



EUROPEAN UNION

Human Dimension Implementation Meeting Warsaw, 28 September 2011

EU Statement – Session 5: Rule of law II

Ms/Mr Moderator

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

The Arab Spring has sparked a most welcome development in some of our neighboring and associate countries, but it is also a development that carries with it serious expectations, not least in improving the rule of law, one element of which is capital punishment. While most OSCE participating States have done away with capital punishment, and only the United States and Belarus still carry out executions, this form of punishment is common in the associated states. The EU welcomes the announcement by the Government of Tunisia that it would ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. The EU also welcomes the accession of Kyrgyzstan to this Protocol.

The EU urges all States, which still maintain capital punishment, to abolish it.

The EU opposes the death penalty in all circumstances, even if due process is observed. We find it morally indefensible and there is no conclusive evidence that the death penalty has any value as deterrent.

We would also like to remind Belarus of the OSCE commitment to make available to the public information regarding the use of capital punishment.

We are concerned that executions in Belarus, including the two that according to reliable sources took place in July, are conducted in secret and without providing any information to the families of the executed.

The former Special Rapporteur on Torture, Manfred Nowak, has described capital punishment as a form of cruel, inhuman or degrading punishment – related to torture.

The absolute prohibition of torture is one of EU's priorities in its cooperation with OSCE, but the EU regrets that the many relevant aspects of combating torture, such as prevention, accountability and rehabilitation of torture survivors are rarely included on OSCE's agenda.

The EU urges OSCE to intensify its efforts to combat torture.

All States need to ensure that proper rehabilitation of torture survivors is provided for.

Relying on confessions in the criminal justice system is conducive to the application of torture in order to produce such statements.

Participating States need to develop criminal investigation techniques to minimize the role of confessions, which are often likely to motivate torture or cruel, inhuman or degrading treatment or punishment.

Torture is a despicable violation of human rights, human dignity and human integrity. It is impossible to defend, yet it still occurs, but now takes place in secret and despite assurances to the contrary. We have seen that Government denial usually has three stages, starting with saying that torture did not take place, secondly that what happened was not torture and finally that what happened was justified for the protection of national security, fighting terrorism or some other purpose.

The EU urges all participating States to implement fully and in good faith all UN resolutions on torture and cruel, inhuman or degrading treatment or punishment.

The threat of terrorist attacks is real and substantial and is going to remain so for a while. It is essential that we do not let our fear of terrorism override our obligations to respect international law and human rights. Security from terrorism and respect for human rights can and should be complementary. The International Commission of Jurists has formulated it well in its Berlin Declaration of 2004: "Safeguarding persons from terrorist acts and respecting human rights both form part of a seamless web of protection incumbent upon the State." Human rights and respect for the rule of law are indeed effective tools in the defense of our societies.

The EU emphasises that any measure taken to combat terrorism must comply with obligations under international law, including international human rights, refugee and humanitarian law.

Finally the EU commends the efforts of ODIHR and OSCE field missions in supporting participating States' effort to strengthen the rule of law and would like to see these efforts expanded given the continuously existing violations occurring across the OSCE region.

Thank you Mr/Ms Moderator

The candidate countries TURKEY, CROATIA*, the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO* and ICELAND**, the countries of the Stabilisation and Association Process and potential candidate countries ALBANIA and SERBIA, the European Free Trade Association countries LIECHTENSTEIN and NORWAY, members of the European Economic Area, as well as UKRAINE, the REPUBLIC OF MOLDOVA, ANDORRA and SAN MARINO align themselves with this statement.

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

**Iceland continues to be a member of the EFTA and the European Economic Area.