

**Speech of the Minister of Justice
at the conference
«Europe against the Death Penalty»**

Lisbon, 9th October 2007 (Belém Cultural Centre)

Opening

Mr. Prime-Minister,

Mr. President of the European Commission,

Mr. Secretary-General of the Council of Europe,

Distinguished representatives of the President of the European
Parliament,

Mr. Chairman of the Committee of Ministers of the Council of
Europe,

Mr. Vice-President of the Parliamentary Assembly of the Council of
Europe,

Mr. Vice-President of the European Commission,

Distinguished ministers,

Ladies and gentlemen,

[to be confirmed]

The message we want to send the world today from Portugal is a
simple message: death penalty must be eliminated from legal

systems of countries that still foresee it and its application must be immediately suspended.

When, in association with the European Commission and the Council of Europe and with the support of the European Parliament, we decided to move forward with this initiative of gathering in Lisbon political representatives and public figures active in civic life against the death penalty we did it for conscience, dignity and history's sake.

Europe of today is a «death penalty free area».

This is the result of arduous progress in retributive views and practices.

It is the victory in a long battle rightly called “the fight for abolition of the death penalty”.

Both the Council of Europe and the European Union constitute areas of principles which do not accept death to be determined by the State as means of reparation and public vengeance.

It is our duty to get this message through to the world and to legislators, judges, citizens in other geographical and political areas.

We say that today we live in a world without frontiers.

That must also be proved by the conditions we offer to our own existence as civic and political communities and not only by considering global economy and trade.

We do not accept death as penalty applied in courts and executed by prison systems.

States that defend the supremacy of human life must not believe in the illusion that consciences are appeased and dangers confined by planning and executing the elimination of human beings.

In the democratic State model we strove and fought to build in Europe, the public powers' monopoly in use of strength is counterbalanced by the State's illegitimacy to plan and resort to a person's execution as punishment.

Available data are proof. The death penalty does not reduce crime, does not appease victims, and does not serve as example for future behaviour.

The very arguments against the death penalty are part of Europe's criminal history and their statement has stayed almost the same since the Enlightenment era. In the last 250 years Europe has decisively progressed from "moral illegitimacy" and "practical uselessness" of death penalty to total rejection of a baseless penalty, arriving without executions to the 21st century.

In the 18th century, when the foundations of modern criminal law were established, European Enlightenment thinkers began to suspect that death applied as retaliation was not a legitimate and justified penalty by the State.

It was then that the rational argument present abolitionists most use was born: death penalty's irreparability in the face of inevitable imperfection of human proofs.

The birth of modern constitutionalism, that gave rise to rights and duties declaration and constitution which still define us as citizens, contributed to that discussion. Abolitionism was born and with it a new way of viewing public punishment based on the belief that believing in human beings might be risky but it is never a lost wager.

Portugal abolished the death penalty in 1852 for political crimes and in 1867, precisely 140 years ago, for all crimes. At the same time other European countries and several North American states saw the same movement taking shape.

Thus, this debate and cause is not only from today and its history has not been lost in time. An obvious example is the fact that great European nations only abolished death penalty in the 1960s to 1980s and the last executions in Europe being as recent as the final years of the 20th century. Our voice even today is very important since great part of the world still lives under a retributive paradigm that accepts and executes this penalty.

From Lisbon we would like to state that in this world there are institutions and people with political responsibilities and active citizens committed to others who will not accept death as penalty.

States of Europe which strove to conquer peace, progress and economic stability without precedent after centuries of wars can declare today that know how to hold responsible those that break the law and threat their fellow-creatures without resorting to the unfounded vengeance death represents.

I look around me and I congratulate myself especially for, during the Portuguese Presidency of the Council of the European Union, being possible to gather this strong consensus around condemning death penalty, something that makes us more Europeans in our will for full citizenship and a more human and fair justice.

On behalf of its values, its history and its battles, this is «Europe against the death penalty».

Thank you very much.