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OSCE Human Dimension Implementation Meeting Warsaw, 16 - 27 September 2019

EU statement – Working Session 11: Rule of Law II, including: Prevention of torture; Exchange of views on the question of abolition of capital punishment; Protection of human rights and fighting terrorism

Mr. Moderator,

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

Torture and other forms of cruel, inhuman or degrading treatment or punishment are often misperceived as an issue of the past. This misunderstanding holds that torture only occurred prior to the development of democratic principles, fundamental human rights and the key principle that human dignity is inviolable.

Unfortunately, new violations continue to arise across the OSCE region and impunity for acts of torture remains high. At the same time, there are instances where torture is once again being portrayed as a necessary evil that serves to protect human lives and increase security and stability in our societies. That the threat of terrorism or national security concerns somehow justify imposing a system of fear, repression and intimidation.

In this context, the EU will continue to stand firm and reiterate that the prohibition of torture is absolute and unconditional. Torture is never allowed nor justified, under any circumstances. Torture constitutes a grave violation of human rights, human integrity and human dignity. It has devastating consequences for victims, their families and the society as a whole.

Mr. Moderator,

All OSCE 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.



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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.

In this endeavour, 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 join the Group of Friends of the Convention 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.

In this regard, the EU welcomes the recent United Nations General Assembly's adoption of the Torture-free trade resolution aimed at establishing common international standards in this field. As a co-founder of the Alliance for Torture-Free Trade in 2017 and with its own legislation in place since 2005, the EU is at the vanguard of efforts to stop trade in the tools used for torture and capital punishment globally.

The OSCE plays a key role in the prevention and prohibition of torture. This was also confirmed at the recent international conference, "Effective Multilateralism in the Fight Against Torture: Trends in the OSCE Region and the Way Forward", which was organised by Denmark, Switzerland and Austria, in close cooperation with the Slovak OSCE Chairmanship and ODIHR. The EU was a proud co-sponsor of the conference and recommends all participating States to make use of ODIHR's expertise and the recommendations from the conference in their further efforts to implement our shared OSCE commitments.

Mr. Moderator,

The EU remains deeply alarmed about the continued credible reports of serious human rights violations and abuses in Chechnya, including arbitrary or unlawful arrests and detentions, torture, enforced disappearances and extrajudicial execution. The victims include, but are not limited to, LGBTI persons, human rights defenders, lawyers, independent media, and civil society organizations. In December 2018, the report under the OSCE Moscow Mechanism shed further light on the alarming situation in Chechnya and the non-compliance by the Russian Federation with its OSCE commitments. The EU therefore reaffirms its call for the Russian Federation to take effective measures to protect the victims and ensure that those



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responsible or complicit will be brought to justice. The EU furthermore calls upon the Russian authorities to make full use of the report and to implement all recommendations contained therein.

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. 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.

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.

The EU remains deeply concerned about the lack of transparency surrounding the use of the death penalty in Belarus, which runs counter to the principle of the rule of law and leaves families of the convicted and the public in the dark. The continued application of the death penalty also contradicts Belarus' stated willingness to engage with the international community, including the EU, on this matter. The EU recommends Belarus, as well as relevant OSCE partners for cooperation, to introduce a moratorium on executions as a first step towards full abolition.

The EU also regrets the recent decision of the US Federal Government to resume executions. This contradicts the growing trend to abolish the death penalty both in the United States and globally. The EU recommends to introduce a moratorium on executions as a first step towards full abolition.

The EU will continue its long-standing campaign against the death penalty, including within the OSCE.



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Mr. Moderator,

The scourge of terrorism affects all parts of the world, and the OSCE region is not an exception. However, it is crucial that the need for development of national security related policies should never negatively affect 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.

Thank you.

The Candidate Countries REPUBLIC of NORTH MACEDONIA*, MONTENEGRO* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA countries ICELAND and LIECHTENSTEIN, members of the European Economic Area, align themselves with this statement.

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