

# DUTCH EU PRESIDENCY: MID-TERM REPORT CARD

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We are now over halfway through the Dutch Presidency of the Council of the European Union. At the beginning of the Presidency, Amnesty International highlighted several human rights related issues on which the Dutch Presidency should take action. The Netherlands positions itself as an advocate for human rights, and the EU Presidency creates the perfect opportunity for the member state to lead progress in improving human rights protections in the European Union. The question is to what extent the Dutch Presidency making the grade. Where do we stand now on the main recommendations made by Amnesty International a few months ago?

## 1. MIGRATION



### A. PROMOTE SAFE AND LEGAL ROUTES TO PROTECTION IN EUROPE.

Despite sustained focus on the refugee crisis, no real effort has been made by the Dutch Presidency to secure the creation of more safe and legal routes to Europe. Instead, the Presidency's approach has been wrongly driven by a desire to reduce numbers, resulting in more routes into Europe closing and a focus on external border management. The rhetoric of safe and legal routes has meanwhile been misleadingly co-opted to frame the EU-Turkey migration deal as beneficial to refugees. The Presidency must now take the lead in securing agreement on a mandatory resettlement scheme, and on a meaningful European resettlement effort including using the EU's global clout to push for international pledging targets to be met. The Dutch Presidency can and should do better.

### B. ENSURE EU COOPERATION ON MIGRATION WITH NON-EU COUNTRIES IS HUMAN RIGHTS COMPLIANT.

The EU-Turkey migration deal raises substantial human rights concerns. While the Dutch Presidency has attempted to make assurances about the legality of the deal, in practice the deal is leading to violations of refugees' rights in both Greece and Turkey. The Council has also failed to acknowledge evidence demonstrating that Turkey is not a 'safe country' for refugees. The Presidency must urgently lead on the establishment of an effective monitoring mechanism with legal benchmarks to accompany the implementation of the agreement. It must immediately assume its role in preventing the EU-Turkey deal trampling on international and European human rights law.

## 2. ANTI-DISCRIMINATION



### A. STRENGTHEN EU ANTI-DISCRIMINATION LAW AND PROMOTE HATE CRIME PROTECTIONS FOR ALL.

The Dutch Presidency noted that it will hold two working groups on the anti-discrimination directive but is yet to make substantive progress on securing its adoption. And while a Presidency event on 'EU Fundamental values' addressed the issue of hate speech, little emphasis has been placed on addressing gaps in hate crime legislation. The Presidency must use the April working party on hate crime not only to push for effective implementation of existing standards but also to highlight legislative gaps and ensure adequate protection from hate crime on all grounds. Three months remain for the Presidency to show political leadership and move from debate on 'EU values' towards actual reinforcement of legal protection.

## **B. REVIEW MEMBER STATE EFFORTS TO INTEGRATE ROMA.**

The Dutch Presidency did not prioritise work to improve the situation of the Roma within the EU and has to date remained inactive on the issue. Given that Slovakia has expressed that Roma inclusion will be a priority issue when it heads the Council in the second half of 2016, the Netherlands should work constructively as a member of the current Presidency trio to support intensified inclusion efforts by member states and where possible, lay the groundwork for its successor.

## **3. HUMAN RIGHTS IN THE EU**

### **A. STRENGTHEN THE WORK OF THE COUNCIL TO PROTECT HUMAN RIGHTS IN THE EU.**



The Dutch Presidency prioritized the strengthening of the rule of law in EU member states and rightly noted the protection of human rights as essential to this. Nevertheless, debate, including a Presidency seminar on fundamental rights in the EU, now needs to be translated into action. The Council rule of law dialogue in May must explicitly address ongoing threats to the rule of law and human rights in member states, including Poland and Hungary, and the Presidency must lead the Council to strengthen its formal role in assessing internal EU human rights issues. The Presidency must also acknowledge the need for strict respect for human rights and the rule of law in its positioning on the 'Combating Terrorism Directive'.

## **4. CONFLICT MINERALS**

### **A. ENSURE EU CONFLICT MINERALS LEGISLATION INCLUDES EFFECTIVE HUMAN RIGHTS PROTECTIONS.**



The Dutch Presidency's commitment to lead the Council on the issue seems positive, but has not yet resulted in constructive dialogue between the Council and the European Parliament. Recent, renewed Presidency efforts to secure a common member state position are welcome, but progress should not jeopardize the quality of the final legislation. The Presidency should continue its work and ensure measures to require business' respect for human rights – such as mandatory due diligence obligations for operators throughout the supply chain – are safeguarded.

## **5. HUMAN RIGHTS DEFENDERS**

### **A. REVIEW EU SUPPORT TO HUMAN RIGHTS DEFENDERS AROUND THE WORLD.**



The Netherlands has an established record regarding the protection of human rights defenders (HRDs) and must seize the opportunity of the EU Presidency to build on this and lead improvement in EU-level and member state support to HRDs. Despite the lack of visibility given to this issue by the Presidency, it can use the remainder of its term to encourage the Council to review the EU's strategic approach to HRDs and also link its work on UN Resolution 1325 explicitly to EU support and protection for women HRDs, e.g. in Afghanistan. The Netherlands needs to fulfill its potential here.

## **6. TOOLS OF TORTURE**

### **A. SECURE STRONGER AND MORE EFFECTIVE EU CONTROLS ON TRADE OF 'TOOLS OF TORTURE'**



The Dutch Presidency noted its aim to complete trilogue negotiations on revision of the 'tools of torture' regulation, however, progress has stalled. The Presidency must demonstrate leadership and secure agreement on robust measures that have been endorsed by the Parliament but are yet to receive Council support to close existing legislative loopholes, including on the introduction of a targeted 'end-use' mechanism, on brokering, and on prohibition of the promotion and advertising of banned equipment. Challenging inconsistencies within the EU's approach to stamping out torture now requires intensified effort by the Dutch Presidency.