

**AMNESTY
INTERNATIONAL**



European Institutions Office

**AMNESTY INTERNATIONAL RECOMMENDATIONS TO THE
SLOVAK EU PRESIDENCY**

July – December 2016

Amnesty International recommendations to the Slovak Presidency of the Council of the EU

As the Slovak government prepares to assume the Presidency of the Council of the European Union (EU), Amnesty International calls on the Presidency to take this opportunity to put human rights issues at the forefront of its mandate. We therefore call on the Slovak government to act upon the following recommendations throughout its Presidency.

The Slovak EU Presidency should:

1	Migration
	Promote safe and legal routes to protection in Europe
	Ensure EU cooperation on migration with non-EU countries is human rights compliant
2	Anti-discrimination
	Step-up member state action to integrate Roma
3	Human rights in the EU
	Strengthen Council monitoring of the human rights situation in EU member states
4	Counter-terrorism and human rights
	Respect human rights while countering terrorism
5	Business and human rights
	Secure EU conflict minerals legislation that effectively protects human rights
	Promote EU member state implementation of the UN Guiding Principles on business and human rights
6	Stop torture
	Secure stronger and more effective EU controls on trade of 'Tools of Torture'
	Encourage the EU and member states to step up efforts to stop torture worldwide

Migration

1. Promote safe and legal routes to protection in Europe

Migration will continue to be a priority issue for the presidency of the Council of the EU. Over its mandate, the Slovak Presidency will be tasked with steering Council deliberations on the proposed review of the Common European Asylum System (CEAS), beginning with the Commission's proposal for a revised 'Dublin system'. Moves to ensure a more equitable sharing of responsibility for refugees between member states are essential, but the Council must ensure that the 'Dublin' revision – and broader CEAS review – does not result in a reduction in the level of protection for asylum-seekers in the EU and make their access to the EU all but impossible. It must also ensure that the relocation measures already agreed are implemented effectively and in full compliance with human rights law.

Alongside continuing to ensure respect for the right to seek asylum, the EU must commit to the creation of more safe and legal pathways for protection in Europe, including by concerted working to increase resettlement places in the EU. However, recent EU moves to respond to the refugee crisis have rather been driven by the motivation to reduce numbers, with a consequent impact upon border closures and a focus on border management, over and above ensuring adequate reception to, and addressing humanitarian needs of, asylum seekers. There are more than one million refugees urgently in need of resettlement worldwide.¹ The July 2015 agreement by EU member states to resettle 22,504 represents a first important recognition of the need to collectively step up responsibility. Nonetheless, not even this modest commitment is being adequately met, with only 6,321 people having been resettled by May 2016, of which 166 were resettled under the EU-Turkey migration agreement.² Furthermore, resettlement should be driven by the need to uphold international solidarity and not made conditional on migration management commitments from the state from which refugees are being resettled.

We encourage the Slovak Presidency to use its mandate to build political will within the Council for the scaling up of EU resettlement efforts, including through an effective EU-wide resettlement framework, and via member states committing to and immediately implementing resettlement pledges. This should be accompanied by an expansion in the alternative pathways for admitting refugees, and a stepping up of EU member state contributions to humanitarian financing. With the UNGA High-Level meeting on addressing large movements of refugees and migrants falling during the Slovak Presidency, there will be increased attention on the need for an international framework on responsibility sharing and EU member states must seize the moment to show clear leadership.

What the SK Presidency should and can do	Signs of success
The Slovak Presidency should facilitate discussion and member state agreement on opening more opportunities for safe and legal routes for refugees to come to Europe.	<ul style="list-style-type: none">• In advance of the UNGA High-level plenary in September, proactive organisation by the Slovak Presidency of an event focused on member state resettlement pledges, the expansion of alternative pathways for admitting refugees, and member states contributions to humanitarian financing.• Council agreement on an effective EU-wide resettlement framework.• The Slovak government must lead by example and ensure effective relocation of refugees from Greece to Slovakia as per the numbers already agreed, in full respect of human rights law. Slovakia should increase its pledge in numbers and, as the incumbent presidency, encourage others to follow suit.

¹ See page 12, UNHCR, Projected Resettlement Needs 2016, 16 June 2015, available at www.unhcr.org/558019729.html

² See <http://bit.ly/25b988V> and <http://bit.ly/1UdDkFi>. 177 Syrians in total had been resettled from Turkey under the EU-Turkey deal by 13 May 2016.

2. Ensure EU cooperation on migration with non-EU countries is human rights compliant

The EU and its member states have for several years sought cooperation and agreements with third countries to control migration and prevent irregular refugee flows to Europe, such as via the 2014 EU-Horn of Africa Migration Route Initiative (the ‘Khartoum Process’) or the March 2016 EU-Turkey migration statement. Amnesty International has repeatedly raised serious concerns about these initiatives, which often involve shifting the responsibility for refugee protection to countries already hosting large numbers of refugees, and lack basic guarantees for the respect for the rights of migrants, refugees and asylum seekers. Such cooperation risks reinforcing repressive regimes that are responsible for significant refugee outflows, rather than addressing the root causes of migration and forced displacement. Increasingly, it is also giving third countries grounds to resist international pressure to improve their human rights records.

The human rights impact of third country projects and cooperation arrangements cannot however be ignored. In the context of the EU-Turkey deal, reassurances from EU leaders that Turkey is a safe country to which to return refugees point rather to political expediency than to the facts on the ground: Amnesty International research has provided irrefutable evidence of human rights violations such as the arbitrary detention of Syrian refugees voluntarily returned from Greece to Turkey, with individuals deprived of access to adequate medical care or to legal aid,³ and the large-scale forced returns of refugees to Syria.⁴ Turkey is also failing to provide effective protection for individuals. Asylum-seekers on its territory do not have access to fair and efficient procedures for the determination of their status. In addition, asylum-seekers and refugees do not have access to what are known as “durable solutions”,⁵ and are denied access to means of subsistence sufficient to maintain an adequate standard of living.⁶ Making such third country migration deals subject to adequate human rights impact assessment, benchmarking, and monitoring, is essential to ensuring refugees such as those deported back to Turkey from Greece or travelling from Syria have all of their human rights respected and are protected from *refoulement*.

Despite the limited role of the Council Presidency on EU external action, the Slovak Presidency should play its full part in ensuring all such third country cooperation on migration is subject to human rights assessment, benchmarking, and monitoring. The Presidency should promote greater accountability by ensuring more transparency around these initiatives and independent oversight of their implementation. This should include securing independent oversight of the EU-Turkey migration deal and independent monitoring of all facilities where migrants and asylum seekers are held. Furthermore, the Presidency should propose a review of the EU-Turkey deal itself, and aim to prevent it becoming a quasi-blueprint for migration agreements with other third countries.

What the SK Presidency should and can do	Signs of success
<p>The Slovak Presidency should initiate an evaluation of cooperation between EU and third countries, to assess protection of refugee rights, define human rights benchmarks, and increase operational accountability.</p>	<ul style="list-style-type: none"> • Call for evaluation and review is made and mandate is given to the European Commission to define human rights benchmarks for new arrangements and projects. Cooperation projects with third countries are devised, adopted, and implemented in a transparent manner and include monitoring mechanisms which allow for public scrutiny, such as the participation of international and non-governmental organisations in “Joint Readmission Committees” to monitor the implementation of EU readmission agreements. • The Presidency proposes a review of the EU-Turkey migration statement and calls for an immediate halt to the return of asylum-seekers and refugees to Turkey on the grounds that it is a “safe third country” or a “first country of asylum”.

³ <http://www.theguardian.com/world/2016/may/16/syrians-returned-to-turkey-after-eu-deal-complain-of-treatment>

⁴ See for example, <http://bit.ly/1RBgYNt>

⁵ The UN Refugee Agency has identified three such solutions for addressing refugee crises: repatriation (when safe to do so) to countries of origin, integration in host countries, and resettlement to third countries. See, e.g. www.unhcr.org/solutions.html

⁶ http://www.amnesty.eu/content/assets/Turkey_briefing_1June2016.pdf

Anti-discrimination

1. Step-up member state action to integrate Roma

As discrimination against Roma remains widespread across Europe, Amnesty International welcomes the Slovak Presidency's commitment to give a prominent focus to the situation of Roma in the EU during its mandate.

The multiple forms of discrimination, racism and other ongoing human rights violations experienced by Roma point to little progress being made by member states to implement the 2013 Council recommendation on effective Roma integration measures, and to the limited effectiveness of the EU Framework for National Roma Integration Strategies to deliver improvements in the lives of Roma.

It is vital that the incoming Slovak Presidency seizes the opportunity of the planned conference on Roma youth in October and proposed Council conclusions to urge member states to undertake specific legal and practical steps to tackle Roma discrimination. Building on the European Commission's forthcoming annual implementation assessment of the EU Framework and the 2013 Council recommendation, EU level discussions must now be purposeful and push for active improvements at the national level in relation to the human rights violations affecting Roma across Europe.

Explicitly, such steps should aim to narrow the implementation gaps by enhancing the effectiveness of measures committed to by member states, creating clear, comprehensive indicators and monitoring mechanisms, as well as securing increased and sustained cooperation with civil society in all member states.

The Slovak presidency also has the potential to show powerful leadership on this issue, through leading by example and stepping up the progress at home on ensuring equal access to education for all Roma children in Slovakia and encouraging other member states where this remains a problem to follow suit.

What the SK Presidency should and can do	Possible achievement and signs of success
The Slovak Presidency secures Council agreement for member states and the European Commission to take concrete steps forward in implementation of Roma integration measures at national level, including through the development of specific indicators to monitor progress, in cooperation with civil society.	<ul style="list-style-type: none">• A council working group meeting examines implementation of the 2013 Council recommendations by all member states, in particular focusing on the effectiveness of measures enacted at the national level, including a review of the monitoring mechanisms in place.• The Council issues conclusions calling on member states to develop specific indicators on legal and policy reforms aimed at tackling Roma discrimination. This should be accompanied by a specific timeframe for assessment of progress against clear indicators.• The Council conclusions include a specific call to the European Commission and member states to strengthen civil society participation both in the development of law and policy related to combating discrimination against Roma and in the monitoring of subsequent implementation.• The Presidency conference on Roma youth includes a dedicated session on the importance of equality and equal treatment in education as a prerequisite for equality of opportunity in employment and participation.

Human rights in the EU

1. Strengthen Council monitoring of the human rights situation in EU member states

As outlined in Articles 2 and 3 of the Treaty on the Functioning of the EU, the EU is founded on principles including respect for human rights and the rule of law, and the Union's aim specifically includes the promotion and protection of those rights. Ensuring human rights are adhered to by all member states necessarily requires a regular and systematic approach at EU level, however, it is clear that the current institutional focus given by the Council of the European Union to human rights and the rule of law inside the EU does not meet the importance given to them in the Treaties. The Council has previously acknowledged its 'responsibility' for application of the EU Charter of Fundamental Rights, and the idea of an annual Council assessment in this regard.⁷ Nevertheless, the respect for legally codified human rights has not been integral to the Council's so-called 'Rule of Law dialogue' established in 2014,⁸ undermining the impact that the institution could have, particularly at a moment when threats to the rule of law and human rights are multiplying across the Union, and the Commission has triggered its own Rule of Law mechanism against a member state.⁹

The Council will evaluate the Rule of Law dialogue during the Slovak Presidency, and this provides the opportunity for the presidency to promote a widening of its scope to include a systematic assessment of the situation regarding not only the rule of law but also human rights in each member state, potentially in conjunction with annual discussions on the application of the Charter. The necessary evidence-base for this assessment should draw on existing data from the EU, international organisations and civil society,¹⁰ and be undertaken in cooperation with the European Commission and Parliament ultimately to issue specific conclusions on which member states should act. Importantly, the Presidency should encourage member states to move from a purely political dialogue, held only at COREPER and ministerial level, and engage the Council's working bodies such as the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP), in the annual exercise. It is imperative that the Council moves from a brief, annual exchange of experience to a more systematic approach encompassing assessment of the legal and policy actions necessary to strengthen human rights in the EU. Civil society participation is crucial for such an exercise to be effective.

In seeking a more impactful role for the Council, the Presidency must also underline that the institution's role lies not simply in 'promoting a culture of respect for the rule of law'¹¹ and human rights in the EU, but also in active monitoring of the situation in member states, and response to situations where international and European human rights bodies identify a particular crisis or structural problem in one or several member states.

What the SK Presidency should and can do	Possible achievement and signs of success
The Slovak Presidency must use the evaluation of the Council 'Rule of Law dialogue' to promote and secure agreement on a regular, systematic assessment by the Council of the human rights situation in EU member states.	<ul style="list-style-type: none">• An explicit proposal is made by the Presidency to widen the scope of the Rule of Law dialogue specifically to include the human rights situation in member states.• In the context of the evaluation, formal consultations are organised with civil society, the EU Fundamental Rights Agency (FRA), the European Commission, the European Parliament and the Council of Europe, and discussions held within the FREMP.• The Presidency ensures that the evaluation strengthens the Council's active monitoring of the human rights situation in member states. To this end, the Presidency proposes and secures agreement, at a minimum, on:

⁷ See paragraphs 22 and 24, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/143099.pdf

⁸ <https://www.consilium.europa.eu/en/workarea/downloadasset.aspx?id=40802190993>

⁹ http://ec.europa.eu/news/2016/01/20160113_en.htm

¹⁰ Including the Commission's annual report on Charter implementation, and all annual and specific reports by the European Commission, the European Parliament, civil society, the Council of Europe and its Venice Commission, the Fundamental Rights Agency and various existing UN documents, such as the Universal Periodic Review (UPR).

¹¹ <https://www.consilium.europa.eu/en/workarea/downloadasset.aspx?id=40802190993>

	<ul style="list-style-type: none">○ greater time being allocated for the dialogue, to ensure scope for genuine dialogue beyond prepared statements;○ formal and systematic consultation with civil society in preparation of each dialogue;○ annual and specific human rights reports by EU institutions/agencies, civil society, the Council of Europe and various existing UN documents, such as the Universal Periodic Review, feeding into each annual exercise;○ engagement of Council working parties and bodies below COREPER level in each annual dialogue;○ the issuing of conclusions which include specific recommendations to member states after each dialogue. Implementation of these recommendations should then be assessed at working party level.
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Counter-terrorism and human rights

1. Respect human rights while countering terrorism

The recent attacks in Paris, Brussels and elsewhere have led to a new set of counter-terrorism measures being proposed at both EU and national levels. International human rights law indeed requires that states must take appropriate measures to ensure the security and safety of the people in their territories. At the same time, such measures must always comply with the rule of law and human rights obligations under European Union and international law. Effective counter-terrorism measures and the protection of human rights are not conflicting but complementary and mutually reinforcing goals.

Transparency in decision-making procedures and the meaningful participation of civil society can help ensure that the negative impacts of any such measures on human rights are not overlooked and that restrictions on these rights are limited to what is strictly necessary and proportionate. However, the fast-track procedures used by both EU institutions and member states to adopt counter-terrorism measures, for instance with regard to the proposed EU Directive on Combating Terrorism, reduce the space for such participation. Such procedures further limit the time for careful consideration and adequate consultation with (human rights) experts: in the case of the proposed Directive this is further compounded by the Commission's decision to forego an impact assessment. Amnesty International is concerned about the human rights implications of the Directive's text as proposed by the European Commission and the general approach adopted by the Council in March 2016 and urges the Slovak Presidency to duly take into account the views expressed by several human rights organisations and experts during trilogues on this Directive.

The Slovak Presidency has further indicated that it will prioritise improved information sharing in the context of counter-terrorism. While effective cooperation and information sharing is indeed crucial to increase safety and security, it should at all times be conducted in full compliance with EU and member states' human rights commitments. Amnesty International calls upon the Slovak Presidency to ensure that respect for human rights is central also to these discussions.

What the SK Presidency should and can do	Possible achievement and signs of success
The Slovak Presidency ensures that the Council adopts counter-terrorism measures that are human rights compliant, particularly in the case of legislation, such as the proposed EU Directive on combating terrorism.	<ul style="list-style-type: none">• The adopted EU Directive on combating terrorism complies with the Charter of Fundamental Rights, the European Convention on Human Rights and Fundamental Freedoms, and EU member states' international human rights obligations.• The Directive includes adequate human rights safeguards and improved definitions of all offences and of the intent required to incur responsibility for a number of the offences, as well as an article that ensures the Directive does not create a legal framework that undermines international humanitarian law as well as international criminal law.¹²• Intelligence information-sharing among EU member states, between member states and states outside the EU, and between EU agencies (e.g. Europol) and foreign intelligence and police agencies is conducted in compliance with the absolute ban on torture, including the prohibition on the use of information and evidence suspected of having been extracted under torture or other ill-treatment.• Civil society, particularly human rights organisations such as Amnesty International, is systematically consulted in the process of adopting counter-terrorism measures. Input provided by human rights experts is fully taken into account in the negotiations on the proposed Directive on combating terrorism and other counter-terrorism measures.

¹² For further detail, see the Joint submission by Amnesty International, the International Commission of Jurists, and the Open Society Justice Initiative and the Open Society European Policy Institute on the proposed Directive at <https://www.amnesty.org/en/documents/ior60/3470/2016/en/>

Business and human rights

1. Secure EU conflict minerals legislation that effectively protects human rights

The legislative proposal¹³ on responsible sourcing of the so-called ‘conflict minerals’ tin, tungsten, tantalum and gold (3TG) is currently being negotiated in informal trilogue discussions between the Council of the European Union and the European Parliament. In May 2015, the European Parliament requested mandatory obligations for all actors in the supply chain, including for those operators who import into the EU not only the materials covered by the draft legislation but also products containing them.¹⁴

The Council should follow the example of the European Parliament and opt for a robust due diligence system which legally requires companies to source responsibly, consistent with the OECD Due Diligence Guidance. In June 2014, the Foreign Affairs Council reaffirmed its support for the implementation of the OECD Guidance¹⁵ and in May 2016, it adopted conclusions on responsible global value chains and recommitted to ensuring that inclusive economic growth is developed together with social justice and respect for human rights.¹⁶

The due diligence regime under the new conflict minerals legislation should, furthermore, apply to downstream operators. A scheme that is closed to downstream companies would be seriously limited as it would not affect those products placed onto the EU market which are manufactured outside of the EU. This would not only represent a missed opportunity to use the EU’s commercial leverage over global suppliers to further create transparent and responsible supply chains, it would also fall well short of legislation and initiatives developed in the US, China, and the African Great Lakes region.

The Slovak presidency will be leading the Council’s negotiations with the European Parliament from July onwards, and it should lead the Council to ensure human rights protection is effectively reflected in newly-established measures.

What the SK Presidency should and can do	Possible achievement and signs of success
In the legislative process on setting up a Union system for supply chain due diligence for the trade in so-called conflict minerals, the Slovak Presidency should lead the Council to ensure human rights protection is effectively reflected in newly-established measures. The Presidency should facilitate agreement on a robust due diligence system which legally requires companies importing raw materials, metals and products containing 3TG to source responsibly, consistent with the OECD Due Diligence Guidance.	<ul style="list-style-type: none">• Closure of the legislative process with legislation that entails mandatory supply chain due diligence obligations for operators importing raw materials, metals and products, semi-products and components containing 3TG.

¹³ Proposal for a regulation of the European Parliament and of the Council setting up a Union system for supply chain due diligence self-certification of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas, http://trade.ec.europa.eu/doclib/docs/2014/march/tradoc_152227.pdf.

¹⁴ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2015-0204>.

¹⁵ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/143332.pdf

¹⁶ <http://data.consilium.europa.eu/doc/document/ST-8833-2016-INIT/en/pdf>

2. Promote EU member state implementation of the UN Guiding Principles on business and human rights

The implementation of the 2011 UN Guiding Principles on Business and Human Rights (UNGPs) remain key to ensuring states meet their duties to protect people against all human rights abuses, including those caused by corporate abuse and negligence. In its CSR strategy of 2011,¹⁷ the Commission invited Member States to develop National Action Plans (NAPs) for the implementation of the UNGPs, an initiative taken up by the UN Working Group on Business and Human Rights and replicated by countries outside of the EU. Member states have, through the action plan for the EU Strategic Framework on Democracy and Human Rights,¹⁸ set themselves the goal to develop and implement NAPs by 2017.

Despite these pledges, only six EU member states have so far developed National Action Plans, while another ten have committed to or are in the process of developing their plans. The Presidency should encourage concerted effort by all member states to make progress by 2017. The Presidency can promote a structured approach to build on the experience of those states that have NAPs in place, and use this experience to inform the development of coherent and comprehensive NAPs across the EU. This should include a review exercise to improve and strengthen existing or draft plans. Particular focus should be placed on ensuring NAPs fully address all UNGP pillars, in particular access to remedy, and include monitoring mechanisms.

What the SK Presidency should and can do	Possible achievement and signs of success
<p>The Slovak Presidency should actively encourage implementation of the UNGPs by all member states and promote a structured exchange of experience including the development and review of coherent and comprehensive National Action Plans across the EU.</p>	<ul style="list-style-type: none"> • The Presidency promotes the establishment of a structured and regular exchange between member states of experience with the implementation of the UNGPs and in particular with the development of NAPs. • The Presidency convenes a workshop with member states to review progress on development on NAPs. • The Presidency promotes the establishment of a corresponding review mechanism to ensure regular assessment of adopted NAPs. Lessons should be drawn from the European Commission peer review of EU member state activities on corporate social responsibility, held in 2013-2014.¹⁹

¹⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0681:FIN:en:PDF>.

¹⁸ See <http://data.consilium.europa.eu/doc/document/ST-10897-2015-INIT/en/pdf>

¹⁹ <http://ec.europa.eu/social/keyDocuments.jsp?advSearchKey=CSRprreport&mode=advancedSubmit&langId=en&policyArea=&type=0&country=0&year=0>

Stop Torture

1. Adopt stronger and more effective EU controls on trade of 'Tools of Torture'

Since 2006, the EU has had the world's only regional mechanism to prohibit or control the trade of equipment which could be used in torture or capital punishment. This includes for example pharmaceuticals used in lethal injections, thumb screws, and spiked batons. Whilst strongly supporting the Regulation, Amnesty International has been at the forefront of highlighting the serious loopholes and limitations in the instrument and its patchy implementation by EU states. Such failings have permitted EU companies to support and profit from the torture trade. This continues despite the fact that the prohibition of torture under international law is absolute and that the death penalty is absolutely prohibited in the EU. Furthermore both the EU and member states have committed themselves to combating such practices across the world.

Further to Commission proposals to amend the Regulation, the European Parliament and Council of the European Union came to an informal agreement on 24 May 2016. This agreement is expected to strengthen the regulation by introducing new controls on brokering, transit and technical assistance, and to prohibit EU companies from advertising banned equipment at trade fairs. A new 'urgency procedure' is also expected, so that new or non-listed products can quickly be controlled in urgent situations.

If adopted, these amendments will address a number of crucial weakness and loopholes in the Regulation that have been identified by Amnesty International: they should now be adopted by the Parliament and Council without delay during the Slovak Presidency. However, some loopholes remain, and much of the success of the Regulation will depend on more attention being given to its implementation by individual member states, including through regular monitoring and reporting.

What the SK Presidency should and can do	Possible achievement and signs of success
<p>The Slovak Presidency should ensure that the Council adopts final revisions to the 'Tools of Torture' regulation, and agrees next steps to deal with outstanding loopholes and continuing problems in member state implementation.</p>	<ul style="list-style-type: none"> • The Council and European Parliament quickly adopt amendments to Regulation (EC) 1236/2005, notably those that: <ul style="list-style-type: none"> ○ prohibit the commercial promotion and advertising of banned torture equipment at trade fairs and elsewhere; ○ introduce new controls on brokering, transit, and technical assistance; ○ establish a new 'urgency procedure' to control non-listed goods in urgent situations. • The Council and European Commission formally agree a plan with next steps, including: <ul style="list-style-type: none"> ○ a commitment by all member states to regularly report publicly on implementation of the Regulation; ○ a timetable of issues to be dealt with by the new 'coordination group', including how to monitor and control brokering and training activities carried out by EU nationals and companies in third countries; ○ adding new products to the annexes of the Regulation, as identified in recent Amnesty International reports. • Member states in the Council agree to adopt national measures, as foreseen by the Regulation and existing EU law, to: <ul style="list-style-type: none"> ○ introduce further controls on brokering and technical assistance related to banned goods; ○ suspend immediately individual transfers when they believe that a non-listed good will be used to enforce the death penalty or in torture and other ill treatment.

2. Encourage the EU and member states to step up efforts to stop torture worldwide

The prohibition on torture and other cruel, inhuman or degrading treatment or punishment is absolute. It applies in all circumstances and, as part of customary international law, to all states. Despite such obligations, torture is still practiced throughout the world: in 2015, Amnesty International reported on torture and other forms of ill-treatment in at least 76% of the countries on which it works (122 of 160).

The EU and its member states have committed to far-reaching obligations to prevent and respond to torture in countries across the world, in line with their Treaty-based commitments to place human rights at the centre of all external action and through specific instruments such as the EU Guidelines on Torture.²⁰ The guidelines, last updated in 2012, are expected to be revised during the mandate of the Slovak Presidency, and the Presidency should use its leadership role to ensure the EU and its member states make full use of this opportunity to intensify their efforts to stop torture worldwide.

This should include promoting a clear dissemination and capacity building policy to accompany the revised guidelines, to ensure that all relevant EU and member state staff and civil society actors on the ground are informed of how the guidelines can be implemented, and what civil society can expect from the EU and its member states. The Presidency should press for a regular and transparent review and assessment of the implementation of the guidelines, with meaningful stakeholder engagement, including regular, systematic and, wherever possible, public, field reporting. By promoting steps such as the criminalisation of torture in all national law, and the ratification and implementation of the Optional Protocol to the UN Convention against Torture (OPCAT) by all EU member states, the Presidency could also work to ensure EU credibility and coherence in the fights against torture both at home and abroad.

The Presidency should also encourage a transparent revision of the guidelines, done on the basis of an assessment of their implementation on the ground, to ensure any existing gaps are addressed and best practice is built upon, and with the proactive engagement of civil society.

The Presidency could finally encourage the adoption of Council conclusions on the revised torture guidelines, explicitly calling for an intensification of EU and member states' action against torture worldwide, on the model of the 2014 Council Conclusions issued on the 10th anniversary of the EU Guidelines on human rights defenders.

What the SK Presidency should and can do	Possible achievement and signs of success
<p>The Slovak Presidency uses its leadership role to ensure the EU makes full use of the revision of the Guidelines on Torture to intensify EU and member state efforts to stop torture worldwide.</p>	<ul style="list-style-type: none"> • The Presidency promotes a dissemination and capacity building policy to accompany the revised guidelines. • The Presidency promotes concrete anti-torture actions and commitments within the EU that match efforts towards third countries, such as the criminalisation of torture in all national law, and the ratification and implementation of the OPCAT by all member states. • The EU adopts revised guidelines on torture that include a regular and transparent review and assessment of their implementation, with meaningful stakeholder engagement, and regular, systematic, and public field reporting. • The Council adopts Conclusions committing to intensify EU and member states' action against torture worldwide, on the model of the 2014 Council Conclusions calling for the stepping up of EU political and material support on human rights defenders (HRDs) on the 10th anniversary of the EU Guidelines on HRDs.

²⁰ <https://www.consilium.europa.eu/uedocs/cmsUpload/8590.en08.pdf>