



OSCE Human Dimension Implementation Meeting 2018

Working Session 5

Prevention of Torture / Abolition of Capital punishment

Warsaw, 12 September 2018

Declaration of the Swiss delegation

Moderator,

Switzerland thanks ODIHR for the preparation of this Working Session.

Regarding Torture and ill-treatment, let me briefly elaborate three important conclusions.

First, Torture and ill-treatment is counterproductive to states security interests:

Torture and ill-treatment are frequently used in situations of armed conflict or violence. While torture is a negative consequence of armed conflict, its widespread and systematic use, coupled with other human rights abuses, may beget more violence and even be the root cause of conflict. Research has found that terrorist attacks and the emergence of violent extremist organizations are strongly correlated with the use of state violence such as torture, extrajudicial killings and arbitrary arrest.

Second, Torture and ill-treatment can be addressed with simple measures. There are no good excuses not to implement such measures reducing the risk of torture and ill-treatment:

Scientific studies have found that the most effective way to prevent torture and ill-treatment are linked to detention: enabling contact with family and friends, access to a lawyer and a medical examination by an independent physi-

cian. The second most effective measure is the criminal prosecution of alleged perpetrators of torture or ill-treatment. The third is the inspection of places of detention by independent bodies.

Third, Torture and ill-treatment is not an internal affair: The right to protection from torture and ill-treatment is a key concern of international law. Torture and ill-treatment are an offence to human dignity, an infringement of a basic human right, and a violation of a peremptory norm. As such, non-compliance with the absolute prohibition of torture and ill-treatment undermines the entire body of international law.

Finally, we would like to thank ODIHR for its great effort and internationally recognized expertise in the field of torture prevention. In this regard, we welcome the recently published Guidance Document on the Nelson Mandela Rules for the Treatment of Prisoners and the ODIHR and the CTI joint tool to help OSCE participating states better ensure the right to rehabilitation of victims of torture. We invite all participating states and organizations to support ODIHR's efforts and to ensure that torture prevention stays high on the OSCE agenda.

Moderator,

Finally, the **Swiss position on the death penalty is well known**. Switzerland is of the opinion that the death penalty constitutes a breach of the right to life and the prohibition of torture or other cruel, inhuman or degrading treatment or punishment. For this reason, it supports the universal abolition of the death penalty.

If the international trend persists, we are positive that the OSCE will become a death penalty free zone in the not too distant future. In the meantime, Switzerland fully supports the upcoming UN-General Assembly Resolution "Moratorium on the use of the death penalty". We invite all participating to support the resolution.

I thank you.