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OSCE Human Dimension Implementation Meeting Warsaw, 19 - 30 September 2016

Working session 9: Rule of Law II

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, and one of the EU's key objectives is to strengthen the rule of law at international, regional and national level.

The prevention of torture and other forms of cruel, inhuman or degrading treatment or punishment remains of utmost importance in this endeavour. Torture is an abhorrent violation of human rights, human integrity and human dignity. Our OSCE and international commitments are abundantly clear: The prohibition of torture is absolute and unconditional, and international law does not allow for any exceptions.

All instances of torture and ill-treatment are unacceptable, and it is high time we redouble our efforts to eradicate them. We warmly welcome the Swiss, Serbian and German Chairmanships' efforts to keep this topic high on the OSCE agenda, and we hope to finally be able to achieve consensus on a Ministerial Council Decision on torture prevention in Hamburg.

The fight against torture requires an integrated approach encompassing 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, including by following up on the CTI Regional Meeting on Rehabilitation for Victims of Torture in the OSCE region held in Copenhagen in June.



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The EU urges all OSCE participating States to contribute to the Global Convention against Torture Initiative by implementing fully 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.

Regrettably, incidents of torture continue to occur in the OSCE region. We remain deeply concerned by the continued enforced disappearance of many of people in Turkmenistan's prisons, and we call on the Turkmenistan Government to acknowledge this problem and take immediate action to eradicate this. We are also alarmed by reports in Crimea, since Russia's illegal annexation of the peninsula, voices opposing Russia's actions have faced torture and forced disappearances. Moreover, civilians in eastern Ukraine are being held in prolonged and arbitrary detention and tortured.

The EU strongly and unequivocally opposes the use of the death penalty at all times and in all circumstances, 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. No judicial system is flawless and any miscarriages of justice in this instance could lead to the killing by state authorities of an innocent person.

Abolition is a key objective for the EU's human rights policy, and the EU advocates for a global moratorium on the use of the death penalty as a first step towards abolition.

The EU recommends all States who still practice the death penalty or retain it in law abolish it. Likewise, the EU strongly calls on all States not to reintroduce death penalty once it has been abolished, and we are deeply concerned by calls by officials in several countries within the OSCE in favour of such reintroduction. A state of emergency cannot serve as a legal justification for the death penalty.

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.



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The scourge of terrorism affects all parts of the world. The OSCE region has faced brutal terrorist attacks in the past few years.

The EU firmly believes that in responding to terrorism the respect for human rights – to fight hate speech, discrimination, suppression, injustice and marginalization – has to play a vital role. Human rights protection and the fight against terrorism should be seen as complementary rather than contradictory.

At the same time, 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 to avoid safe havens for terrorists or any other criminals.

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 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.

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 NORWAY, member of the European Economic Area, as well as UKRAINE, align themselves with this statement.

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