



EUROPEAN UNION

**OSCE Human Dimension Implementation Meeting
Warsaw, 22 September - 3 October 2014**

**EU Statement on Rule of Law I,
Working Session 4**

Mr/Ms Moderator,

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

The rule of law is one of the fundamental principles upon which the EU is founded. Indeed, the protection of human rights within a system of government based on the rule of Rule of Law is a central element in the values that bind the EU members. A key objective for the EU is therefore to strengthen the rule of law both at international and national level.

The EU also wants to draw attention to the 2012 UNGA resolution on the Rule of Law at the National and International Levels, which reaffirms that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal core values and principles of the United Nations.

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

The EU holds a strong and principled position against the death penalty, and abolition is a key objective for the EU's human rights policy.

Capital punishment is cruel and inhumane and has not been shown in any way to act as a deterrent to crime. Furthermore, any miscarriages of justice could lead to the killing by state authorities of an innocent person. As far too many individual cases have demonstrated, wrongful convictions do occur and innocent people are put to death.



EUROPEAN UNION

The EU strongly and unequivocally opposes 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.

We are encouraged by the growing momentum towards abolition, but we are not complacent. The EU will therefore continue its long-standing campaign against the death penalty, including within the OSCE, and we regret that two OSCE participating States, Belarus and the United States, so far have not followed the global trend.

As a first step towards abolition, the EU advocates a global moratorium on the use of the death penalty. The EU therefore encourages all OSCE participating States to support the 2014 UN resolution on a moratorium on the use of the death penalty which will be tabled in October during the 69 UN General Assembly.

In the fight against **torture** the EU recommends that a full toolbox of measures should be applied.

Like capital punishment, torture can never be justified. Torture and ill-treatment are forbidden under international law in all circumstances; they are among the most abhorrent violations of human rights and dignity and should be eradicated.

The fight against torture should cover all aspects, including prevention, rehabilitation and bringing the perpetrators to justice. The EU therefore urges all OSCE participating States to implement fully the United Nations resolutions against torture, and to give strong consideration to ratifying all international conventions and protocols on torture, as well as those relating to the death penalty and enforced disappearances.



EUROPEAN UNION

Independent National Preventive Mechanisms monitoring the conditions of people deprived of their liberty are considered a particularly important preventive tool. The EU therefore encourages all States to establish such mechanisms in line with the Optional Protocol to the Convention Against Torture.

It is of grave concern to the EU that torture and ill-treatment continues to occur, even in OSCE participating States. The EU therefore strongly supports the Swiss Chairmanship in prioritising the issue of torture, and we welcome the Supplementary Human Dimension Implementation Meeting held in April 2014 on the topic of torture as well as the useful recommendations put forward on this occasion. We strongly encourage a continued focus on the issue of torture in the OSCE's work, including within ODIHR and OSCE field missions, given the continuing violations across the OSCE region.

The EU is convinced that human rights protection and the **fight against terrorism** should be seen as complementary rather than contradictory. Effective counter-terrorism policies and the promotion and protection of human rights are mutually reinforcing. The position of the EU is that while terrorism should be prevented and combated with the means of the criminal justice system, the respect for the rule of law and fundamental rights and freedoms should be fully respected and promoted.

We commend the efforts of the OSCE in providing support to States to ensure respect of human rights in countering terrorism and believe these efforts should be expanded further.

Thank you, Mr/Ms Moderator.

The Candidate Countries the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO*, SERBIA* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA countries LIECHTENSTEIN and NORWAY,



EUROPEAN UNION

members of the European Economic Area, as well as UKRAINE, the REPUBLIC OF MOLDOVA, GEORGIA, ANDORRA, MONACO and SAN MARINO align themselves with this statement.

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