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OSCE Human Dimension Implementation Meeting Warsaw, 11-22 September 2017

Working session 12: Rule of law I, including prevention of torture, exchange of views on the question of abolition of capital punishment, protection of human rights and fighting terrorism

Madam/Mr. Moderator,

I am honoured to speak on behalf of the European Union.

The rule of law is one of the fundamental values on which the EU is founded. It is the backbone of any modern democracy. And it is a prerequisite for freedom, peace and security. Therefore, one of the EU's key objectives is to strengthen the rule of law at international, regional and national level.

In this effort, the eradication of torture and other forms of cruel, inhuman or degrading treatment or punishment remains of utmost importance. Torture and ill-treatment are among the most abhorrent violations of human rights, human integrity and human dignity. And our international commitments are clear: Torture is unequivocally prohibited, under all circumstances, and without exceptions.

We warmly welcome the Swiss, Serbian and German Chairmanships' efforts to keep this topic high on the OSCE agenda. However, we are deeply disappointed by the fact that one participating State recently singlehandedly blocked an OSCE text on torture prevention for the third year running. Essentially, the political will of all participating States is a crucial step to prevent and ultimately eradicate torture.

Nevertheless, the EU will continue to work together with our international and regional partners to make torture a thing of the past and to be at the forefront of the global efforts to eradicate torture.



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Fighting torture is not only about raising awareness, it is about effective action. This requires a multifaceted approach, including prevention, access to justice, redress and full rehabilitation of victims of torture. The EU therefore supports the global Convention against Torture Initiative and its efforts to achieve global ratification and implementation of the Convention against Torture by the year 2024.

The EU urges all OSCE participating States to contribute to the global Convention against Torture Initiative by fully implementing the UN Convention Against Torture, and to give strong consideration to ratifying all international conventions and protocols on torture and ill-treatment, the abolition of the death penalty and the prevention of enforced disappearances.

Despite the improvements in recent years, the fight is still far from won; torture and ill-treatment persist in the OSCE region. The EU therefore urges all OSCE participating States to take the necessary actions to eradicate torture.

We are deeply concerned about the several reports of mass arrests, disappearances, torture and ill-treatment of men in Chechnya due to their actual or alleged sexual orientation. We call on Russian authorities to follow international commitments and take effective measures to put an end to these violent acts, protect the victims, and ensure the safety of all Russian citizens without any discrimination. We also remain seriously concerned about the fate of many people subject to enforced disappearance in the early 2000s in Turkmenistan's prisons, and we call on the Turkmenistan Government to acknowledge this problem and to take immediate action on the outstanding cases.

The EU strongly and unequivocally opposes the use of the death penalty at all times and in all circumstances. Death penalty is cruel, inhuman and degrading in nature, even when backed by due process in a democratic society. No judicial system is flawless, and the death penalty makes any miscarriage of justice irreversible.

The EU calls for universal abolition of the death penalty. Abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights. As a step towards universal abolition, the EU advocates for a global moratorium on the use of the death penalty.



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Furthermore, the EU recommends all States who still practice the death penalty or retain it in law to abolish it. Likewise, the EU strongly calls on all States not to reintroduce death penalty once it has been abolished or suspended. We need to move forward, not backwards.

The EU will continue its long-standing campaign against the death penalty, including within the OSCE, and we continue to encourage Belarus and the United States to follow the global trend towards abolition.

At the beginning of the UN General Assembly in New York this year, EU Commissioner Malmström launched the “Global Alliance to end trade in goods used for capital punishment and torture”. The objective of this alliance is to support and encourage countries to adopt legislation to control trade in these products and to exchange legislative and administrative practices setting up a network among like-minded countries.

The scourge of terrorism affects all parts of the world, and the OSCE region is not an exception. Several participating States have faced brutal terrorist attacks or severe attempts in the past few years. However, we have to resist the temptation of overreaction and remind ourselves that the rule of law is a precondition for security.

The EU firmly believes that the rule of law and respect for human rights must stay at the heart of the fight against terrorism. Human rights protection and the fight against terrorism should be seen as complementary rather than contradictory.

Acts of terrorism must be investigated and terrorists must be prosecuted in full respect of the rule of law. And we need to cooperate internationally and share information to prevent the development of safe havens for terrorists or other criminals.

The OSCE plays an important role in sharing and implementing best practices as well as in supporting the rule of law, not least through the field missions – and we should continue to further the OSCE engagement in this and other preventive efforts, such as anti-radicalisation.

Thank you.



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The Candidate Countries the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, as well as UKRAINE and SAN MARINO align themselves with this statement.

* The Former Yugoslav Republic of Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.