



## OSCE Human Dimension Implementation Meeting 2008

Working Session 4: Rule of law II  
(1th October 2008)

### EU Statement

Mr. Moderator,

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

At the eve of the 60th anniversary of the universal declaration of human rights the EU encourages other participating states to join its efforts to achieve a world where human rights are fully respected in all circumstances.

The rule of law is a cornerstone in the protection of human rights as defined in the universal declaration and the ensuing body of human rights instruments and human rights law.

Mr. Moderator,

We need a world without torture and cruel, inhuman or degrading treatment or punishment.

Torture is one of the most nefarious violations of human integrity - and one of the most outrageous violations of human dignity – not only for the victim, but also for the perpetrators, who bring deep shame upon themselves.

The EU expects participating states:

To comply with the unconditional prohibition of torture and cruel, inhuman or degrading treatment or punishment, to take all necessary and effective legal, administrative, judicial, social and other measures to prevent torture, and not

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to transfer any person to a country, where there are substantial grounds to believe that he or she would be subjected to torture or ill treatment.

Torture and other abuses often reflect poor and inefficient law enforcement and outdated judicial and administrative practices, such as reliance on confessions and a system of promotion of law enforcement officers according to convictions obtained in criminal cases.

Measures against torture need to be kept under close scrutiny to maintain and enhance their effectiveness. That is why the EU last spring adopted a revised set of guidelines against torture with new implementation measures.

The EU expects participating states:

To fully cooperate with the independent preventive and monitoring mechanisms in OSCE, UN, ICRC the Council of Europe and at national level, as well as with civil society, to provide requested information and to grant them unhindered access to places of detention and unrestricted possibility to interview any person in private.

Only seldom is torture a deliberate policy, adopted and implemented in spite of the world wide 'consensus against torture'. torture is hidden. This makes cooperation in good faith with the independent monitoring institutions all the more important.

The EU recommends that participating states adhere to OPCAT and other relevant international instruments such as the international convention for the protection of all persons from enforced disappearance and make the declarations provided for in UNCAT articles 21 and 22.

The EU also urges all OSCE participating states to ensure implementation of all UN general assembly and human rights council resolutions on torture and other cruel, inhuman or degrading treatment or punishment.

Mr. Moderator,

We need a world without death penalty

Capital punishment should be a feature of the past.

The EU welcomes UN general assembly resolution 62/149 on the death penalty and urges OSCE participating states, which have not yet done so, to abolish capital punishment and to adopt a moratorium on executions in the meantime.

There is a trend towards universal abolition of capital punishment, in particular within OSCE, where only Belarus and the United States maintain this punishment. The EU in no way wishes to interfere with the democratic process

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of other countries, but the humanitarian ideals, which have inspired us to abolish capital punishment obviously apply to all human beings.

Mr. Moderator,

We need a world without terrorism

- And the EU expects all OSCE participating states to fully respect international law, in particular human rights, refugee and international humanitarian law in their counter terrorism measures.

It is a primary duty of any government to ensure the security of its citizens. But not at the expense of fundamental rights. Security and human rights are not in opposition to each other. They are mutually reinforcing, and the content and wording of human rights instruments provide ample opportunity to address relevant security concerns.

Finally, Mr. Moderator, the EU wishes to pay tribute to ODIHR for its highly professional and dedicated efforts to assist participating states in improving their application of the rule of law.

Thank you, Mr. Moderator

EU recommendations are circulated separately.

The candidate countries Croatia\* and the former Yugoslav Republic of Macedonia\*, the countries of the Stabilisation and Association Process and potential candidate countries Albania, Montenegro and Serbia, the European Free Trade Association countries and members of the European Economic Area Liechtenstein and Norway, as well as Ukraine, the Republic of Moldova and Armenia align themselves with this statement.

\*Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process

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