



STATEMENT OF THE HOLY SEE
2018 Human Dimension Implementation Meeting

Working Session 5: Rule of law II, including prevention of arbitrary arrest, detention or exile, and prevention of torture, exchange of views on the question of abolition of capital punishment, protection of human rights in the fight against terrorism

Warsaw, 12 September 2018

Mr. Moderator,

The rule of law strives to enshrine the virtue of justice in human society, and thereby fortifies the common good through respect for the law and ensuring its sovereignty, to the exclusion of arbitrary, corrupt or partial law.¹ The Holy See is pleased to offer the following considerations on the prevention of torture and the abolition of capital punishment.

On the occasion of the 2018 International Day in Support of Victims of Torture Pope Francis affirmed that torture constitutes not only a violation of international law, but also “a mortal sin”, and he called on all to join forces for the abolishment of torture, and to support its victims. The latter point needs to be underlined. Those who have suffered torture have rights that must be respected, including to present their complaints to an independent body, to obtain redress and to receive fair and adequate compensation, “including the means for as full rehabilitation as possible”.²

On the death penalty, our Delegation feels obliged to note that modern societies have the ability to control crime effectively through means other than the death penalty, means that are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons.³ Nor has it any clear positive effect of deterrence results from the application of the death penalty and that the irreversibility of this punishment does not allow for eventual corrections in the case of wrongful conviction.⁴

¹ Cf. *Compendium of the Social Doctrine of the Church*, n. 408.

² *United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, artt. 13-14.

³ Cf. POPE JOHN PAUL II, *Evangelium Vitae*, 25 March 1995, n. 56.

⁴ Cf. CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Letter to the Bishops regarding the new revision of number 2267 of the Catechism of the Catholic Church on the death penalty*, 2 August 2018, nn. 5-6.

Therefore, the Holy See reiterates its well known position condemning capital punishment since “it is *per se* contrary to the Gospel, because it entails the willful suppression of a human life that never ceases to be sacred in the eyes of its Creator and of which – ultimately – only God is the true judge and guarantor”.⁵

In light of the above, Pope Francis – on 2 August of this year – revised the Catechism of the Catholic Church to articulate even more clearly its opposition to the death penalty. The Catechism now states that “the Church teaches, in the light of the Gospel, that ‘the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person’, and she works with determination for its abolition worldwide”.⁶ Moreover, the Church’s determination to promote a culture of life should be recalled, and its work for an effective system of detention that could ensure the protection of citizens without depriving “the guilty of the possibility of redemption”, because any just and necessary punishment can never exclude the dimension of hope, rehabilitation and reintegration.⁷

To conclude, the Delegation of the Holy See wishes to make the following recommendations:

- that participating States continue their discussions on a possible Ministerial Council decision on torture prevention;
- that ODIHR continue its reporting on capital punishment in the OSCE area.

Thank you, Mr Moderator.

⁵ POPE FRANCIS, *Address to participants in the meeting promoted by the Pontifical Council for Promoting the New Evangelization*, 11 October 2017.

⁶ *Rescriptum “ex Audentia SS.mi”*, New revision of number 2267 of the Catechism of the Catholic Church on the death penalty, 2 August 2018.

⁷ Cf. POPE FRANCIS, *Visit to the prison “Regina Coeli” in Rome*, 29 March 2018.