



EUROPEAN UNION

OSCE Human Dimension Implementation Meeting 2012 Warsaw, 26 September 2012

EU statement – Session 5

CAPITAL PUNISHMENT, PREVENTION OF TORTURE AND PROTECTION OF HUMAN RIGHTS AND FIGHTING TERRORISM

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. A key objective for the EU is therefore to strengthen the rule of law both at international and national level.

The EU welcomes the global trend towards abolition of the death penalty. More than 150 States have either abolished the death penalty or do not carry out executions. But still some States - including two OSCE participating States, Belarus and the United States - continue to exercise the death penalty.

The EU encourages all States who still practice the death penalty or retain it in law to abolish it.

The EU strongly opposes the death penalty, even when backed by due process in a democratic society. The cruel, inhuman and degrading aspects of the death penalty are not mitigated by a democratic process.

As stated by the UN Secretary-General, it is undeniable that wrongful convictions do occur and innocent people are put to death.

Like capital punishment, torture can never be excused. Although absolutely prohibited as a peremptory norm in international law torture still occurs even in OSCE participating States and partner States. These violations must be addressed through improved accountability and rehabilitation of the victims. A holistic anti-torture approach is important.

The EU commends the OSCE and ODIHR for their efforts to prevent torture in particular by capacity building efforts at field level, and encourages the OSCE to increase these efforts.

The EU urges participating States to respect the absolute prohibition on torture and to implement fully the UN resolutions on torture.

The EU also urges participating States to consider adhering to international instruments for combating torture, the death penalty and enforced disappearances, and to the right of individual complaint under the relevant international instruments as well as to take steps towards the ratification and effective implementation of OPCAT.

The prohibition of torture is absolute - torture must not happen under any circumstances, not even when faced with threats against national security including terrorist activity. It is particularly in such circumstances that humanity is called for.

In the field of counter-terrorism, the EU seeks to enhance the capacity of partner countries to promote the criminal justice systems based on respect of the rule of law and human rights.

We commend the efforts of OSCE in providing support to participating States to ensure respect for human rights and OSCE commitments in countering terrorism. The EU would like to see these efforts expanded, given the continuing violations occurring in various OSCE participating States.

EU recommendations under Rule of Law II

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The Acceding Country Croatia*, the Candidate Countries Montenegro*, Iceland+ and Serbia*, the Countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina, and the EFTA country Liechtenstein member of the European Economic Area, as well as the Republic of Moldova, Georgia, Andorra and San Marino, align themselves with this statement.

** Croatia, Montenegro and Serbia continue to be part of the Stabilisation and Association Process.*

+ Iceland continues to be a member of the EFTA and of the European Economic Area.