

24 September 2014



REPRESENTATION PERMANENTE DE LA FRANCE
AUPRES DE L'O.S.C.E

**Rule of law II, including a discussion on the issues of abolishing the death penalty,
preventing torture, protecting human rights and fighting terrorism
(Working Session 4 – Wednesday 24 September 2014)**

Statement by the French Delegation

I fully back the declaration of the European Union and the declaration of Norway.

1) The campaign against the death penalty is a long-term struggle but it is a universal cause which is prevailing and in which the OSCE cannot take a back seat. We call upon all States employing the death penalty to observe a moratorium and open discussions on this cruel and inhumane punishment. The resolutions adopted at the General Assembly of the United Nations in 2011 and 2012 confirm that most UN Member States would support a universal moratorium.

2) The use of the death penalty is contrary to all values of human rights. It does not represent justice, but the failure of justice.

In reality, no research or study has ever established any correlation between the presence or absence of the death penalty and a change in the number of bloody crimes. International criminal justice does not provide for the death penalty for criminals guilty of the worst atrocities. As regards international law, the legal arguments showing that implementing the death penalty runs counter to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment have been clearly highlighted, including by the United Nations Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions. France helped organize a side event on this issue as part of a Supplementary Human Dimension Meeting on Prevention of Torture which took place in Vienna on 11 April and which can be viewed online.

3) With regard to recommendations, we would like the OSCE to make a greater contribution to international efforts to abolish the death penalty. In line with its mandate, the ODIHR must continue to lead the discussions with the authorities of countries which have yet to abolish the death penalty as well as with civil society.

But the OSCE can and must do more. It is time to take account of the United Nations General Assembly resolutions in the commitments we adopted on this issue and which date back over 20 years and to cover international debates on the issue.

4) The fight against all forms of inhuman or degrading treatment also mobilizes France to act. The practice of enforced disappearances is a clear and unacceptable violation of human rights. Such practices organize kidnappings for political reasons, leaving no trace of the victims and leaving their friends and families in the dark as to what befell them. As we have sadly witnessed in recent events, such practices are still taking place in the OSCE area and are often the first step on the way to torture.

France has worked hard to implement an innovative legal instrument to address this problem. We call on all OSCE participating states to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance entered into force on 23 December 2010. This convention fills the legal void as regards enforced disappearances, which it defines and describes as crimes, both in times of war and peace. It covers both individual cases and the systematic practice of enforced disappearance, which constitute a crime against humanity. It prohibits secret places of detention, strengthens procedural safeguards regarding detention, gives people the right to know what happened to loved ones who have disappeared, gives victims the right to reparation and finally, especially focuses on children who are subjected to enforced disappearance. It also created an innovative monitoring body called the Committee on Enforced Disappearances.

France believes that placing the prevention of torture on the OSCE agenda should provide an opportunity to condemn enforced disappearances and to made commitments within our organization to combat them in line with the provisions adopted by the United Nations General Assembly in 1992./.