



REPRESENTATION PERMANENTE DE LA FRANCE
AUPRES DE L'O.S.C.E

Rule of law II, including an exchange of views on the question of abolition of capital punishment, prevention of torture and protection of human rights and fighting terrorism
(Working Session 8 – Wednesday 25 September 2015)

Statement by the French Delegation

I stand behind the statement of the European Union and wish to add a few points at national level.

1) The campaign against the death penalty is a long-term struggle but it is a universal cause that is winning. The OSCE cannot take a back seat in this struggle. Capital punishment, which is always liable to errors of justice and yet irreparable by nature, is fundamentally a violation of human rights. It does not represent justice, but the failure and negation of justice. A majority of States in the world now share the conviction that capital punishment is the opposite of justice. Capital punishment has declined in recent decades. Two-thirds of the world's States have now abolished it or adopted a moratorium, as against only 16 States in 1977.

In reality, no research or study has ever established any correlation between maintaining or abolishing capital punishment and the development of crime, whatever its form.

2) By way of recommendations on this issue, France calls upon all OSCE States still applying capital punishment to observe a moratorium and launch reflection on this cruel and inhumane punishment, with a view to its definitive abolition. In line with its mandate, ODIHR must continue to lead the discussions with the authorities of countries which have yet to abolish capital punishment, as well as with civil society. The OSCE, which has made undeniable progress in this area since 1975, must and can become a model space for this struggle by ensuring that abolition prevails in all its participating States.

Updating the commitments made by the OSCE on capital punishment over 20 years ago is essential. These commitments should at any rate reflect United Nations General Assembly resolutions and developments in international law.

3) In view of the priority it gives to combating impunity, France is also mobilizing against the practice of enforced disappearance. This practice still applies in the OSCE area and often constitutes a first step towards other human rights violations such as the practice of torture.

France has actively supported implementing an innovative legal instrument to combat this problem. The International Convention for the Protection of All Persons from Enforced

Disappearance, which entered into force on 23 December 2010, fills the legal void as regards enforced disappearances, which it defines and describes as crimes, both in times of war and peace. It covers both individual cases and the systematic practice of enforced disappearance, which constitute a crime against humanity. It prohibits secret places of detention, strengthens procedural safeguards regarding detention, gives people the right to know what happened to loved ones who have disappeared, gives victims the right to reparation and finally, especially focuses on children who are subjected to enforced disappearance. It also created an innovative monitoring body called the Committee on Enforced Disappearances.

France calls upon all OSCE participating States that have not yet done so to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

It also calls for the taking into account of the pressing need to combat this problem under the commitments made at OSCE level on the prevention of torture. Moreover, France calls upon all OSCE participating States that have not yet done so to ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.