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OSCE Human Dimension Implementation Meeting Warsaw, 21 September – 2 October 2015

EU Statement – Working Session 8

Mr/Madam Moderator,

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

The rule of law is one of the fundamental principles on which the EU is founded. It is a principle of governance to regulate the exercise of public power. A key objective for the EU is therefore to strengthen the rule of law both at international, regional and national level.

The EU recommends all States who still practice the death penalty or retain it in law to abolish it. Likewise, the EU strongly calls on all States not to reintroduce death penalty once it has been abolished.

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

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. Any miscarriages of justice could lead to the killing by state authorities of an innocent person. It is undeniable that wrongful convictions do occur and innocent people are put to death.

We are encouraged by the growing momentum towards abolition worldwide, both in law and in practice. To date, all but six participating States have abolished the death



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penalty, four of which are de facto abolitionist. But we are not complacent. The EU will continue its long-standing campaign against the death penalty, including within the OSCE, and we encourage Belarus and the United States to follow the global trend towards abolition.

As a first step towards abolition, the EU advocates for a global moratorium on the use of the death penalty. A positive step in this direction was witnessed when, last December, a record number of countries – 117 – supported the fifth UN General Assembly resolution calling for a global moratorium on the use of the death penalty. We strongly encourage participating States to support the 2016 resolution on the same topic.

Torture and ill-treatment are among the most abhorrent violations of human rights and dignity and should be eradicated. The absolute prohibition of torture and ill-treatment allows for no exception.

In the fight against torture the EU recommends that a full toolbox of measures should be applied. Combatting torture requires an integrated approach encompassing prevention, redress, rehabilitation and access to justice.

The EU supports the global Convention against Torture Initiative and its efforts to achieve global ratification and, most importantly, implementation of the UN Convention Against Torture by the year 2024.

The EU urges all OSCE participating States to contribute to the achievement of this goal by implementing fully the UN Convention against Torture, and to give strong consideration to ratifying all international conventions and protocols on torture, the death penalty and enforced disappearances.



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

The persistent occurrence of torture and ill-treatment, including in some OSCE Member States, is of grave concern to the EU. The EU therefore strongly supports the Serbian Chairmanship in resuming the work on the issue of torture, and we hope consensus can be reached on a strong Ministerial Decision on this issue. We strongly encourage a continued focus on eradicating torture in the OSCE's work, including within ODIHR and in OSCE field missions. Together, we must continue to work towards making torture a thing of the past.

The scourge of terrorism affects all regions of the world. The EU is convinced that human rights protection and the fight against terrorism should be seen as complementary rather than contradictory. The only rational and effective response to terrorism is to reinforce the respect for human rights - to fight hate speech, discrimination, suppression, injustice and marginalization - and to offer alternatives and opportunities to those who need it. Preventing violent extremism through a comprehensive approach is essential. Close cooperation with civil society and local communities is important. At the same time, of course, the rule of law should prevail; acts of terrorism must be investigated and terrorists must be prosecuted.

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 prevent and combat terrorism.

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.



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Thank you.

The Candidate Countries TURKEY, the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO*, and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA countries LIECHTENSTEIN and NORWAY, members of the European Economic Area, as well as UKRAINE, and ANDORRA align themselves with this statement.

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