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**OSCE Human Dimension Implementation Meeting
Warsaw, 10 - 21 September 2018**

EU statement – 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

Mr. Moderator,

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

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

The prevention of torture and other forms of cruel, inhuman or degrading treatment or punishment remains of utmost importance. Torture is a grave violation of human rights, human integrity and human dignity. Furthermore, torture has devastating consequences for victims, their families and the society as a whole.

Our OSCE and international commitments are clear: The prohibition of torture is absolute and unconditional. Torture is never allowed nor justified, under any circumstances. Participating States have an obligation to take effective measures to prevent acts of torture, prosecute perpetrators of such acts, identify victims and ensure effective redress.

The EU 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 recommends all OSCE participating States to contribute to the Convention



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against Torture Initiative 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.

The EU reaffirms our commitment to step up our efforts and strengthen our OSCE commitments to prevent and combat all forms of torture and ill-treatment. The OSCE has a key role to play in the prevention and prohibition of torture. Due to its mandate of comprehensive security and its wide net of field presences and autonomous institutions, this organisation is well placed to strengthen the continuous international efforts in the fight against torture. The EU recommends all participating States to make use of ODIHR's expertise in their efforts to implement our shared commitments.

Despite international efforts, torture continues to occur in the OSCE region and many surviving victims remain unacknowledged and unsupported. The EU remains deeply alarmed about the lack of a thorough investigation into the multiple reports of arrests, arbitrary and unlawful detention, torture and killings of people in Chechnya based on their actual or alleged sexual orientation or gender identity. The EU has repeatedly called on the Russian Federation to take effective measures to protect the victims and ensure that anyone responsible or complicit is brought to justice. The EU are worried that the lack of action by the authorities contributes to a climate of impunity in Russia.

The EU also remains concerned by the continued enforced disappearance of many people in Turkmenistan's prisons, which reflects a broader pattern of continued human rights violations in Turkmenistan, including arbitrary detention, lack of fair trials as well as torture or other cruel, inhuman or degrading treatment or punishment. The EU reiterates its strong call on Turkmenistan to immediately and effectively acknowledge this problem, take action on the outstanding cases and to eradicate the problem of enforced disappearances.

The EU strongly and unequivocally opposes the use of the death penalty at all times and in all circumstances. The death penalty is cruel, inhuman and degrading in nature and makes any miscarriage of justice irreversible and fatal. Furthermore, the death penalty does not act as a deterrent to crime.



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The EU calls for universal abolition of the death penalty. Universal abolition 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.

The EU is increasingly concerned about the lack of transparency surrounding the use of the death penalty in Belarus. The continued application of the death penalty runs counter to Belarus' stated willingness to engage with the international community, including the European Union, on the matter and Belarus' stated willingness to consider international trends regarding the use of the death penalty and work towards a moratorium or its abolition. As reiterated by the HR/VP Mogherini during her recent meeting with Foreign Minister of Belarus, Vladimir Makei, tangible steps taken by Belarus to respect universal human rights, including on the death penalty, are key for shaping future relations.

The EU will continue its long-standing campaign against the death penalty, including within the OSCE. We recommend Belarus to follow the global trend towards abolition and in the United States, commend the majority of its states for having abolished death penalty in law or de facto and encourage the others to follow their example.

The scourge of terrorism affects all parts of the world, and the OSCE region is not an exception. Several participating States – including within the EU – have faced brutal attacks or severe attempts in the past year. However, we have to resist the temptation of installing counter-terrorism laws and national security related policies that negatively impact the rule of law and fundamental freedoms that are at the core of any democratic state.

The EU firmly believes that the rule of law and respect for human rights must stay at the heart of the fight against terrorism. The EU's approach is therefore to promote respect for the rule of law, fundamental rights and freedoms, and the use of the criminal justice system to combat and prevent terrorism. The EU recommends all participating States to review counter-terrorism laws and national security related policies, online and off-line, and reverse all measures that do not live up to OSCE and international commitments.



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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.

Thank you.

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, and the EFTA country ICELAND, member of the European Economic Area, align themselves with this statement.

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