 18 December 2014 on the moratorium on the use of the death penalty (A/RES/69/186),
- having regard to the World Day and the European Day against the Death Penalty, held on 10 October of each year,
- having regard to the question to the Council on the death penalty (O-000103/2015 – B8 0761/2015),
- having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

A. whereas the European Union has a strong and principled position against the death penalty, which establishes global abolition of capital punishment as a key objective of the Union's human rights policy;

B. whereas the focus of the World Day Against the Death Penalty on 10 October 2015 is ‘raising awareness around the application of the death penalty for drug-related offences’;

C. whereas 101 states have abolished the death penalty for all crimes; whereas in 2014 at least 22 states carried out executions and at least 2 466 people were sentenced to death

D. whereas 33 states apply the death penalty for drug-related offences, resulting in approximately 1 000 executions annually; whereas in 2015 executions for such offences are known to have been carried out in China, Iran, Indonesia and Saudi Arabia; whereas death sentences continued to be imposed for drug-related offences in 2015 in China, Indonesia, Iran, Kuwait, Malaysia, Saudi Arabia, Sri Lanka, the United Arab Emirates and Vietnam; whereas these offences may include different charges of drug trafficking or drug possession;

E. whereas the last 12 months have seen a global resurgence in the use of the death penalty for drug offences, with a number of states executing people for drug-related offences at a significantly increased rate (as in the case of Iran and Saudi Arabia), seeking to reintroduce the death penalty for drug offences (as in the case of Oman), or ending long-standing death penalty moratoriums (as in the case of Indonesia and Pakistan);

F. whereas Iran reportedly executed 394 drug offenders in the first six months of 2015, compared with 367 in the whole of 2014; whereas half of all executions carried out in Saudi Arabia this year have been for drug offences, compared with only 4 % of the overall number in 2010; whereas at least 112 drug offenders are awaiting execution on Pakistan’s death row;

G. whereas there are dozens of European nationals facing execution in third countries, many of them on drug-related offences;

H. whereas Article 6(2) of the International Covenant on Civil and Political Rights stipulates that the death penalty may only be applied for the ‘most serious crimes’; whereas the UN Human Rights Committee and the UN Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions and on Torture have stated that the death penalty should not be imposed for drug-related offences;

I. whereas the International Narcotics Control Board has encouraged states that impose the death penalty to abolish it for drug-related offences;

J. whereas the imposition of the death penalty for drug-related offences is interrelated with a range of other human rights violations, such as violation of the right to a fair trial and of the right not to be subjected to torture and other forms of ill-treatment; whereas the mandatory death penalty and its use for drug-related offences are against international law and standards;

K. whereas the Commission and the Member States have given at least EUR 60 million to the UN Office on Drugs and Crime (UNODC) counter-narcotics programmes, focused on drug enforcement in countries which actively apply the death penalty for drug offences;

L. whereas independent audits of UNODC’s operations in Pakistan and Iran and recent NGO reports have raised concerns about the implementation of human rights guidance by the UN agency’s country offices and about a direct correlation between counter-narcotics funding and death sentences handed down for drug charges in those countries;

M. whereas, under the EU’s Instrument contributing to Stability and Peace (IcSP) and its predecessor, the Instrument for Stability (IfS), the Commission has initiated two large scale regional counter-narcotics measures – the cocaine and heroin route programmes, whose scope includes countries which apply the

death penalty for drug offences; whereas, under Article 10 of the IcSP Regulation, the Commission is obliged to use operational guidelines for human rights and humanitarian law compliance in relation to measures against organised crime;

1. Reiterates its long-standing opposition to the death penalty in all cases and under all circumstances and emphasises once again that the abolition of the death penalty contributes to the enhancement of human dignity;
2. Condemns all executions wherever they take place; continues to be deeply concerned regarding the imposition of the death penalty on minors and on persons with mental or intellectual disability, and calls for an immediate and definitive end to such practices, which violate international human rights standards;
3. Urges the European External Action Service (EEAS) and the Member States to continue fighting against the use of the death penalty and to strongly support the moratorium as a step towards abolition, to continue to push for abolition worldwide, and to strongly urge countries still carrying out capital punishment to comply with international minimum standards, to reduce the scope and use of the death penalty, and to publish clear and accurate figures on the number of sentences and executions;
4. Recalls that the death penalty is incompatible with values such as respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, on which the Union is founded, and that any Member State reintroducing the death penalty would therefore be in violation of the Treaties and of the EU Charter of Fundamental Rights;
5. Remains fully convinced that death sentences fail to deter drug trafficking or to prevent individuals from falling victim to drug abuse; calls on retentionist countries to introduce alternatives to the death penalty for drug offences which focus, in particular, on drug prevention and harm reduction programmes;
6. Expresses serious concern at the fact that European-funded counter-narcotics programmes in retentionist states may be encouraging capital convictions and executions, in particular by setting targets and indicators of increased seizures, arrests and sentencing, and harsher punishments;
7. Reiterates its recommendation to the Commission and the Member States that the abolition of the death penalty for drug-related offences should be made a precondition for financial assistance, technical assistance, capacity building and other support for drug enforcement policy;
8. Calls on the Commission and the Member States to reaffirm the categorical principle that European aid and assistance may not facilitate law enforcement operations that lead to death sentences and the execution of those arrested;
9. Regrets the lack of transparency around counter-narcotics aid and assistance provided by the Commission and Member States to drug enforcement operations in countries which aggressively apply the death penalty for drug offences;
10. Requests that the Commission publish an annual account of its funding for counter-narcotics programmes in countries which maintain the death penalty for drug offences, along with a narrative summary of where this funding has been directed, what human rights safeguards have been applied to ensure that it does not enable death sentences, and the extent to which recipient states have complied with European conditions;
11. Urges the Commission to implement without any further delay the operational guidelines laid down in Article 10 of the IcSP Regulation, to apply them strictly to the cocaine and heroin route programmes and, in the event of non-compliance and inconsistency with the guidelines, to immediately suspend these

programmes;

12. Calls on the Commission and the Member States to make future funding to UNODC counter-narcotics programmes conditional on UNODC demonstrating how the core principles of its human rights guidance will be applied in administering that funding, and specifically how that funding will be frozen or withdrawn should the recipient state persist in sentencing drug offenders to death;
13. Urges the Commission to comply with the recommendation in the EU Action Plan on Drugs (2013-2016) that a 'human rights guidance and assessment tool' be developed and implemented to ensure that human rights are 'effectively mainstreamed into EU external drugs action';
14. Urges the European External Action Service (EEAS), the Commission and the Member States to provide guidance for a comprehensive and effective European death penalty policy with regard to dozens of European nationals facing execution in third countries, which should include strong and reinforced mechanisms in terms of identification, delivery of legal assistance and diplomatic representation;
15. Calls on the EU and its Member States to ensure that the Special Session of the UN General Assembly in April 2016 on the World Drug Problem addresses the use of the death penalty for drug-related offences, and condemns its application;
16. Strongly deplores the fact that eight states have legislation prescribing the death penalty for homosexuality (Mauritania, Sudan, Iran, Saudi Arabia, Yemen, Pakistan, Afghanistan and Qatar) and that provinces of Nigeria and Somalia hand down death sentences for same-sex sexual acts; calls on these states to stop criminalising homosexuality, and calls on Brunei Darussalam not to carry out its plans to apply the death penalty for homosexuality; urges the EEAS to maintain the fight against the criminalisation of homosexuality as a key priority, in line with the EU Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons;
17. Applauds and further encourages the activities of non-governmental organisations working for the abolition of the death penalty worldwide; calls on the Commission to continue funding projects in this field as a priority of the European Instrument for Democracy and Human Rights;
18. Asks that the Human Rights Subcommittee of its Foreign Affairs Committee (AFET) prepare a report on the death penalty, which should assess, in particular, the human rights impact of EU counter-narcotics funding and of EU security and counter-terrorism cooperation and make recommendations to ensure that such funding does not contribute to increased use of the death penalty in the future;
19. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the UN Secretary-General, the President of the UN General Assembly and the governments of the UN member states.

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