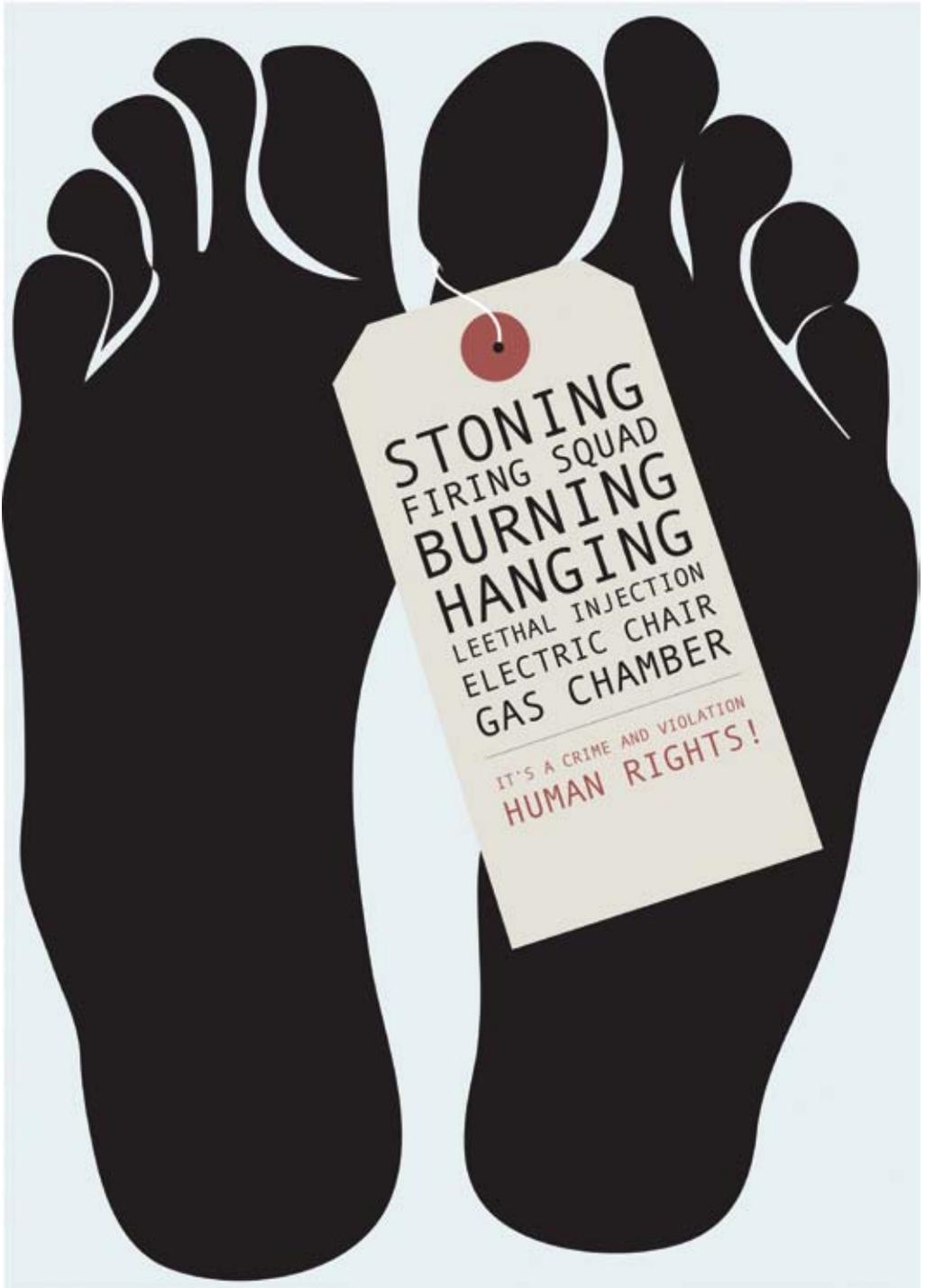


Promoting abolition of the death penalty

Guidelines for the Norwegian Foreign Service



NORWEGIAN MINISTRY
OF FOREIGN AFFAIRS



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Norway gives high priority to the fight against the death penalty, which is an integral part of our human rights policy. In our anti-death penalty efforts, we employ a wide range of tools and work through intergovernmental and regional organisations as well as directly in individual countries.

Norway opposes the death penalty in all circumstances. The death penalty is incompatible with the principles of human dignity and humane treatment. Killing sanctioned by the state has a brutalising and dehumanising effect on any society. There is no conclusive evidence that the death penalty has a deterrent effect, and we know that in a number of cases innocent people have been executed. Such miscarriages of justice are irreversible.

However, since there is no general ban on the use of the death penalty under international law, it cannot be used as a basis for objecting to a country's use of the death penalty. This does not prevent us from promoting Norway's views and putting forward arguments for the abolition of the death penalty. Moreover, there are several international or regional agreements that prohibit or limit the use of the death penalty. If a country is party to one of these but fails to honour its commitments, we do have a basis in international law for our arguments. In our opposition to the death penalty we therefore use a combination of legal and ethical arguments.

The purpose of these guidelines is to set out what we can do to systematise and strengthen the efforts of the Foreign Service to promote the abolition of the death penalty, both at the general political level and in individual cases.

Our aim has been to provide sound, practical and relevant guidelines that will inspire all of us in the Foreign Service in our work. They are primarily intended to provide practical guidance for local anti-death penalty efforts but also as the basis for our work in multilateral forums, our human rights dialogues and our consultations at political level. The guidelines describe a range of possible approaches. To ensure that our efforts are as effective as possible, these must always be adapted to local circumstances.

We ask you all to study these guidelines and make active use of them, and to consider what actions could be relevant in your field and at your place of service.

We look forward to working together as we continue and intensify our efforts to combat the death penalty.



Espen Barth Eide



Heikki Holmås

10 October 2012

“The death penalty is a reflection of the animal instinct still in human beings.” Nelson Mandela

1. Introduction and goals

Why is the death penalty an important issue for Norway?

The fight against the death penalty is one of the priority areas of Norway’s human rights policy. Norway opposes the death penalty in all circumstances as a matter of principle.

- The death penalty is incompatible with the principles of human dignity and humane treatment. There is no conclusive evidence that the death penalty has a deterrent effect, and we know that in some cases innocent people have been executed.
- The death penalty can also affect Norwegian citizens. Several Norwegian citizens and people who are entitled to receive consular assistance from Norway have been arrested abroad and sentenced to the death penalty or are awaiting trial for a crime that can carry the death penalty.
- The fact that a country applies the death penalty has implications for the degree of assistance we can provide in police, justice and security matters:
 - If there is a possibility that a country will use the death penalty, cooperation on criminal investigations and other judicial assistance will be limited, because the Norwegian authorities will not provide information or evidence that increases the likelihood of a death sentence being imposed.
 - Norway cannot extradite a person to a country that applies the death penalty if there is a risk that he or she will be sentenced to death.

■ *Our overall objective is global abolition of the death penalty.*

Norway will therefore

- encourage more countries to abolish the death penalty and become parties to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aims at the abolition of the death penalty;
- encourage countries that are not ready to remove the death penalty from their legislation to introduce a moratorium on its use as a first step towards abolition and to vote in favour of the resolution on a moratorium when it is tabled in the UN General Assembly;
- seek to discourage countries from reintroducing the death penalty;
- urge states that have retained the death penalty in their legislation but do not carry out executions to remove it from their legislation.

Furthermore, Norway will urge countries that still impose the death penalty and/or carry out executions to:

- refrain from executions and introduce a moratorium on the death penalty;
- respect the restrictions set out in international law;
- limit the number of offences that are punishable by death;
- allow for commutation to a prison sentence;
- strengthen legal safeguards;
- disclose the number of persons sentenced to death and executed;
- reduce the number of executions and introduce more restrictions on the use of the death penalty.

These guidelines are intended to set out what we can do to systematise and strengthen the efforts of the Foreign Service to promote the abolition of the death penalty.

“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

From Article 6 of the International Covenant on Civil and Political Rights



19th May 2003

in memory of

Ali Heydari, Farhad Vafaei, Forzad Karimzadeh, Mehdi Eslamian, Shirin Alami Huseini Mehd

Salvatore Piazzolla, Italia

2. International framework

The death penalty is not prohibited under international law, but there is strong international pressure for its abolition.

In countries that retain the death penalty, Norway will continue its efforts to ensure respect for the restrictions set out in international law and for legal guarantees. Countries should respect the UN safeguards guaranteeing protection of the rights of those facing the death penalty, which were adopted by the UN Economic and Social Council by consensus in 1984 (the safeguards are reproduced in full in Appendix I on minimum standards).

Various instruments of international law restrict or prohibit the use of the death penalty. The most important of these are the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR) and the American Convention on Human Rights:

- The ICCPR (1966): Article 6 states that in countries that have not abolished the death penalty, it may only be imposed for the most serious crimes (such as murder), and not for crimes committed by persons under 18 years old, and that pregnant women may not be executed. It also states that countries that are parties to the Covenant may not invoke anything in Article 6 to delay or prevent the abolition of capital punishment. Norway is one of more than 165 parties to the Covenant. Article 7, which forbids torture and cruel, inhuman or degrading treatment or punishment, and Article 14, which deals with the right to a fair trial, are also relevant to application of the death penalty.
- The Second Optional Protocol to the ICCPR (1989): Article 1 requires parties to abolish the death penalty, but Article 2 allows for reservations providing for the use of the death penalty in time of war. Norway is one of more than 70 parties to the Protocol.
- The UN Convention on the Rights of the Child (CRC) (1989): Article 37a states that the death penalty is not to be imposed on anyone who was under the age of 18 at the time the offence was committed. There are 193 parties to the Convention (the US and Somalia are the only exceptions).

- The ECHR (1950): Article 2 states that everyone's right to life shall be protected by law, and that no one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
- Protocol no. 6 to the ECHR (1983): prohibits the use of the death penalty in time of peace. With the exception of Russia, all the Council of Europe's 47 member states (including Norway) are parties to the Protocol.
- Protocol no. 13 to the ECHR (2002): abolishes the death penalty under all circumstances. Forty-three of the Council of Europe's member states (including Norway) are parties to the Protocol. Two of them (Armenia and Poland) have signed but not ratified Protocol 13, and two (Russia and Azerbaijan) have not signed it.
- The American Convention on Human Rights (1969): Article 4 restricts the use of the death penalty, but does not forbid it.
- The Protocol to the American Convention on Human Rights (1990): forbids the use of the death penalty, but allows for reservations at the time of accession or ratification providing for the use of the death penalty in time of war.

Appendix II provides a more complete list of international legal instruments and key mechanisms to promote implementation of these instruments.

Norway and other like-minded actors, including the EU, believe that, in any case, customary international law (established practice) sets absolute limits on the use of the death penalty. On this basis, we consider the execution of minors or persons who were under the age of 18 when the offence was committed, pregnant women or persons with mental disorders to be in violation of international law. We also consider that there are grounds for claiming that execution by means of particularly brutal methods, such as stoning or throwing people from great heights, is forbidden. Requirements regarding legal safeguards must also be satisfied. However, it can be difficult to gain sufficient information about a legal process to be able to claim with certainty that a trial was in conflict with international standards. The EU has drawn up guidelines for its policy on the universal abolition of the death penalty, see Appendix I.

3. Anti-death penalty efforts in the Foreign Service: Overall approach

Abolition of the death penalty is a priority issue that should be raised whenever appropriate at political-level meetings and during official visits, in political dialogues, human rights dialogues and in consultations on human rights with other countries.

Information about the status of the death penalty in the relevant country should be included in background material prepared for the political leadership. The issue should also be included in dialogues on human rights issues with partner countries carried out by Norad.

In these contexts we must make Norway's opposition to the death penalty clear, explain international obligations and urge countries to comply with their international obligations and to introduce a moratorium on the use of the death penalty as a step towards abolition. We must also encourage countries to become parties to international agreements that prohibit the use of the death penalty and lobby for increased support for the UN General Assembly resolution on a moratorium on the use of the death penalty.

3.1 The role of the diplomatic and consular missions

The diplomatic and consular missions have a key role to play in implementing Norway's human rights policy at country level. Their efforts must always be designed to have maximum relevance and impact in the countries where they are working. It will often be appropriate to coordinate activities with the missions of like-minded countries, ideally on a cross-regional basis, particularly with a view to increasing their impact. Missions should therefore identify channels for international cooperation at local level (UN offices, other missions that are particularly active, the EU at local and central level, human rights networks, as well as organisations (both governmental and non-governmental) that are working against death penalty). Norway's efforts are most effective when they are part of a collaborative effort.

3.1.1 Report regularly on the status of the death penalty in the country of service

Missions are required to report on human rights issues in accordance with the Instructions for the Foreign Service. They are also required to describe their activities related to human rights in their reports on their annual work plans. Overall responsibility for coordinating anti-death penalty work at country level lies with the departments and sections of the Ministry that are responsible for the relevant countries. Reports should be sent to the section responsible in each case, but with a copy to the Section for Human Rights and Democracy.

- Missions should report on a continuous basis on any developments and incidents relating to the death penalty.
- Where relevant, efforts towards abolition of the death penalty should be included in the mission's annual work plan and reports on the annual plan.
- Missions' anti-death penalty activities should be included in their six-monthly reports.
- Missions in relevant countries should report annually on how they have followed up these guidelines, including action taken in cases involving Norwegian citizens or people entitled to receive consular assistance from Norway.

Reports on the status of the death penalty in a country should, wherever possible and relevant:

- review the legislation regulating the use of the death penalty and how this is applied, as well as the legal process and opportunities to appeal in different types of death penalty cases;
- document access to information in countries that use the death penalty, and possible reasons for any lack of awareness regarding executions that are in violation of international law;
- document any positive developments, for example plans to introduce a moratorium on the death penalty or reduce the number of offences that carry the death penalty, and consider whether Norway should give positive feedback, alone or with other actors;

- document any negative developments, for example the reintroduction of the death penalty, an increase in the number of offences that carry the death penalty, and consider whether Norway should respond, alone or with other actors.

Sources that missions should consult (see also Appendix III):

- National and regional organisations (governmental and non-governmental) and networks that are engaged in promotion of human rights generally and abolition of the death penalty in particular
- Local human rights defenders
- National independent human rights commissions
- UN offices in the country, in particular the Office of the United Nations High Commissioner for Human Rights (OHCHR), and UN human rights advisers
- Reports and recommendations from the UN human rights system, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions and the country's own Universal Periodic Review under the Human Rights Council
- Other countries' missions that it is natural for Norway to work with
- Reports and recommendations from regional mechanisms: the Council of Europe, the OSCE, the inter-American, Asian and African human rights commissions
- National public institutions (ministries, ombudsmen, commissions, etc.), national research institutions and universities
- Speeches and addresses by the authorities in international and national forums
- Reports on the death penalty in the local media and international press
- Norwegian and international human rights organisations working in the country in question
- Lawyers' associations
- Parliamentarians

“The death penalty legitimizes an irreversible act of violence by the state and will inevitably claim innocent victims. As long as human justice remains fallible, the risk of executing the innocent can never be eliminated.” Amnesty International



STOP STONING!
ABOLISH THE DEATH PENALTY!

“Amnesty International reported that in most countries where support for the death penalty is still strong, capital punishment reportedly continues to be imposed after unfair trials and is often based on confessions extracted through torture. In most countries, the death penalty is used disproportionately against the poor, members of minority racial, ethnic and religious communities and other minorities. In some countries death sentences are handed down for non-violent crimes that do not meet the threshold of ‘most serious crimes’ – such as economic crimes, sorcery, apostasy and drug-related offences or sexual relations between consenting adults.” UN Human Rights Council, Question of the death penalty: Report of the Secretary-General, 4 July 2011

3.1.2 Proposed activities

Contact with the authorities

The missions should urge national/provincial authorities to comply with international minimum standards through informal dialogue and formal political talks. This means reserving the death penalty for the most serious crimes and reducing the number of offences that are punishable by death, abolishing the death penalty for economic crimes, drug crimes, rape, religious and political offences etc. By encouraging increased openness on the use of the death penalty, we can also help to strengthen legal safeguards in a country.

Each time the resolution on a moratorium on the use of the death penalty is tabled in the UN General Assembly, it may be appropriate to request a meeting at the foreign ministry of the country of service to provide information about the resolution and to encourage the country to vote in favour of the resolution or refrain from voting against it.

Missions must consider carefully which form of dialogue will be most effective, and discuss this with other countries’ missions and the UN.

Encourage projects aimed at restricting the use of the death penalty and promote adherence to international standards

Missions should support projects that shed light on constitutional and other legal challenges associated with the use of the death penalty, and that seek to restrict the scope of the death penalty and promote alternatives.

Challenging the use of the death penalty by demonstrating that it is unconstitutional may prove effective. Constitutional challenges could be brought, for example, in cases where there are mandatory death penalties for certain crimes, prisoners spend long periods awaiting execution or there is no right to seek pardon.

Missions should encourage NGOs and other relevant actors to use the judicial system to gain acceptance for a gradual reduction of the extent to which the death penalty is used. They should keep up to date with constitutional reform processes and contact relevant NGOs. NGOs and other actors should also be encouraged to pursue specific breaches of international standards through the judicial system.

Missions should encourage human rights organisations to include the fight against the death penalty in their work and offer to share experience if local actors are interested in this.

Observation of court cases

Missions can play an important role by attending court cases where it is known that the death penalty may be imposed in violation of international law, in order to observe directly whether fundamental legal safeguards are respected and draw attention to the case. The Ministry (the department responsible for the country in question and the Section for Human Rights and Democracy) should be kept informed if it is considered appropriate to observe a court case. If a Norwegian citizen or other person who is entitled to consular assistance from Norway is involved, the Section for Consular Affairs and Immigration should be consulted about observation of the court case.

Publicity

Public statements from embassies or participation at conferences and other similar events can foster debate on the use of the death penalty in the media and in society as a whole. Missions are encouraged to use the media (local papers, press conferences, radio) and other relevant channels (the mission's website, regjeringen.no, press releases from the Ministry) to draw attention to death penalty cases that Norway has raised with the authorities.

Missions are encouraged to mark World Day against the Death Penalty on 10 October, which falls on the same day as the European Day against the Death Penalty. The day provides an opportunity to issue a statement, launch an initiative, organise an event, publish an article etc., ideally in cooperation with other like-minded actors.

In some cases publicity may be counterproductive. The degree to which publicity is sought must therefore be assessed on the basis of the local situation.

Statements, protests (démarches), press releases and news items on the web following meetings and invitations to meetings can have an effect in themselves by raising awareness of Norway's views, for example with the country's authorities. They may also result in the publication of articles in the local media, and can thus exert a positive influence on the way the authorities deal with the case. This can often be reinforced if the mission works together with other countries, including those that have good relations with the country in question.

Cooperation with international actors at local level

International cooperation is important as a way of ensuring that action is efficient and makes the best possible use of resources. Contact with other missions, the UN and international organisations is needed both to distribute and receive information and to coordinate informal and formal protests and other contact with the authorities.

Where relevant, the status of the death penalty should be discussed in the human rights forums of missions of like-minded countries and

international organisations with a permanent presence in the country, and regular meetings should be arranged between missions, international organisations and local anti-death penalty campaigners.

Cooperation with national human rights commissions

National institutions that monitor human rights can be important sources of information, especially if they are independent. A national body may be seen as more neutral and more entitled to raise violations of human rights than an international actor, for example. National human rights commissions have been established in a number of countries in line with the Paris Principles on national human rights institutions. These play an important part in monitoring and protecting human rights, and missions should therefore collaborate with them.

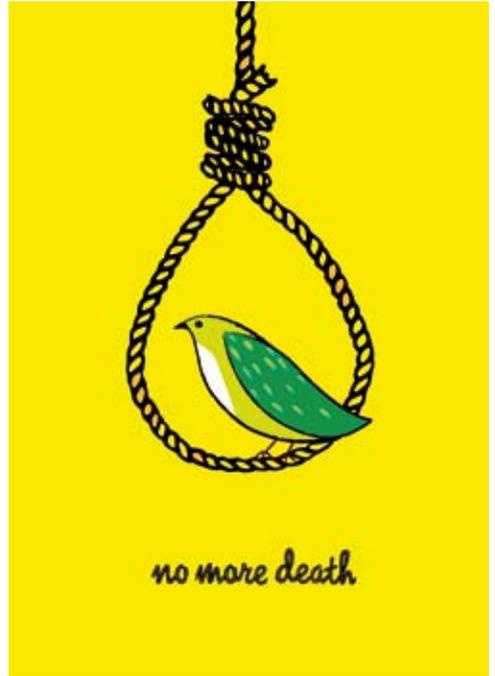
Financial and other support for anti-death penalty campaigners and their work

In countries where anti-death penalty campaigners have insufficient financial resources, it may be appropriate to provide funding. Grants may be awarded, on application, for seminars, the development of information material and other activities. Activities that may be eligible for funding include projects to bring about legal, procedural or constitutional changes to reduce the scope of application of the death penalty and the number of death sentences, activities designed to promote openness surrounding the use of the death penalty and debate between politicians about the effectiveness of the death penalty in relation to other forms of punishment, and campaigns for ratification of the International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol. This is a different form of financial support from funding towards legal fees etc. in connection with cases where there is a danger of a death penalty against a Norwegian citizen or a person who is entitled to receive consular assistance from Norway.

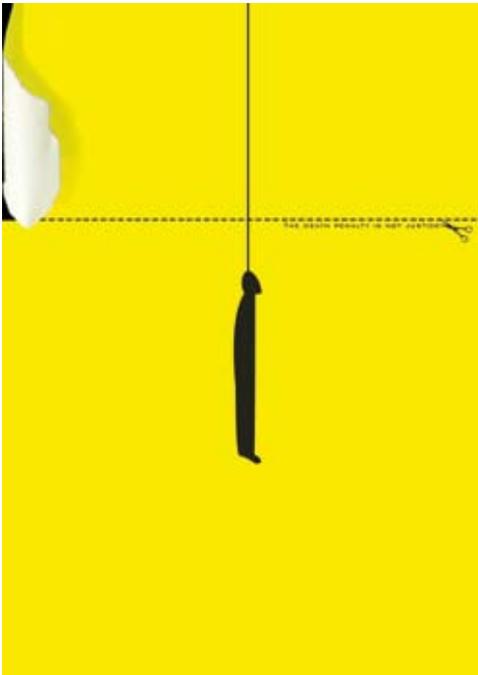
Campaigners against the death penalty are also human rights defenders. Cooperation with human rights groups on information activities, obtaining information and other non-financial support is also important. Missions should therefore also consult *Norway's efforts to support human rights defenders. Guide for the foreign service.*



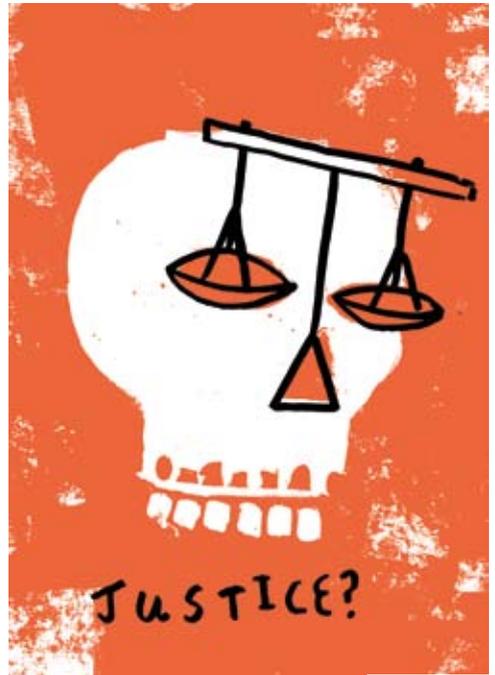
Julie-Fleur Titli. Frankrike



Aram Kim. Sør-Korea



Carlos Vinicius Lopes. Brasil



Daniel Zender. USA

3.2 The role of delegations

Delegations have a special responsibility to:

- support normative work in the UN, the OSCE and the European Council. This includes promoting more widespread adherence to the most important instruments of international law and the withdrawal of reservations allowing for the use of the death penalty. Delegations should also establish contact, where appropriate, with representatives of countries that use the death penalty, and seek to influence them.
- keep up to date with the activities of international organisations in this area, as well as other normative processes where the issue of the death penalty is relevant, such as the fight against terrorism, drugs and organised crime, and assess what influence Norway can have.
- condemn the use of the death penalty in states that are members of or participate in international and regional organisations, and correspondingly, commend the introduction of a moratorium or complete abolition of the death penalty in these states.
- report on EU initiatives against the death penalty and ensure that invitations for Norway to align itself with EU declarations are answered.

“The struggle for justice doesn’t end with me. This struggle is for all the Troy Davises who came before me and all the ones who will come after me.” Troy Davis, executed on 21 September 2011 in the US state of Georgia.

3.3 The role of the Ministry

The Ministry has the overall responsibility for anti-death penalty efforts, both vis-à-vis individual countries and in international forums.

Vis-à-vis individual countries:

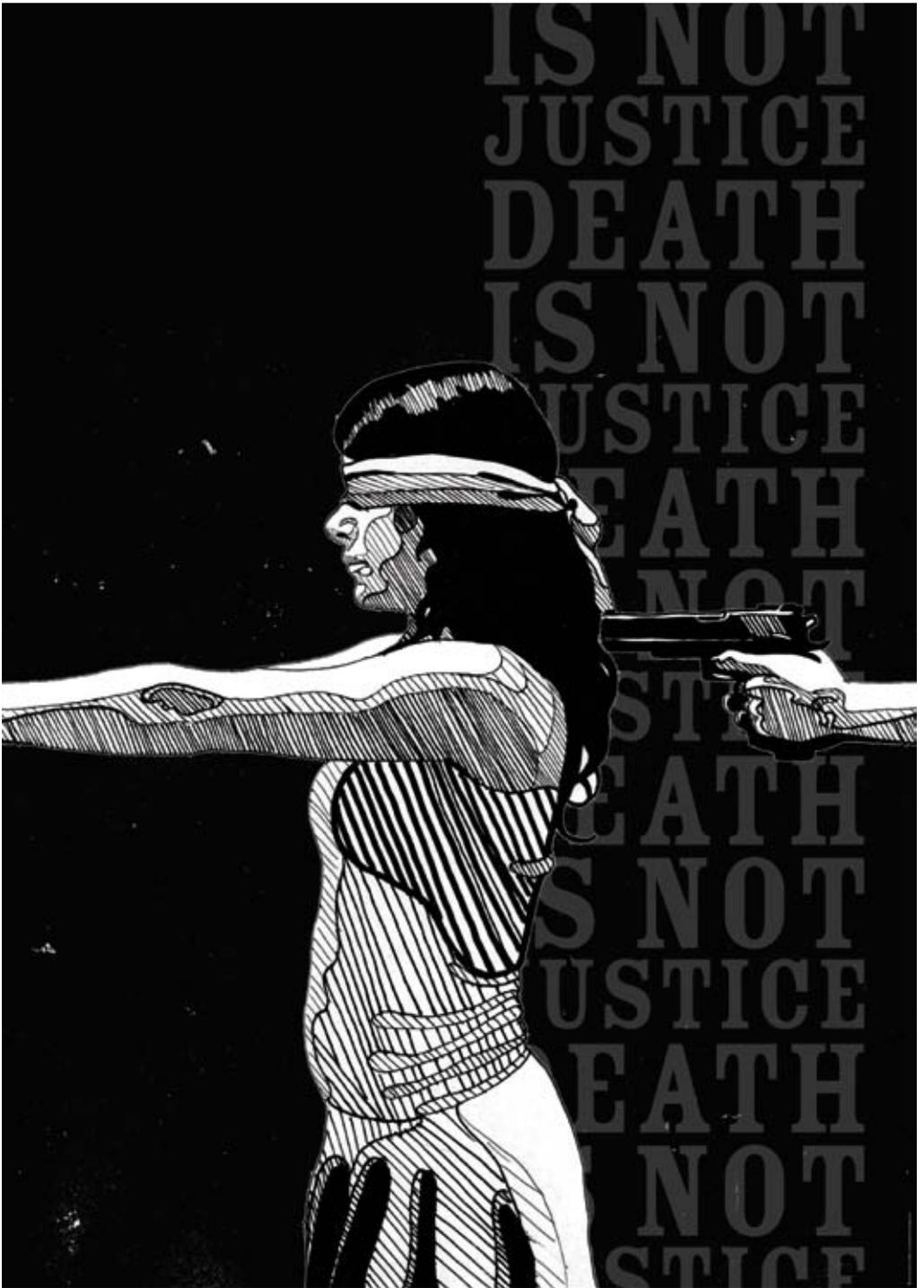
- The use of the death penalty should be raised on a regular basis at director general or deputy director general level with the country's ambassador in Oslo.
- Cooperation and exchange between specialist groups, relevant institutions, ministries and experts should be encouraged, with a view to ensuring that our efforts have a long-term impact.

In the UN:

- The UN resolution on a moratorium on the use of the death penalty is tabled every other year. Norway will work with other like-minded countries to ensure increased support for the resolution and to achieve the most progressive wording possible each time it is tabled.
- When appropriate, the fight against the death penalty should be mentioned in Norway's statements in the UN, and in particular in Norway's comments and recommendations in connection with the Universal Periodic Review in the UN Human Rights Council. It is also important to follow up recommendations that have been accepted by a country, for example through project support or talks.
- Follow up the recommendations of the UN Human Rights Committee, the Committee on the Rights of the Child and the Committee against Torture if they concern the death penalty.
- Support the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, for example, by using his reports as a tool for putting pressure on the relevant authorities.
- In cases where cooperation with the UN Special Rapporteurs and country visits are problematic, these issues should be raised in connection with the Universal Periodic Review of the country in question.

In other international forums:

- Work to maintain political pressure for the abolition of the death penalty through the Council of Europe and the OSCE.
- Support the World Congress against the Death Penalty, which is held once every three years, and encourage high-level political participation, including from countries that have not abolished the death penalty.



Les Hamecons Cibles. Frankrike

- Make active use of our position as a member of the Support Group for the International Commission against the Death Penalty as a platform for our anti-death penalty work.

Publicity

- Maintaining international attention on the issue of the death penalty is crucial.
- Whenever Norway expresses concern at political level about the status of the death penalty in a country, either generally or in individual cases, publication should always be considered (e.g. in the form of a press release or a news item on regjeringen.no).
- A political event, hosted by Norway, to mark annual World Day against the Death Penalty on 10 October, which falls on the same day as the European Day against the Death Penalty, is recommended. The day provides an opportunity to issue a statement, launch an initiative, organise an event, publish an article etc.
- The Ministry should maintain regular contact with the Norwegian civil society network against the death penalty to coordinate work through different channels and make it more effective.
- Norwegian participation at political level should be considered on a regular basis when conferences and similar events on the death penalty are organised.

Project funding

Grants for anti-death penalty projects and funding for key partners in the field are important tools in the Ministry's work. Abolition of the death penalty should also be given priority in development cooperation, for example by providing funding for the justice sector in partner countries to ensure that the death penalty issue is incorporated into training projects, or funding for projects to reduce the number of crimes that carry the death penalty.

“An eye for an eye makes the whole world blind.”

Mahatma Gandhi

4. The Foreign Service's response in individual cases

The Foreign Service should give special priority to individual cases where we know that there are plans to carry out the death penalty in a particularly inhumane way (for example by stoning) or plans to execute minors, pregnant women or persons who cannot be deemed criminally responsible. In such cases Norway considers the death penalty to be a violation of international law. Requirements regarding legal safeguards must also be satisfied. When we learn of such cases, we should protest – alone or together with the EU and other like-minded actors – to the relevant authorities. Such cases may require a very rapid response.

In many cases, it will be appropriate to work together with like-minded countries, ideally on a cross-regional basis. This makes sense not just in terms of resources, but also in terms of increasing the impact of any action. However, in certain cases, it may be more appropriate for Norway to react independently and to issue its own statement, either because there is a need for a rapid response or for other reasons. The overall situation must be considered in order to determine what is best in each case. Norway's response must be determined in consultation with the Ministry.

4.1 The role of the missions

A mission that learns of a planned or recent execution that would be considered a priority individual case (see above) must inform the Ministry of this as quickly as possible and provide an evaluation of the case based on the points below. The same procedure should be followed if there are other reasons why Norway should protest against planned executions, for example if there are plans for a mass execution or if a country resumes the use of the death penalty after having observed a moratorium.

In connection with individual cases where a Norwegian response is being considered, missions in countries that retain the death penalty should:

- focus on consular follow-up in cases involving Norwegian citizens or people entitled to receive consular assistance from Norway;
- check the facts, including the date of the execution, relevant information on the person accused (such as age at the time the offence was committed, pregnancy, mental health), and the legal process (is the judgment legally enforceable?, has it been appealed? etc.);
- clarify the relevant political context;
- ascertain local reactions (media and other);
- look into the possibility of alignment with local EU initiatives;
- ascertain the views and initiatives of other countries, the UN and/or NGOs with regard to the case ;
- establish contact with UNICEF (where possible) if a minor has been sentenced to death;
- consider whether a Norwegian response in the matter could be counterproductive.

After a *démarche* or a statement is issued, the mission should report to the Ministry, giving its evaluation of what effect the *démarche*/statement has had and whether it should be published on the Ministry's and/or the mission's website.

4.2 The role of the Ministry

If an execution has recently been carried out in violation of international law, or if there is an imminent risk that this will happen, a meeting should as a rule be arranged between a member of the Ministry's political staff or the most senior official possible and the ambassador of the country concerned. Individual cases involving Norwegian citizens or people entitled to receive consular assistance from Norway should also be given high priority. The question of whether to inform the public of such contacts must be considered on a case-by-case basis.

The Ministry issues instructions for a Norwegian *démarche* or statement in individual cases on the basis of information received from the mission. If it is necessary to deal with a case immediately to ensure a Norwegian response, a mission has the authority to align itself with a protest or to communicate a Norwegian protest directly. The Ministry must be informed as soon as possible.

**modern electric
chair**



**modern design
modern society
old habits**

5. Division of tasks within the Ministry

Departments and sections with country responsibilities

- Overall responsibility for coordinating anti-death penalty efforts at country level, including obtaining the necessary information, and for considering whether the issue of the death penalty should be raised during bilateral talks or dealt with in some other way.
- Overall responsibility for selecting the tools to be used and for preparing responses in individual cases, in consultation with the embassy concerned, the Section for Human Rights and Democracy and the Communication Unit.
- Primary responsibility for coordinating alignment with EU declarations and answers to questions from the Storting and other enquiries about the death penalty in specific countries.

Section for Human Rights and Democracy

- Centre of expertise and overall responsibility for efforts to abolish the death penalty.
- Norway's focal point for this work.
- Provides assistance in individual cases on request from the section responsible for the relevant country.
- Responsibility for coordinating initiatives in the UN, the OSCE and the European Council, in consultation with the relevant regional section, the Legal Affairs Department, the Communication Unit, other relevant sections and relevant missions.
- In cooperation with the Communication Unit, responsible for publishing and updating information about Norway's position and its anti-death penalty efforts on the Government's website and UDintra.
- Administers project funding for global anti-death penalty efforts.

Section for Consular Affairs and Immigration

- Responsibility for following up individual cases involving Norwegian citizens or people entitled to receive consular assistance from Norway, in cooperation with the missions.

Communication Unit

The Communication Unit must be kept up-to-date on all individual cases where Norway is considering a reaction. Talking points for meetings with the press should be drawn up by the section responsible for the country concerned, in consultation with the Section for Human Rights and Democracy and the embassy in the country concerned. The section responsible for the country, in consultation with the Communication Unit and the Section for Human Rights and Democracy, should evaluate whether statements should be made to the public. Public statements should be made in particularly serious or urgent cases. The seriousness of the case should determine whether a member of the political staff, the Communication Unit or another Ministry representative should talk to the media. However, it is also important to consider whether a public statement could increase the risk of the execution being carried out. We should also seek to increase awareness of Norway's international anti-death penalty work, our broad engagement in the field of human rights, and any relevant projects to support human rights defenders in the country in question.

EU declarations and démarches

Norway and the EU often have similar views as regards anti-death penalty efforts, and alignment with EU declarations and/or joint démarches will strengthen our common position. As a rule, invitations for Norway to align itself with a declaration or démarche are sent to the Norwegian Mission to the EU from the European External Action Service in Brussels.

An initiative for a common EU position may also be taken at local level. The matter is then sent on to the European External Action Service. In such cases, a démarche may be issued at local level. It is established practice that Norway is invited to align itself with declarations made on behalf of the EU by the High Representative of the Union for Foreign Affairs and Security Policy. Norway should accept all invitations to align itself with declarations by the High Representative on the issue of the death penalty. However, Norway is not able to align itself with local statements made by EU heads of missions. This does not mean, however, that Norway cannot issue a démarche in cooperation with the EU in the country concerned.

An assessment of whether Norway should align itself with joint EU declarations on the death penalty is carried out by the section responsible for the country concerned in consultation with the Section for Human Rights and Democracy. As a general rule, Norway aligns itself with EU declarations and démarches, even in individual cases where there may not have been a violation of international law. A decision for Norway not to align itself with an EU declaration or démarche must be cleared at political level. The decision as to whether or not Norway should align itself with general statements opposing the death penalty is taken by the Section for Human Rights and Democracy.

The Norwegian Mission to the EU keeps a list of all declarations and common positions with which Norway has aligned itself. This list is sent to the European Policy Section at the end of each month. The Norwegian Mission to the EU also sends copies of each alignment together with the declaration text to the Communication Unit and the Norwegian embassy in the country in question. The European Policy Section is responsible for keeping the political leadership informed on a continuous basis of Norway's alignment in matters of political importance.

The Norwegian Mission to the EU sends the final text of each declaration directly to the Section for Translation Services with a copy to the European Policy Section and the Section for Human Rights and Democracy. The Communication Unit is responsible for ensuring that the Norwegian translations are published on Europa-portalen.

In cases where alignment with the EU is not possible or desirable, the department responsible for the country in question should consider whether Norway should issue a separate statement or démarche, and if so in what form and at what level. Both the mission concerned and the Ministry should also consider cooperation with other countries (e.g. Canada and Switzerland).

Appendix I: Minimum standards and EU guidelines

UN Safeguards guaranteeing protection of the rights of those facing the death penalty

(ECOSOC resolution 1984/50)

- 1.** In countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences.
- 2.** Capital punishment may be imposed only for a crime for which the death penalty is prescribed by law at the time of its commission, it being understood that if, subsequent to the commission of the crime, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.
- 3.** Persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death, nor shall the death sentence be carried out on pregnant women, or on new mothers, or on persons who have become insane.
- 4.** Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.
- 5.** Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings.

6. Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory.
7. Anyone sentenced to death shall have the right to seek pardon, or commutation of sentence; pardon or commutation of sentence may be granted in all cases of capital punishment.
8. Capital punishment shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence.
9. Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering.

See also the **EU Guidelines on the Death Penalty**

Appendix II: International legislation and international mechanisms

The most important international legal instruments

The UN

- Universal Declaration of Human Rights (1948)
- International Covenant on Civil and Political Rights (ICCPR) (1966)
- Second Optional Protocol to the ICCPR (1989)
- Convention on the Rights of the Child (CRC) (1989)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- Optional Protocol to the Convention against Torture (2002)

Europe

- European Convention on Human Rights (ECHR) (1950)
- Protocol no. 6 to the ECHR (1983)
- Protocol no. 13 to the ECHR (2002)

The Americas

- American Convention on Human Rights (1969)
- Protocol to the American Convention on Human Rights to Abolish the Death Penalty (1990)

Africa

- African Charter on Human and Peoples' Rights (1982)
- African Charter on the Rights and Welfare of the Child (1990)

League of Arab States

- Arab Charter on Human Rights (2004)

Soft law

- UN Safeguards guaranteeing the protection of the rights of those facing the death penalty – ESCR 1984/50 and 1996/15

- UNGA Resolution Moratorium on the use of the death penalty (2007) (2008) (2010)
- General comment on Article 6 of the ICCPR adopted at its 378th meeting (16th session) in 1982 by the UN Human Rights Committee
- African Commission on Human and Peoples' Rights: Resolution calling on State Parties to observe a moratorium on the death penalty (2008)
- OSCE Parliamentary Assembly Resolution on the Death Penalty (2010)
- Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975)

Key international mechanisms to promote implementation of these instruments

- European Court of Human Rights
- African Court on Human and Peoples' Rights
- Inter-American Court of Human Rights
- UN Human Rights Committee
- UN Human Rights Council
- UN General Assembly, Third Committee
- Committee on the Rights of the Child
- Committee against Torture
- Inter-American Commission on Human Rights
- African Commission on Human and Peoples' Rights
- ASEAN Intergovernmental Commission on Human Rights
- UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
- UN Special Rapporteur on extrajudicial, summary or arbitrary executions

There is also a useful list of links on the website of the International Commission against the Death Penalty

Appendix III: Other relevant websites and organisations

- Death Penalty Worldwide
- Amnesty International
- Ensemble contre la peine de mort (ECPM)
- World Coalition against the Death Penalty
- International Commission against the Death Penalty (ICDP)
- Hands off Cain
- Death Penalty Project
- Innocence Project
- Penal Reform International
- Murder Victims' Families for Human Rights
- Community of Sant'Egidio
- Anti-Death Penalty Asia Network (ADPAN)
- Death Penalty Focus (California)
- International Federation for Human Rights (FIDH)
- Reprieve
- Harm Reduction International
- Iran Human Rights (spokesperson Mahmood Amiry-Moghaddam, based in Oslo)
- Death Penalty Action Network
- International Bar Association's Human Rights Institute
- International Academic Network for the Abolition of Capital Punishment

The Ministry's webpages on the death penalty contain previous press releases and news items. Useful examples of talking points and arguments can be found on UDintra.



**THE DEATH PENALTY
IS NOT JUSTICE.**

I DON'T WANT IT DONE IN MY NAME,
MY COUNTRY,
OR OUR WORLD.

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