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The Death Penalty in the OSCE Area

There is an increasing trend towards the abolition of the death penalty in the OSCE region. Of the 56 OSCE participating States, nine retain the death penalty in some form, and only three still carry out executions.

This article begins by outlining the status of the death penalty in the OSCE area. It details the relevant national legal frameworks in those OSCE States that still retain the death penalty in some form. Then it analyses a variety of international standards on the death penalty developed by the OSCE, the United Nations, the European Union, and the Council of Europe. Finally, it provides an overview of activities the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertakes in its efforts to support OSCE participating States in complying with their commitments related to capital punishment.

The article is based on the data collected by the ODIHR in the course of its regular monitoring of the status of the death penalty in the OSCE area, the results of which are published annually in a background paper produced before the OSCE Human Dimension Implementation Meeting in the autumn.¹

For the purpose of this article, each participating State has been classified as abolitionist, partly abolitionist, *de facto* abolitionist, or retentionist according to the status of the death penalty in the relevant State's law and practice.

Status of the Death Penalty in the OSCE Area

Abolitionist and Partly Abolitionist States

In 47 OSCE participating States, the death penalty has been abolished for all crimes. These States are: Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Turkmenistan, Ukraine, the United Kingdom, and the former Yugoslav Republic of Macedonia.

¹ The full version of the background paper can be found at http://osce.org/odihr/item_11_20721.html.

In two OSCE participating States – Albania² and Latvia³ – the death penalty has been abolished for crimes committed in peacetime, but is retained for crimes committed in wartime. In Albania, the Military Criminal Code envisages the death penalty for a number of crimes if committed during a state of emergency or during wartime.⁴ In Latvia, the Criminal Code prescribes the death penalty for murder with aggravating circumstances if committed during wartime.⁵

De facto Abolitionist States

In four states – Kazakhstan,⁶ Kyrgyzstan,⁷ the Russian Federation,⁸ and Tajikistan⁹ – the death penalty is retained for crimes committed in peacetime, but executions are not carried out.

Kazakhstan

The Constitution of the Republic of Kazakhstan envisages the death penalty, as an exception to the right to life, for ten especially grave crimes. These crimes are: murder with aggravating circumstances; terrorism; attempt on the life of a person administering justice or carrying out preliminary investigations; attempt on the life of the president; state treason; sabotage; planning, preparation, or conduct of aggressive war; use of prohibited means and methods of conducting war; genocide; and mercenary participation in armed conflict.¹⁰ The death penalty is also prescribed for eight military crimes if committed in time of war.¹¹ Women and individuals who are below the age of 18 at the time of the crime cannot be sentenced to death.¹²

A moratorium on executions was introduced in December 2003 by presidential decree.¹³ The moratorium will be in place until the question of

2 Albania is a party to the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and the Protocol 6 to the ECHR.

3 Latvia is a party to the ICCPR, the CRC, the ECHR, and the Protocol 6 to the ECHR.

4 Articles 25, 26, 28, 34, 47, 50, and 77 of the Military Criminal Code.

5 Article 37 of the Criminal Code, 15 October 1998, with amendments of 18 May 2000. This article also provides that the death penalty may not be applied to individuals below the age of 18 at the time of crime, or to women.

6 Kazakhstan is a party to the ICCPR and the CRC.

7 Kyrgyzstan is a party to the ICCPR and the CRC.

8 The Russian Federation is a party to the ICCPR, the CRC, and the ECHR. It is also a signatory of the Protocol 6 to the ECHR.

9 Tajikistan is a party to the ICCPR and the CRC.

10 Article 15 of the Constitution of the Republic of Kazakhstan, 30 August 1995. See also Article 49(1) of the Criminal Code, 1 January 1998.

11 Articles 96(2), 156(2), 159(2), 160, 162(4), 165, 167, 171, 233, 340, 367(2), 368(3), 369(3), 373(3), 374(3), 375(3), 380(3), 383 of the Criminal Code of the Republic of Kazakhstan.

12 Article 49(2), Criminal Code. This article also stipulates that the death penalty cannot be applied to men who are over the age of 65 at the time the sentence is pronounced.

13 Presidential Decree No. 1251 “On the introduction of a moratorium on the death penalty in the Republic of Kazakhstan”, 17 December 2003.

the full abolition of the death penalty is resolved. In addition, the presidential decree also provided for the introduction of life imprisonment from 1 January 2004 as an alternative to the death penalty.

Subsequent amendments to the Criminal Code provide for the suspension of all executions while the moratorium is in place and set out the status of those individuals who are subject to the moratorium.¹⁴ In the event of the cancellation of the moratorium, the Criminal Code provides that all death sentences should be executed within one year. Everyone who had been subject to the moratorium would have the right to appeal to the Clemency Commission for commutation of their sentences.¹⁵ All individuals sentenced to death have the right to appeal for commutation of the sentence to life imprisonment or 25 years' imprisonment.¹⁶

Kyrgyzstan

The Constitution provides that the death penalty may be used only in exceptional cases.¹⁷ The death penalty is currently retained for three crimes: murder, rape of a female minor, and genocide.¹⁸ Women and individuals who are below the age of 18 at the time of the crime cannot be sentenced to death.¹⁹

An official moratorium on executions is in place. It was initially introduced by a presidential decree that entered into force on 8 December 1998. The moratorium has subsequently been extended on an annual basis. The latest presidential decree envisages the extension of the current moratorium until the death penalty is abolished.²⁰ The same decree instructs the government of Kyrgyzstan to draft relevant registration and to adopt a strategy towards the abolition of the death penalty, including the construction of new prison facilities.

The Constitution gives the president the authority to grant clemency and provides that all individuals sentenced to death have the right to seek clemency.²¹

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- 14 Law of the Republic of Kazakhstan No. 514-II "On the introduction of amendments and additions to legislative acts of the Republic of Kazakhstan on the introduction of life imprisonment", 31 December 2003; Law of the Republic of Kazakhstan No. 529-II "On the introduction of amendments and additions to the Criminal Code and Criminal Procedure Code of the Republic of Kazakhstan in connection with the introduction of a moratorium on the execution of death penalty", 10 March 2004.
- 15 Article 49 of the Criminal Code of the Republic of Kazakhstan; Article 166(1) of the Criminal Procedure Code of the Republic of Kazakhstan; Presidential Decree No. 2975 "On provisions for the pardoning procedure by the President of the Republic of Kazakhstan", 7 May 1996.
- 16 Article 49(3) of the Criminal Code, Article 31(2) of the Criminal Procedure Code, and Article 166(1) of the Criminal Executive Code.
- 17 Article 18 of the Constitution of the Kyrgyz Republic, 5 May 1993.
- 18 Articles 97(2), 129(4), and 373 of the Criminal Code, 1 October 1997.
- 19 Article 50(2) of the Criminal Code.
- 20 Presidential Decree No. 667 "On prolongation of the term of the moratorium on execution of the death penalty in the Kyrgyz Republic", 29 December 2005.
- 21 Article 18(4) and Article 46 of the Constitution. The clemency procedure is governed by the Law "On general principles of amnesty and clemency" and Presidential Decree No.

The Russian Federation

The Constitution of the Russian Federation provides for the death penalty, until its abolition, as an exceptional punishment for especially grave crimes against life.²² The Criminal Code of the Russian Federation envisages the death penalty for five crimes: murder with aggravating circumstances, assassination attempt against a state or public figure, attempt on the life of a person administering justice or conducting preliminary investigations, attempt on the life of a law-enforcement officer, and genocide.²³ Women and individuals who are below the age of 18 at the time of the crime cannot be sentenced to death.²⁴

A presidential decree instituted a moratorium on executions in 1996.²⁵ Furthermore, on 2 February 1999, a ruling of the Constitutional Court placed a temporary prohibition on the passage of death sentences. On 3 June 1999, a presidential decree commuted the sentences of all individuals on death row to either life or 25 years' imprisonment.

The Russian Constitution guarantees the right to trial by jury in cases in which the death penalty is a potential sentence.²⁶ Accordingly, the Constitutional Court adopted a resolution prohibiting the passage of death sentences until such time as jury trials are introduced in all constituent entities of the Russian Federation. At the time of the decision, jury trials were available in only nine of the 89 entities of the Russian Federation. It is envisaged that jury trials will have been introduced in all constituent entities of the Russian Federation by 1 January 2007.

The Constitution gives the president authority to grant clemency.²⁷ Clemency commissions in each of the constituent entities consider appeals for clemency and make recommendations to the president.²⁸ The death penalty can be commuted to life imprisonment or deprivation of liberty for 25 years.²⁹

Tajikistan

The Constitution envisages the death penalty, as an exception to the right to life, for especially grave crimes.³⁰ In August 2003, the president signed legis-

100 on "Regulations on the procedure for providing pardon in the Kyrgyz Republic", 13 April 1995.

22 Article 20(2) of the Constitution of the Russian Federation, 25 December 1993.

23 Articles 105(2), 277, 295, 317, and 357 of the Criminal Code, 13 June 1996.

24 Article 59(2), Criminal Code. This article also stipulates that the death penalty cannot be applied to men who are over the age of 65 at the time when the sentence is pronounced.

25 Presidential Decree No. 724 "On the gradual decrease of the application of the death penalty in connection with accession to the Council of Europe", 16 May 1996.

26 Article 20(2).

27 Article 89(c).

28 A single Presidential Pardon Commission was replaced by regional commissions in each of the constituent entities by Presidential Decree No. 1500 "On the procedure for consideration of clemency appeals in the Russian Federation", 28 December 2001.

29 Article 59(3) of the Criminal Code.

30 Article 18 of the Constitution of the Republic of Tajikistan, 6 November 1994.

lation abolishing the death penalty for 10 crimes.³¹ The death penalty was retained for five crimes: murder with aggravating circumstances, rape with aggravating circumstances, terrorism, biocide, and genocide.³² On 1 March 2005, amendments to the Criminal Code were adopted that provide for life imprisonment for these five crimes.³³ The amendments introduce life imprisonment as an alternative to the death penalty for men between 18 and 63 years of age. Women and individuals who are below the age of 18 at the time of the crime cannot be sentenced to death.³⁴

On 30 April 2004, the president of Tajikistan announced the introduction of a moratorium on executions, signing a law to that effect on 15 July 2004. The moratorium, which was applicable from the day of its announcement, is not limited to a specific period of time but has been put in place indefinitely. The moratorium applies to those who were sentenced to death prior to 30 April 2004 and to those convicted of crimes for which the death penalty is envisaged after 30 April 2004. In the former case, death sentences were to be commuted to 25 years' imprisonment; in the latter case, a sentence of 25 years' imprisonment was to be imposed instead of the death penalty. As indicated above, however, life imprisonment was also introduced on 1 March 2005 as an alternative to the death penalty.

The Constitution gives the president authority to grant clemency.³⁵ Death sentences may be commuted to 25 years' imprisonment.³⁶ Sentences will not be carried out until a decision on clemency has been issued.³⁷

Retentionist States

Belarus,³⁸ the United States of America,³⁹ and Uzbekistan are the only OSCE participating States where the death penalty is retained for crimes committed in peacetime, and where legally sanctioned executions are carried out.

Belarus

The Constitution of the Republic of Belarus provides that, until the abolition of the death penalty, it may be applied in accordance with the law as an exceptional penalty for particularly serious crimes and only in accordance with

31 Law No. 45 "On amendments to the Criminal Code", 1 August 2003.

32 Articles 104(2), 138(3), 179(4), 399, and 398 of the Criminal Code, 21 May 1998, with amendments of 1 August 2003.

33 Law "On the introduction of amendments to the Criminal Code", 30 November 2004.

34 Article 59(2), Criminal Code, and Law No. 45 "On amendments to the Criminal Code", 1 August 2003.

35 Article 69 (27) of the Constitution. Article 216 of the Criminal Executive Code provides that individuals sentenced to death can apply to the president for clemency.

36 Article 59 of the Criminal Code.

37 The Commission was established by Presidential Decree No. 721, 8 May 1997.

38 Belarus is a party to the ICCPR and the CRC.

39 The United States of America is a party to the ICCPR and a signatory of the CRC and the American Convention on Human Rights.

the verdict of a court of law.⁴⁰ The Criminal Code provides that the death penalty may be imposed for severe crimes connected with the deliberate deprivation of life with aggravating circumstances.⁴¹ The death penalty is envisaged for 14 crimes: acts of aggression, murder of a representative of a foreign state or international organization with the intention of provoking international tension or war, international terrorism, genocide, crimes against the security of humanity, use of weapons of mass destruction, violations of the laws and customs of war, murder with aggravating circumstances, terrorism, terrorist acts, treason that results in loss of life, conspiracy to seize power, sabotage, and murder of a police officer.

There is no moratorium on executions. On 11 March 2004, the Constitutional Court concluded its assessment of the compliance of the death-penalty provisions in the Criminal Code with the Constitution, following a request from the House of Representatives of the National Assembly. The Court found a number of provisions of the Criminal Code to be inconsistent with the Constitution,⁴² thus providing for the possibility of either the abolition of the death penalty or the imposition of a moratorium on executions as the first step towards full abolition. The Court recalled that such measures may be enacted by the head of state and the National Assembly.

Women and individuals who are below the age of 18 at the time of the crime cannot be sentenced to death.⁴³

The Constitution gives the president authority to grant clemency, and the death penalty may be commuted to life imprisonment.⁴⁴ Appeals are initially considered by the Clemency Commission.⁴⁵

Relatives are not informed in advance of the date of execution. The body is not returned, and the place of burial is not disclosed.⁴⁶

The United States of America

The death penalty is retained at the federal level and in the majority of the 50 states.⁴⁷ The states that have abolished the death penalty are Alaska, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, New York, North Dak-

40 Article 24 of the Constitution of the Republic of Belarus, 27 November 1996.

41 Article 59(1) of the Criminal Code, 9 July 1999. Specific Articles: 122(2), 124(2), 126, 127, 128, 134, 135(3), 139(2), 289(3), 359, 356(2), 367(3), 360(2), and 362 of the Criminal Code.

42 Articles 48 (Part 1, Paragraph 11) and 59 have been found to be inconsistent with the Constitution due to the lack of reference, in those articles, to the temporary character of the death penalty.

43 Article 59(2)(1), Criminal Code. In addition, Article 59(2)(3) also stipulates that men who are over the age of 65 at the time when the sentence is pronounced are exempt from the death penalty.

44 Article 84(19) of the Constitution.

45 Presidential Decree No. 250 "On the introduction of the regulation of provisions for pardoning procedure in the Republic of Belarus", 3 December 1994.

46 Article 175, Criminal Executive Code.

47 The death penalty is also retained in military law for 15 crimes.

ota, Rhode Island, Vermont, West Virginia, and Wisconsin, as well as the District of Columbia.

The United States Code identifies 42 crimes (38 homicide and four non-homicide) for which the death penalty may be used. The crimes that carry the death penalty differ from state to state, although all states which retain the death penalty envisage it for murder.⁴⁸ The Uniform Code of Military Justice allows for the death penalty as a possible punishment for 15 offences, many of which must occur during a time of war.

There is no moratorium on executions in place at the federal level. At the state level, Illinois is the only state that has instituted a moratorium on the use of the death penalty.

Pregnant women cannot be executed under federal or state law. At the federal level, individuals who are below the age of 18 at the time of the crime cannot be sentenced to death.⁴⁹ On 1 March 2005, the US Supreme Court took a decision to abolish the death penalty for defendants who were under the age of 18 when they committed their crimes.⁵⁰ This decision applies to the state and federal levels.

The US Supreme Court has ruled that the execution of an insane person – somebody who is not aware of the impending execution or the reasons therefore – violates the US Constitution.⁵¹ Furthermore, the US Supreme Court has also ruled that the execution of a mentally retarded person violates the US Constitution.⁵²

At the federal level, the president has the authority to grant clemency, and, at the state level, the respective governor has the authority to grant clemency, although the process differs from state to state.

Uzbekistan

The death penalty is envisaged for two crimes:⁵³ murder with aggravating circumstances and terrorism.⁵⁴ Women and individuals who were below the age of 18 at the time of the crime cannot be sentenced to death.⁵⁵

On 1 August 2005, President Islam Karimov signed a decree on the abolition of the death penalty as of 1 January 2008.⁵⁶ The decree envisages that, from 1 January 2008, the death penalty shall be abolished in Uzbekistan as a type of criminal punishment, instead, punishment in the form of life, or

48 A complete list of capital crimes can be found at www.deathpenaltyinfo.org.

49 18 U.S.C. § 3591(a)(2)(D), 18 U.S.C. § 3591 (b)(2).

50 *Roper v. Simmons*, 543 U.S. (2005).

51 *Ford v. Wainwright*, 477 U.S. 399 (1986).

52 *Atkins v. Virginia*, 536 U.S. (2002).

53 Article 51 of the Criminal Code, 22 September 1994, with further amendments as of 29 September 2004.

54 Articles 97 (2) and 155 (3) of the Criminal Code.

55 Article 51 of the Criminal Code. This article also stipulates that men over the age of 60 at the time of sentencing cannot be sentenced to death.

56 Decree of the President of the Republic of Uzbekistan “On abolition of the death penalty in the Republic of Uzbekistan”, 1 August 2005.

long-term, imprisonment shall be introduced.⁵⁷ There is no moratorium on executions.

Death sentences can be commuted to 25 years' imprisonment.⁵⁸ Sentences are not carried out until a decision on clemency has been issued.

Relatives are not informed in advance of the date of execution. The body is not returned, and the place of burial is not disclosed.⁵⁹

International Standards on the Death Penalty

This section provides an overview of the international standards on the death penalty that have been developed by the United Nations, the European Union, the Council of Europe, and the OSCE. These international standards either abolish the death penalty or restrict its use.

United Nations

The International Covenant on Civil and Political Rights (ICCPR)⁶⁰ recognizes the death penalty as a permissible exception to the right to life.⁶¹ However, the ICCPR provides that no one shall be deprived of the right to life arbitrarily and lists a number of specific restrictions and limitations on the use of the death penalty. A death sentence may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime, in a manner not contrary to the provisions of the ICCPR. The death penalty may be carried out only pursuant to a final judgement rendered by a competent court, and anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. The death penalty shall not be imposed for crimes committed by persons below 18 years of age and shall not be carried out on pregnant women.

These specific restrictions and limitations have been interpreted by the Human Rights Committee in its concluding observations on state party reports, in its General Comment No. 6, and in its jurisprudence on individual

57 Uzbek and international human rights organizations welcomed the decree but expressed concerns about the fate of those who have been already sentenced and those who will be sentenced until 2008. They have called for an immediate moratorium on executions and for the sentences to be commuted to life imprisonment.

58 Article 93 of the Constitution and Article 51(3) of the Criminal Code. Regulation on the Procedure of Granting Clemency in the Republic of Uzbekistan. Approved by Decree of the President of the Republic of Uzbekistan NYII-1839, 11 September 1997.

59 This information is regarded as a state secret in accordance with Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 239-33 "On measures of protection of state secrets of the Republic of Uzbekistan", 5 May 1994, and article 140 of the Criminal Executive Code.

60 UN General Assembly Resolution 2200 A (XXI) of 16 December 1966. Entered into force on 23 March 1976.

61 Article 6 of the ICCPR.

complaints.⁶² In addition, the limitations have also been interpreted and expanded upon in documents produced by other UN bodies, in particular, in the ECOSOC Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty⁶³ and in the annual resolutions of the Commission on Human Rights on the question of the death penalty.⁶⁴

Since the adoption of the ICCPR, steps have been taken to develop a legally binding instrument that requires the abolition of the death penalty. Accordingly, the UN has adopted the Second Optional Protocol to the ICCPR,⁶⁵ which abolishes the death penalty during peacetime. Forty-one OSCE participating States have ratified the Second Optional Protocol.

Resolution 2005/59 of the Commission on Human Rights called upon all states that still retain the death penalty to abolish it completely and, in the meantime, to establish a moratorium on executions.⁶⁶ It also stated that abolition of the death penalty is essential for the protection of the right to life.

European Union

The abolition of the death penalty is a prerequisite to accession to the EU.⁶⁷ Article 2 of the Charter of Fundamental Rights of the European Union,⁶⁸ which is politically binding on EU member states, provides that no one shall be condemned to death or executed.

The European Union also takes an active stance against the death penalty in its relations with accession countries and third countries. It has developed Guidelines on European Union policy towards third countries on the death penalty.⁶⁹ These Guidelines contain a list of minimum standards on the use of the death penalty.

62 General Comment No. 6, adopted at the 16th session of the Human Rights Committee, 1982.

63 Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, UN Economic and Social Council Resolution 1984/50, adopted on 25 May 1984.

64 The most recent resolution of the Commission on Human Rights on the question of the death penalty is Resolution 2005/59, 20 April 2005. The Commission on Human Rights was replaced by the UN Human Rights Council on 15 March 2006.

65 UN General Assembly Resolution 44/128 of 15 December 1989. Entered into force on 11 July 1991. Article 2 of the Second Optional Protocol provides that no reservation is admissible except for reservations made at the time of ratification or accession that provide for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.

66 Resolution of the UN Commission on Human Rights 2005/59, 20 April 2005, paragraph a.

67 The abolition of the death penalty for peacetime crimes is an element of the Copenhagen Criteria for accession countries to the European Union.

68 The presidents of the European Parliament, European Council, and European Commission signed and proclaimed the Charter on behalf of their institutions on 7 December 2000 in Nice, France.

69 General Affairs Council, Luxembourg, 29 June 1998.

Council of Europe

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) does not require the abolition of the death penalty.⁷⁰ The text of the ECHR itself places no explicit restrictions on the use of the death penalty, save that it can only be carried out following conviction by a court of a crime for which the death penalty is provided by law. However, the European Court of Human Rights has interpreted both Article 2 (right to life) and Article 3 (prohibition of torture) of the ECHR as placing certain limitations on the use of the death penalty.⁷¹

Since the adoption of the ECHR, steps have been taken to develop legally binding instruments that do abolish the death penalty. In 1985, Protocol No. 6 to the ECHR, which abolishes the death penalty during peacetime, entered into force.⁷² The Protocol is open for ratification by member states of the Council of Europe, and all new member states of the Council of Europe are required to ratify Protocol No. 6 within a certain time limit.⁷³ As of today, 45 OSCE participating States (the exception being the Russian Federation) have ratified Protocol No. 6.⁷⁴

Eight years later, Protocol No. 13 to the ECHR,⁷⁵ which is the first legally binding instrument that abolishes the death penalty in all circumstances, including in time of war, entered into force. As of today, 36 OSCE participating States have ratified Protocol No. 13.

Organization for Security and Co-operation in Europe

OSCE commitments do not require the abolition of the death penalty. However, OSCE participating States have committed themselves to impose the death penalty only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and in a manner not contrary to their international commitments.⁷⁶ OSCE participating States have also committed themselves to make information regarding the use of the death penalty available to the public.⁷⁷

70 ETS No. 005. Entered into force on 3 September 1953.

71 Article 3 of the ECHR prohibits torture and inhuman or degrading treatment or punishment.

72 ETS No. 114. Entered into force on 1 March 1985. Article 2 of Protocol No. 6 provides that a state may make provision in its law for the death penalty for acts committed in times of war or of imminent threat of war.

73 Resolution 1044 (1994) of the Parliamentary Assembly of the Council of Europe on the Abolition of Capital Punishment, 4 October 1994.

74 All 46 member states of the Council of Europe are also OSCE participating States.

75 ETS No. 187. Entered into force on 1 July 2003.

76 *Concluding Document of the Vienna Meeting 1986 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe*, Vienna 1989, para. 24.

77 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 29 June 1990, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 439-465, Article 17.8., p. 451.

Relevant Activities of the OSCE Office For Democratic Institutions and Human Rights

The ODIHR assists the OSCE participating States in the implementation of their human dimension commitments, including those commitments they undertook with respect to the use of the death penalty. The ODIHR aims to increase transparency on the use of the death penalty as well as compliance with international safeguards, while also facilitating the exchange of information about the abolition of the death penalty.

As a forum for participating States to make such information available, the ODIHR produces a yearly review entitled "The Death Penalty in the OSCE Area",⁷⁸ which is intended to provide a comprehensive overview of the use of the death penalty throughout the OSCE region based primarily upon information provided by the participating States themselves. The ODIHR co-operates with OSCE field missions to monitor the compliance with international standards.

The Office also facilitates discussion on death penalty issues, particularly in countries of the former Soviet Union.

Central Asia is one of the regions where ODIHR experts have encouraged discussion on the death penalty. Here, the ODIHR, in co-operation with the European Commission and OSCE field missions, is in the process of implementing a programme that facilitates the exchange of information on the death penalty and its alternatives, and also encourages compliance with international standards in those countries that retain the death penalty.

In September 2002, the ODIHR co-organized an international conference in Kazakhstan. As a result of this conference, a Consultative Council was formed, consisting of relevant government officials, NGOs, and international experts. In 2003, the ODIHR co-funded a nationally televised debate and a publication on legislation and statistics relating to the death penalty; in February 2003 it helped organize a training session for NGOs and state officials on how to run information campaigns on the subject. As a follow-up to the training session, some participants took part in the national information campaign on the issue of the death penalty launched by the government of Kazakhstan in 2003. In July 2004, the ODIHR supported the organization of a round table in Kazakhstan on the rights of people sentenced to capital punishment, focusing on the rights of those affected by the moratorium on the death penalty in Kazakhstan.

To promote informed discussion on the death penalty and its abolition, the Office, in co-operation with the European Commission and the BBC, developed a series of radio programmes that were broadcast in Kyrgyzstan and Uzbekistan, in both the Uzbek and Kyrgyz languages. The programmes pro-

78 The latest publication in English and Russian can be viewed at: http://www.osce.org/odihr/item_11_20721.html.

vided a broad forum for debate on the issue of the death penalty and its abolition.

In November 2005, the ODIHR co-organized an international conference on alternatives to the death penalty in Central Asia, where 85 governmental and non-governmental actors from Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan addressed relevant issues and developed recommendations for future actions.⁷⁹

⁷⁹ Detailed information about ODIHR activities can be found in the ODIHR Annual Reports at: <http://www.osce.org/odihr/publications.html?lsi=true&limit=10&grp=334>.