

La France à la loupe

The death penalty in France

On 19 February 2007, the French Parliament meeting in congress at Versailles ensured that abolition of the **death penalty would be irreversible** by inserting a clause into the Constitution stating that "**No-one shall be sentenced to death**" (Article 66-1). **This revision of the Constitution** marks the culmination of the action taken by France in abolishing the death penalty in [Act 81-908 of 9 October 1981](#).

THE BACKGROUND TO ABOLITION OF THE DEATH PENALTY

The first great parliamentary debate on capital punishment took place during the discussion of a draft penal code in May-June 1791. Le Peletier de Saint Fargeau, Duport and Robespierre argued in favour of abolishing the death penalty on the grounds that it was unjust, that there was a risk of judicial error and that it was not a deterrent.

The Constituent Assembly refused to do away with the death penalty but abolished torture. After the executions during the Reign of Terror, the Convention abolished the death penalty by the Act of 26 October 1795 as of "publication of the general peace", but capital punishment was reintroduced in the 1810 Penal Code.

The abolitionist movement re-emerged after the Empire, counting Victor Hugo and Lamartine among its fervent advocates: the provisional government of 1848 abolished capital punishment, though only for offences of a political nature.

Another major debate on the question took place in 1906-1908 when Aristide Briand, then Justice Minister, put forward an abolitionist bill; after heated exchanges, however, the bill was rejected. After the Second World War, intellectuals like Albert Camus and Arthur Koestler continued to denounce the death penalty.

After the election of François Mitterrand, who had always clearly expressed his abolitionist stance, as President of France in 1981, a bill to abolish the death penalty was brought before the National Assembly on 29 August 1981. It was passed into law on 9 October 1981.

At Jacques Chirac's behest, on [19 February 2007](#) Parliament adopted a bill amending the Constitution which stated that "No-one shall be sentenced to death", making France the 17th country to include prohibition of the death penalty in its Constitution.

| FRANCE'S INTERNATIONAL COMMITMENTS

France works for abolition of the death penalty in close consultation with its European partners in all the relevant international forums, especially the United Nations.

In 1986, France ratified Additional Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides for abolition of the death penalty in peacetime.

The recent amendment to the French Constitution will allow France to ratify the Second Optional Protocol of the International Covenant on Civil and Political Rights of the New York Convention of 15 October 1989 abolishing the death penalty, inter alia.

France supports human rights activists campaigning for abolition of the death penalty, as at [the Third World Congress](#) against the Death Penalty held in Paris from 1 to 3 February 2007 under the high patronage of the President of the Republic.

| THE DEATH PENALTY WORLDWIDE

Over half the world's countries have abolished capital punishment, either by statute or de facto.

- [89 countries](#) have abolished capital punishment for all felonies.
- 10 countries have abolished the death penalty for all felonies except crimes of an exceptional nature, such as those committed in wartime.
- 29 countries can be deemed to have abolished capital punishment de facto: while the death penalty is still on their statute books, no execution has taken place for at least 10 years.

Thus, 128 countries and territories have abolished the death penalty in law or in fact. [69 countries](#) still have the death penalty and continue to apply it, though the number which actually carry out executions is considerably smaller.

For more information

WEBSITES

↻ **L'abolition de la peine de mort en France**, Documentation Française factfile, August 2002 (French only)

<http://www.ladocumentationfrancaise.fr/dossiers/abolition-peine-mort/index.shtml>

↻ **Les grandes pages de l'abolition de la peine de mort**, Senate website factfile (French only)

<http://www.senat.fr/evenement/archives/D22/abolition1.html>

FACTS AND FIGURES

↻ **Death penalty**, Amnesty International website, March 2007

<http://web.amnesty.org/pages/deathpenalty-facts-fra>