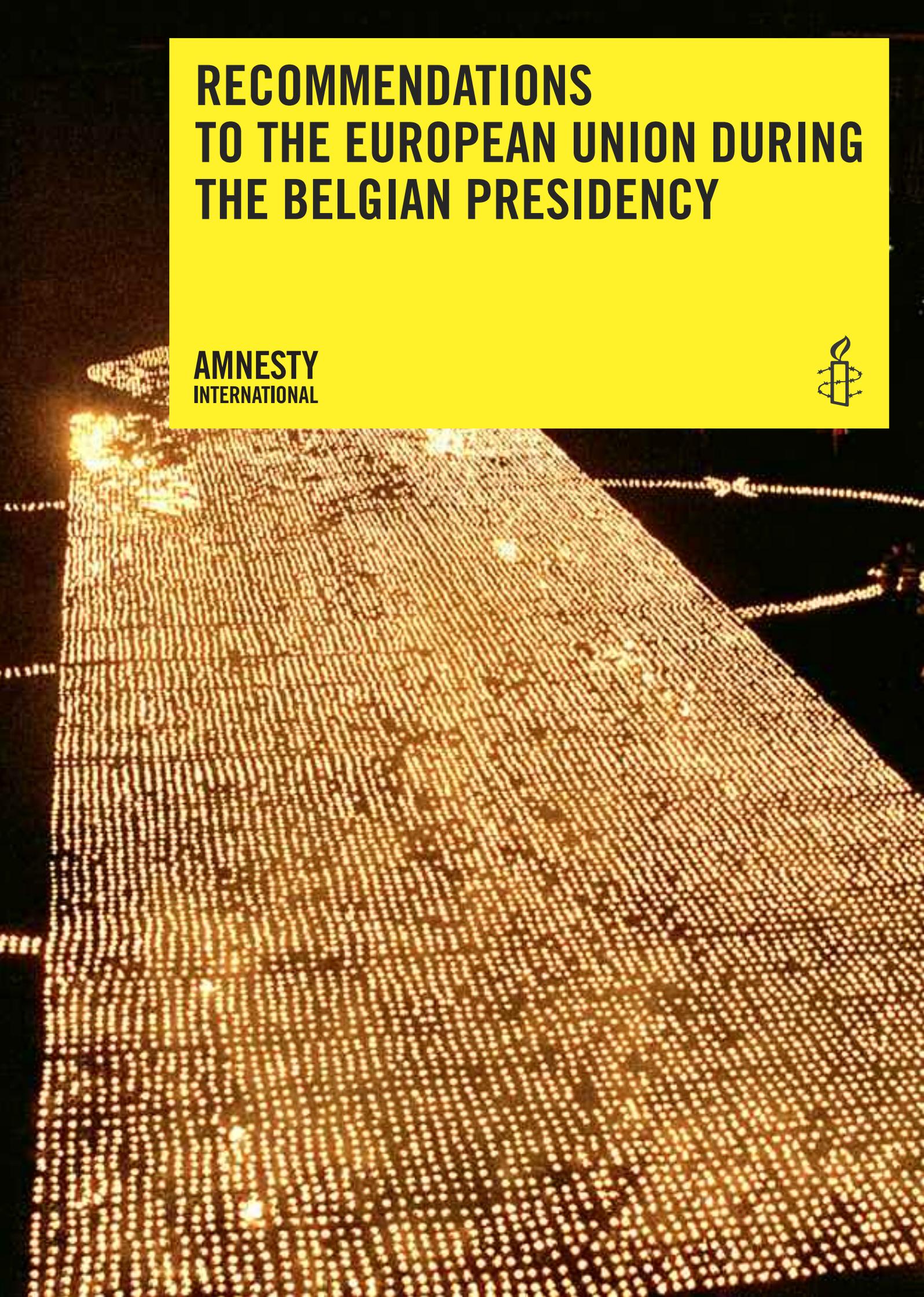


RECOMMENDATIONS TO THE EUROPEAN UNION DURING THE BELGIAN PRESIDENCY

AMNESTY
INTERNATIONAL



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Amnesty International
EU Office
rue de Trèves, 35, Bte 3
1040 Brussels
Belgium
www.amnesty-eu.org

Amnesty International Belgium (Flemish)
Kerkstraat, 156
2060 Antwerpen
Belgium
www.aivl.be

Amnesty International Belgium (Francophone)
rue Berckmans, 9
1060 Brussels
Belgium
www.amnestyinternational.be

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

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Cover picture: The world's largest flaming image using 26.105 candles - Amnesty International Belgium (Flemish) action in support of Chinese human rights defenders, Sint-Truiden, 4 June 2008
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**AMNESTY INTERNATIONAL'S
RECOMMENDATIONS
TO THE EUROPEAN UNION DURING
THE BELGIAN PRESIDENCY**

JULY - DECEMBER 2010

INTRODUCTION

Times of change are unsettling and often come with a price tag of delays. The EU institutions are faced with implementing the Lisbon Treaty changes, and hopes were set high for fast functionality. During the Belgian Presidency, it will be time to urgently ensure systems are rapidly and fully functional, particularly in foreign relations. Since December 2009, institutional debates have noticeably hampered impact and first hopeful signs of increased transparency of the Council have been entirely lost. There is now a necessity to show that while all changes take time, the ground gained by the Treaty will not be lost.

The European External Action Service (EEAS) will see the light of day under the Belgian Presidency, providing an opportunity to make sure that good practices and transparency - missing in the formulation of the EEAS so far - are now made the norm. When the details are carved out, proper consultation with stakeholders outside the EU institutions, notably of civil society, should not be further delayed; this is fundamental to ensuring that opportunities for coherence and impact are not missed. The idea of a Human Rights directorate for the EEAS should neither be abandoned nor become a fig leaf. Its staff must be part of all decision-making structures, and the EU must take advantage of its potentially strong position through also appointing a high-level figurehead on human rights among the top leadership of the EEAS. Equally, renaming of delegations does not ensure their impact; the new structure of all delegations has to ensure competent and high level staff responsible for human rights, including international justice, and full use of their coordination capacity with Member State embassies. Key locations, such as Geneva, will need to move out of the current apparent deadlock and achieve coherence as soon as possible to ensure the EU retains impact in international fora.

The Belgian Presidency has another opportunity to finally address the incoherence of internal and external human rights observance. It must do so to avoid the EU losing credibility. The EU must address its own track record, be it in relation to the crimes committed in the context of CIA renditions or, even more pressingly, attempts by Member States to exempt themselves from their obligations on the absolute ban of torture through diplomatic assurances.

The changes of the Lisbon Treaty in relation to the responsibilities of the High Representative for Foreign Affairs will naturally shift the focus for the rotating EU Presidencies to a more internal role. We look to the Belgian Presidency to set a precedent and take up the challenge of addressing internal issues properly. During the Presidency it will be of particular importance to make progress on a number of specific internal human rights issues. The promises made by the Spanish Presidency in the conclusions to the Roma summit have to be implemented; there cannot be any further excuses to not address the severe discrimination and violations of fundamental rights experienced by Romani communities in Europe. The work on the asylum package is also a key agenda item at the beginning of the six months, and it has to include mechanisms for addressing serious failures in the common asylum system. The EU needs to provide mechanisms for strengthening solidarity among Member States and which no longer allow Member States to deny asylum seekers and refugees the most basic rights.

Likewise, the Belgian Presidency will have to find strong words and create a coalition of Member States willing to uphold one of the greatest successes the EU has had in the field of human rights protection in the EU. A success that has impacted directly on the life of all people on its territory: protection from discrimination. Discrimination is rife in Europe and causes serious long-term negative effects. The EU cannot allow one Member State, no matter how large and economically important, to block progress through "navel-gazing" arguments that lack substance and lose sight of the important regional impact, also beyond

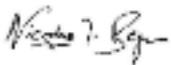
the EU Member States, the new Anti-Discrimination Directive would have. The EU has key legal competency on discrimination legislation and it is time to signal that it will not back down on moving forward to fill the existing legal gap.

With the new Commission now firmly in place, Amnesty International also looks to the Belgian Presidency to support the efforts in addressing fundamental rights more coherently than in the past through the new Commissioner for Justice, Fundamental Rights, and Citizenship. Following the establishment of this post, the EU now needs to show that it intends to tackle the most burning human rights issues in the EU, crucially focusing on those people that are the most voiceless, poor, excluded, and discriminated against, for whom the advocacy voice of this Commissioner presents real hope.

Amnesty International presents in this document a number of concrete recommendations and benchmarks that can be implemented in a six-month period. The instruments and mechanisms are in place: what is required is political will. Amnesty International will assess the Belgian Presidency against these benchmarks which contain the essential elements of a successful commitment to human rights. We invite the Belgian Presidency to monitor its own progress in following the recommendations.

Beyond all generic themes and institutional challenges, human rights work is always about real people. Taking action on individual cases is one of the concrete ways of putting into practice the EU's commitment to protect human rights. Amnesty International presents 10 individual cases of people throughout the world who have suffered, or are currently suffering human rights violations and abuses. We invite the Belgian Presidency to intervene on behalf of these individuals, both within the EU and outside the EU, and set a very strong signal for credibility of the EU's commitment to speak for the human rights of individuals in all regions of the world.

The Presidency of the EU - together with the Presidents of the Council and the Commission, as well as the High Representative of Foreign Affairs - has a particular duty to lead and coordinate the actions that the EU, as a Union of values with shared responsibility, can employ to stop human rights abuse, protect from further threats and properly address past violations. Amnesty International calls on the Belgian Presidency to use all the means within its reach, from political pressure at the highest level to all working level instruments, to make a difference for the individuals presented.



Nicolas J. Beger
Director
Amnesty International
EU Office



Karen Moeskops
Director
Amnesty International
Belgium (Flemish)



Philippe Hensmans
Director
Amnesty International
Belgium (Francophone)

TEN CASES FOR THE BELGIAN PRESIDENCY

Globally, including in the EU, it is the individual who suffers the effects of human rights violations. The ultimate test of any mechanism and policy is its capacity to protect the human rights of individuals. Amnesty International has identified 10 cases, where the Belgian Presidency can make a real difference. They range from human right defenders who are imprisoned for their work in China, people facing the death penalty in Iraq, to those seeking justice for abductions, renditions and war crimes within and outside of Europe.

The common thread of all 10 cases is the EU's political commitment on paper to defend such individuals - through its Guidelines on human rights in external relations, and its treaty based obligation to protect human rights within Member States. What is needed from the Belgian Presidency is the political will to turn these paper-based commitments into reality for these individuals. The cases are by no means exhaustive, but they illustrate various situations where the EU can act, either through coordinated efforts of its embassies and delegations in third countries or through political peer pressure to abide by human rights as EU values.

For case files turn to the end of the document.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY TO LEAD IN ACTIVE EU-ENGAGEMENT ON THE 10 INDIVIDUAL CASES:

- Raise the individual cases at every opportunity, pressing for concrete progress on the situation of each case during the six months of the Presidency.
- Develop a team at embassies and delegations in each of the countries identified, to work closely on these cases.
- Continue to build upon the initiatives under the Spanish EU Presidency on effective local implementation of the EU guidelines on human rights defenders.

INTERNAL POLICY ON HUMAN RIGHTS

CRIMINAL JUSTICE

The entry into force of the Lisbon Treaty provides an opportunity for further EU harmonization and evaluation of criminal justice. The Stockholm Action Plan states that the mandate of the Fundamental Rights Agency Multiannual Framework will also cover policing and criminal justice, however it is still unclear what this will entail. Similarly, while the Stockholm programme sets out a roadmap for minimum procedural safeguards, there is a long way ahead; it is imperative that the fundamental rights of suspects and accused are respected throughout the EU. Following the initial institutional adjustments in relation to the proposal on the right to interpretation and translation, the Commission is currently drafting a new proposal on the right to information in criminal proceedings. Finally, continued and concerted efforts are required to implement the roadmap on procedural safeguards of the Stockholm programme.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY TO:

- Prioritize measures and action to enhance the protection of fair trial rights in criminal proceedings throughout the EU.

BENCHMARKS

- Adopts strong directives on the right to interpretation and translation, and on the right to information respectively.
- Ensures that adequate Council resources are allocated to achieving the objectives set by the “Roadmap for strengthening procedural rights of suspected and accused persons in criminal proceedings.”
- Launches a discussion on the creation of a system of evaluation of EU criminal policy as provided for by the Lisbon Treaty, with respect for human rights at the core.

INTERNAL HUMAN RIGHTS MECHANISM

During the Spanish Presidency the ad hoc working group on fundamental rights was maintained and its mandate extended to include negotiation of the EU's accession to the European Convention on Human Rights (ECHR). This was a welcomed first step towards strengthening the Council's capacity to address internal human rights issues in the EU. In order to ensure maximum protection of human rights in the EU however, it is imperative that this working group becomes permanent. Its mandate should be comprehensive and include at least the responsibility to systematically respond to human rights reports from the Fundamental Rights Agency, the European Parliament and the Commission.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY TO:

- Strengthen the Council's capacity to address human rights issues that fall outside the framework of the existing working groups – as well as the wider debate on the EU's human rights architecture and policy.
- Promote transparent negotiations on EU accession to the ECHR and ensure there is meaningful consultation with civil society.

BENCHMARKS

- Consolidates the new working group on fundamental rights into a permanent one with a comprehensive mandate to address internal human rights issues.
- Engages in a transparent negotiation process on the EU's accession to the ECHR. Experts, including civil society representatives, are invited to make contributions on various aspects of the accession.

VIOLENCE AGAINST WOMEN

Violence against women impacts on several internationally recognized human rights including the right to physical integrity, health, gender equality, and the right not to be tortured. The focus within the EU's external relations on tackling the issue is laudable; however there is a need to ensure coherence of principles and policies both inside and outside of the EU. The ongoing violations in Europe include domestic violence, trafficking of human beings (particularly affecting migrant women and girls), rape, forced marriage, 'honour' killings and female genital mutilation (FGM).

In the Trio Presidency programme it is agreed that priority is to be given to the question of violence against women, and stresses that efforts should be directed to assistance for victims of gender-based and domestic violence. Building upon Belgium's National Action Plan on domestic violence and harmful traditional practices, in addition to the UN Resolution 1325 on Women, Peace and Security, the Presidency should demonstrate leadership and a commitment to tackling violence against women, by following on the work undertaken by the Spanish Presidency. Various key activities and dates present opportunities for real progress to be made. These include the Commissions' Communication on a strategy to combat violence against women, domestic violence and FGM, to be followed up by an EU action plan in 2011-2012, and the current European Parliament's campaign to end violence against women. Additionally, the Commission is to issue a study on harmful traditional practices in June 2010 and a feasibility study on legislation to combat VAW in autumn 2010.



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AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY TO:

- Adopt a coordinated and systematic response to all forms of violence against women and girls, within the EU and in third countries, through follow-up actions to the work undertaken by the Spanish Presidency and building on Belgium's national experience, in line with the EU guidelines on violence against women.
- Organize the planned events, in consultation with civil society and with active participation of rights holders. Produce commitments to concrete actions in the events and ensure sufficient communication with the future Hungarian Presidency to guarantee continuity and follow-up.
- Ensure that adequate proceedings on identification, protection and access to compensation for trafficked persons are established at EU and national levels, in line with the Council of Europe Convention on Action against Trafficking.

BENCHMARKS:

- Ensures that relevant institutions implement the EPSCO Council *Conclusions on the Eradication of Violence against Women in the European Union* and the adoption of a strategy on violence against women.
- Ensures that Presidency planned events on violence against women take place, including a seminar in the European Parliament regarding the results for the study on harmful traditional practices (to be issued in June 2010 by the Commission), a seminar on the feasibility study on legislation (November 2010) and the three events planned for the 10th anniversary for Resolution 1325 (in Brussels, Geneva and New York).
- Encourages other Member States to adopt a National Action Plan on Resolution 1325, and ensures that Member States fully cooperate with the EU Taskforce on Women, Peace and Security.
- Adopts the proposed framework decision on combating trafficking of women.

400 people marched for human rights, freedom of speech and right to assemble during the Baltic Pride Vilnius, Lithuania 2010.



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DISCRIMINATION

ANTI-DISCRIMINATION DIRECTIVE

The Trio Presidency affirmed in its operational programme its deep commitment to the principle laid down in Article 13 of the Treaty establishing the European Community (TEC), now reflected in Article 19 of the new Treaty on the Functioning of the European Union (TFEU). The Spanish Presidency proved this commitment by prioritizing the adoption of the new proposed Directive on Equal Treatment, which merely intends to fill the gaps in EU anti-discrimination legislation for the grounds of religion or belief, age, disability and sexual orientation.

However, the Council has still failed to agree on the new Anti-Discrimination Directive. In two years of negotiations, an agreement seems far from being achieved because of Germany's fierce opposition and the lack of a coalition of Member States making the case on the Directive. Moreover, the negotiations so far suggest worrying setbacks compared to the original European Commission's 2008 proposal for a new comprehensive Directive. This sends an extremely negative signal that, despite its clear competence to fight against all forms of discrimination, the EU is not taking the problem seriously, and in fact is allowing discrimination to continue in the EU with impunity.

While financial implications may not be ignored, they can by no means justify any derogation from Member States' human rights obligations deriving from international and European standards. The Belgian Presidency can leave an important legacy by prioritizing the adoption of a strong new Anti-Discrimination Directive in the coming months.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY TO:

- Reach a political agreement on the Anti-Discrimination Directive proposed by the Commission in July 2008, upgrading EU protection standards against discrimination on the ground of religion or belief, age, disability and sexual orientation beyond employment.

BENCHMARKS:

- Continues to prioritize the Directive in its Presidency agenda, and the Working Party negotiating the Directive is allocated sufficient time and resources to carry out its work.
- Engages within the Council of the EU to reverse Germany's opposition to the Directive by creating a coalition of Member States pro-actively supporting its adoption.
- Engages in a transparent manner with experts, including civil society, to build strong public support on the Directive.

DISCRIMINATION AGAINST ROMA

The urgent need for more concrete action on discrimination at the EU level is also illustrated by the widespread and persistent discrimination, violence and exclusion suffered by Roma communities in Europe. The second EU Roma Summit which took place under the Spanish Presidency in April 2010 resulted in a commitment by the Trio Presidency to provide political urgency to Roma issues, namely by mainstreaming Roma issues across all relevant policies, identifying a clear working agenda for the EU Platform for Roma Inclusion and ensuring equal access to EU funding for Roma. The conclusions of the EU Roma Summit are reflected in the EU Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) Conclusions adopted on 7 June 2010, which among others prioritize the accessibility of EU funds for Roma, the improvement of their living conditions and desegregation, and the definition of central points of work for the European Platform for Roma Inclusion focusing especially on education, housing, healthcare and equal access to employment.

The Trio Presidency's commitment and the EPSCO Conclusions now have to be translated into action, as Roma continue to suffer discrimination and exclusion, particularly in housing and education. Roma communities are victims of forced evictions in Member States such as Italy, Romania, Bulgaria and Greece. Some evicted from their homes have already experienced at least one previous forced eviction with the destruction of shelters, clothes, mattresses and even medicines and documents. All the evictions documented by Amnesty International have been carried out without the procedural safeguards required under regional and international human rights standards. Roma also suffer discrimination in education, experiencing segregation and lower quality education, as documented in the Czech Republic and Slovakia.

The EU should build on its political commitment and take action against forced evictions, segregation in education, racist attacks and hate speech. Recalling the fundamental rights dimension and the need to ensure personal safety and protection against discrimination for Roma are important commitments made by the Trio Presidency. However, EU action can only achieve real impact if framed in a comprehensive and coherent strategy on Roma inclusion.



Internally displaced Roma from Kosovo, who have moved to Belgrade just after the end of the conflict in Kosovo in 1999

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY TO:

- Build on the progress of the EU Roma Summit and the June EPSCO Conclusions on Roma Inclusion (7 June 2010), by ensuring equal access to EU funding for Roma, prioritizing the improvement of living conditions and ending segregation in both housing and education.
- Call for an end to forced evictions in the EU and ensure that due process takes place in Member States in relation to evictions.

BENCHMARKS:

- Maintains the momentum from commitments made by the Spanish Presidency by ensuring that the mid-term working agenda of the EU Roma Platform prioritizes the equal access to EU funding for Roma, the improvement of their living conditions and ending segregation in education, whilst including a roadmap towards an EU Framework Strategy on Roma Inclusion.
- Ensures as a follow-up to the EPSCO Conclusions, a call for the improvement of Roma's living conditions, highlighting the incompatibility between this aim and forced evictions, and a call for an end to forced evictions as a first step to improve Roma's living conditions.

ASYLUM AND MIGRATION

COMMON EUROPEAN ASYLUM SYSTEM

Despite the renewed commitment in the Stockholm programme adopted in December 2009 to completing the establishment of a Common European Asylum System (CEAS) by 2012, there has been a complete deadlock in the negotiations on the recast asylum proposals, which seek to address the gaps and weaknesses in the existing instruments and achieve a higher degree of harmonization in line with international protection standards. Accordingly, the Belgian Presidency should resume efforts to negotiate the current proposals, including through initiatives which can bring new political impetus to the establishment of a CEAS that guarantees access, adequate reception, and effective legal protection to those forced to leave their home countries. A particular focus of attention should be on countering the systematic use of detention in the asylum and immigration field by ensuring stringent safeguards on detention and effective remedies. The Presidency should make every effort to promote a discussion on alternatives to detention in Europe.

The Presidency also needs to address the serious difficulties and human rights concerns in the application of the Dublin system as recently documented by Amnesty International (*The Dublin Trap – Transfers of Asylum Seekers to Greece*), by supporting the temporary suspension of transfers as suggested by the Commission. This would be an important step in strengthening solidarity between the Member States. Solidarity should however also be an expression of EU Member States' contribution to responsibility-sharing at an international level. Within the new EU Resettlement Programme, the Presidency must ensure greater engagement of Member States in resettling refugees from third countries - in regions of transit and origin.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY TO:

- Progress on the pending asylum instruments and ensure that further harmonization of asylum laws and practices are in line with international protection standards
- Resolve the gaps and weaknesses inherent in the Dublin system.
- Ensure greater engagement in resettlement.

BENCHMARKS:

- Resolves key issues in the asylum instruments, particularly regulation of detention as a measure of last resort, inclusive definition of family members and the right to a full suspensive appeal, and facilitates greater responsibility sharing by allowing for the suspension of transfers under the Dublin system - including through initiatives such as facilitation of ministerial meetings with meaningful input from civil society organizations.

- Promotes substantive discussions on alternatives to detention within the EU, leading to the exchange of good practices and innovative projects.
- Ensures the Dublin system provides protection for everyone who needs it by including a temporary suspension mechanism of transfers in the Dublin regulation.
- Ensures the EU Resettlement Programme leads to an increase in Member States resettling people, and the number of people resettled from third countries to the EU.

EUROPEAN ASYLUM SUPPORT OFFICE

Amnesty International expects the Presidency to make progress towards setting up the European Asylum Support Office (EASO), which is to play a central role in building solidarity, enhancing capacity in the national asylum systems, and ensuring a level playing field in relation to the protection provided by all EU Member States. The Presidency should ensure that all relevant stakeholders, including civil society organizations, UNHCR as well as NGOs and other independent experts are involved in the development of this Agency and are enabled to contribute to its work with the aim of ensuring quality and efficiency in both asylum decision-making and practical cooperation.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY TO:

- Ensure the effective establishment of the EASO and transparency in the development of its work plans.

BENCHMARK:

- Allocates sufficient resources to EASO to carry out its main task of ensuring a level playing field in relation to the protection provided by all EU Member States, and involves civil society organizations' in matters defining the EASO's work. Furthermore ensures all relevant information on the Agency is accessible.



Asylum seekers waiting to submit their asylum applications at the entrance of the Political Asylum Department of the Aliens Directorate, Athens, Greece.

MIGRATION POLICY

Under the Belgian Presidency, the Council and the European Parliament are expected to come to an agreement on the new Commission proposal reviewing the mandate of Frontex (External Borders Agency). This is a key opportunity for a substantive discussion on the human rights impact of both Frontex operations and wider EU policies in the field of irregular migration, and Member States' responsibilities in this field. The Presidency should ensure that Frontex's enhanced role in border operations goes hand in hand with stronger democratic accountability of the Agency. There must be greater clarity around the conduct of border operations and enhanced transparency in negotiations with third countries on all matters relating to migration and border controls. During negotiations, the human rights of migrants must be a central component; including respect for the principle of non-refoulement. This concerns both technical arrangements between Frontex and third countries and the EU's efforts to conclude readmission agreements with a number of countries of origin and transit. The evaluation of these agreements, and more generally the EU's strategy on readmission, must address all aspects of the situation of migrants, including those who cannot be returned, and the impact on the human rights situation in the countries concerned.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY TO:

- Achieve adequate transparency, accountability and legal clarity for joint border operations in the current review of Frontex's mandate.
- Promote a human rights-based approach for cooperation on readmission with third countries of origin and transit.
- Promote access to basic rights for refugees, asylum-seekers and migrants, including irregular migrants, who cannot be returned to their country of origin.

BENCHMARKS

- Accompanies Frontex's enhanced role in border operations by stronger accountability before the European Parliament, greater transparency, including through independent monitoring, and clarity as to the respective roles and responsibilities of the various actors involved. Promotes effective enforcement of EU law and human rights standards in the new legal framework.
- Includes stringent human rights guarantees in negotiations on readmission agreements and ensures cooperation is contingent upon respect of relevant human rights standards. Moreover addresses the human rights situation of migrants within the evaluation and the EU strategy on readmission agreements. In addition begin discussions on possible policy responses for migrants who cannot be returned and who are vulnerable to exploitation, discrimination and abuse.

THE FIGHT AGAINST TERRORISM AND THE ABSOLUTE BAN ON TORTURE

Ten years after the first CIA rendition flights through European airspace, the EU continues to turn a blind eye to its Member States' complicity in grave human rights violations during the war against terror. As time passes, more and more allegations emerge. The UN Joint Study on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism released in January 2010 noted that several EU Member States were complicit in rendition, and stressed their obligation to conduct effective investigations. In spite of this the Council has failed to place the issue on its agenda. Concrete steps need to be taken to establish the truth, hold those responsible accountable and provide reparation for victims.

Recent research by Amnesty International shows that many Member States continue to rely on diplomatic assurances while sending individuals suspected of terrorism to states where there is a risk that they would be subject to torture (*Dangerous Deals: Europe's Reliance on "Diplomatic Assurances" against Torture*). Diplomatic assurances undermine the absolute ban on torture and violate the principle of non-refoulement, and therefore Amnesty International has urged all governments to reject their use.

Respect for human rights and adherence to international law must be at the core of future EU policies on security and counter-terrorism in order to prevent future violations. This has to be taken into account when taking stock of counter-terrorism measures and adopting the new Internal Security Strategy in accordance with the Stockholm Action Plan.



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AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY TO:

- Urge Member States to comply with the European Parliament resolutions of 2007 and 2009, which call on Member States to conduct full, impartial and effective investigations into allegations of complicity in renditions to torture and the existence of secret detention sites on European territory.
- Promote an EU position against the use of diplomatic assurances guaranteeing the right not to be subjected to torture and other ill-treatment.

BENCHMARKS

- Places complicity in the CIA extraordinary rendition programme on the agenda of the Council. Adopts a comprehensive approach including follow-up on national inquiries, prosecution of those responsible for violations, reparation to victims and prevention of abuse in the future. In addition, convenes a high-level meeting to evaluate the progress in the EU on accountability issues with regard to CIA renditions and secret prisons.
- Reports publicly on all actions undertaken to ensure that accountability processes are in place in Member States and at EU level.
- Urges EU Member States to ratify the Optional Protocol to the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance. To lead by example, Belgium ratifies the Conventions by the end of the Presidency.
- Demands all Member States to adhere to the principle of *non-refoulement*.

THE EU AS A GLOBAL ACTOR

With the entry into force of the Lisbon Treaty, the EU has an invaluable opportunity to increase its impact and presence on the world stage, and to demonstrate a clear commitment to the promotion and protection of human rights. By placing human rights at the centre of its external policies, and by taking concrete steps to give effect to such policies, the EU can act as a powerful force for positive change on human rights. The establishment of the High Representative's office and the European External Action Service (EEAS) provides a much-needed impetus to ensure greater coherence and consistency of EU foreign policy in its approach to human rights questions, wherever they may occur. It also provides an opportunity to increase levels of consultation and the availability of agendas and documents. Unfortunately, there has been a marked step backwards in transparency already achieved under the Swedish Presidency.

Human rights must figure prominently on the special European Council dedicated to EU foreign policy, to be convened on 16 September 2010 by the President of the European Council, Herman Van Rompuy. With the participation of Heads of State and Government, foreign ministers and the High Representative, this Council provides an important high-level forum to ensure that human rights are mainstreamed into all instruments and mechanisms of the EU's foreign policy. This includes preparations for the 65th UN General Assembly as well as the review and implementation of the Millennium Development Goals, and the review of the Human Rights Council. The Council will also discuss how the EU can improve cooperation on global issues with its main strategic partners, including China, Russia and India.

Placing human rights at the centre of all EU policies entails ensuring that human rights are not sidelined when juxtaposed with economic, environmental and other considerations. This is crucial in the EU's relations with emerging global powers, including Brazil, Russia, India, China and South Africa, as well as the EU's presence in multinational fora, particularly in the UN.

Through its extensive presence at field level, the EU can play a pivotal role in protecting the security and freedom of expression of human rights defenders (HRDs). The electoral period is a time during which defenders face heightened risks, and in many situations, acts of intimidation start long before the beginning of election campaigns. Particular attention should be paid to the situation in third countries with elections scheduled, such as Myanmar, Afghanistan, Egypt and in the Great Lakes region.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY AND THE HIGH REPRESENTATIVE TO:

- Ensure that human rights are placed at the centre of EU foreign policy, and adequately reflected in the new institutional set-up under the Lisbon Treaty, particularly in the activities of the High Representative and the EEAS.
- Reinstate the working practices developed under the Swedish Presidency by making all Council agendas and supporting documents, including those relating to working groups, publicly available in a timely manner to ensure transparency.
- Pursue the mainstreaming of human rights in the EU's bilateral and multilateral relations and its Member States, including through the EEAS.
- Enhance the EU's human rights profile and intensify its active engagement on human rights violations wherever they occur.
- Ensure protection of HRDs by effectively implementing the EU Human Rights Guidelines, including in connection with elections. Identify creative ways to protect HRDs, bearing in mind the protection risks of the individuals in question, but also the increased need for ensuring their safety and security in such settings.

BENCHMARKS

- Human rights issues feature on European Council agendas, Council conclusions, statements and other documents issued by the EU.
- Create a Human Rights Directorate with competent specialized staff who are involved at all levels of decision-making. Ensure the establishment of one high-level post as a human rights portfolio in the post-Lisbon institutional setup.
- Place greater attention on increasing capacity of EU delegations to properly integrate human rights.
- Take up cases of HRDs effectively and in various parts of the world, including in highly challenging environments.

HUMAN RIGHTS 'TOOLBOX'

During this time of transition and great change in the EU's foreign policy with the development of the new EEAS there is an opportunity to take a fresh look at the EU's human rights strategy and its 'toolbox.' The impact of this important set of human rights instruments and mechanisms has suffered through lack of knowledge and comprehension by decision-makers in the EU institutions and Member States. A review, as indicated by the Belgian Presidency and the High Representative should be in view of increasing the coherence and consistency between the EU's actions and to ensure that the EEAS is built on solid foundations. The toolbox needs to be given greater prominence, with increased resources and inclusion into political decision-making, to avoid human rights commitments being further sidelined in the new EU foreign policy environment.

At the centre of the human rights toolbox are the EU Guidelines. Designed to be operational tools and used in contact with third countries, they can lead to a number of actions at different levels – including civil society and political dialogue, demarches, statements and action in multilateral fora. The Guidelines however remain poorly and sporadically implemented – there has been no systematic integration into the training of new staff or awareness raising, inadequate information sharing and systematic discussion of priorities within and between EU missions, all resulting in relevant country staff of EU institutions and Member States failing to maximize the Guidelines as a tool. This is an area in which the new EEAS should assure clear responsibility and reporting on action taken.

There also needs to be a wider review of the place of human rights dialogues in the EU's human rights strategy, particularly given the number of dialogues that now exist, without any extra resources being devoted to them, and without their effective integration into other policies (or higher level political dialogues). There is a worrying trend to view the establishment of a human rights dialogue as an end in itself, rather than a means to help achieve an objective. There also needs to be increased recognition that the term human rights dialogue not only refers to the technical dialogues that have been established between human rights experts, but also to all other political dialogues, including all summits and foreign ministerial meetings, at which human rights is still usually excluded from the agenda.

Finally, the basis for much of the EU's engagement on human rights with third countries is the human rights clause which, although representing an important symbol, is to a large extent ignored and only invoked in rare exceptional circumstances, in which it is used to suspend or part-suspend an agreement. The human rights clause in the Cotonou agreement has a highly developed implementation mechanism and conflict prevention procedure and should be considered as a model for other future agreements.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY AND THE HIGH REPRESENTATIVE TO:

- Conduct a serious review of the implementation of the human rights 'toolbox', acknowledging the need to ensure consistency and coherence of human rights in all foreign policies and to guarantee better implementation of the human rights 'toolbox'.

BENCHMARKS

- Ensure that in establishing the EEAS, the importance of the human rights toolbox is underlined by greater resources, staff and expertise given to their implementation and their inclusion in reporting and political decision-making structures.
- Devote sufficient time and attention to a developed review on better implementation of the human rights toolbox, particularly the Guidelines, which leads to clear recommendations for improvements to working practices, in particular by EU delegations and member state embassies in the field.
- Progress on implementation of the Guidelines and mainstreaming, visibly in the detailed plans of the EEAS - including with regard to training of non-human rights experts, the responsibility given to EU delegations to assure that all Member State embassies are assuming their commitments, and ensures there is sufficient staff in delegations to coordinate or carry out demarches, monitor and report on the situation.
- Undertake an honest review of the role that different human rights dialogues can play, and the strategy and resources devoted to these dialogues are amended accordingly - focusing on impact and inclusion of conclusions and/or recommendations into other areas of EU policy making.
- Review the role of the human rights clause and how to better implement it, including by examining best practice with regards to African, Caribbean and Pacific (ACP) countries.

Amnesty International's Belgian section demonstrating against renditions flights in Europe.



BILATERAL RELATIONS

UNITED STATES

Following the postponement of the EU-US summit scheduled for May 2010, the Belgian Presidency and the High Representative will need to ensure that frank discussions are held on sensitive matters relating to counter-terrorism efforts, while at all times guaranteeing the full respect for human rights in any response to security threats. President Obama's one-year deadline for closure of the detention facility at the US Naval Base in Guantánamo Bay passed in January 2010, and yet there are still over 100 men being held in detention without trial or any prospects of release.

The EU needs to maintain international pressure to effectuate closure of the detention centre while respecting the human rights of those detained, including the prevention of an indefinite detention regime following the closure. A clear stand is also needed on the USA's use of military commissions for the trial of Guantánamo detainees, which even under revised legislation passed in 2009 fall short of international fair trial standards.

Within the EU-US summit, the Presidency and the High Representative must ensure that the human rights commitment within previous joint statements is not lost in the discussions around practical actions. In order to continue building a constructive, mutually supportive relationship with the USA, the EU needs to deal fully with the role of its own Member States in US-led counter-terrorism operations that involved human rights violations, as outlined in the chapter on the Fight against Terrorism. The EU needs to respond swiftly to all evidence of such involvement and encourage the USA to do the same. The review of the USA under the Universal Periodic Review in December 2010 presents an opportunity for Member States of the EU to raise the above-mentioned concerns.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY AND THE HIGH REPRESENTATIVE TO:

- Use the dialogue with the USA, including the EU-US Summit, to address human rights violations committed in the context of counter-terrorism operations, and to call for accountability, including in relation to secret detention.
- Call on the USA to end the practice of indefinite detention without criminal trial, and oppose its stated intention to establish an indefinite

detention regime outside of the criminal justice system for detainees whom the USA intends neither to prosecute nor to release.

- Call on the USA to charge each Guantánamo Bay detainee with a recognizable criminal offence and conduct trials under fair procedures in independent and impartial courts – not military commissions – or immediately release them while ensuring that no one is forcibly returned to a country where he would face human rights violations.
- Call on the USA to allow into the US mainland released detainees for whom no third country solution is immediately available, and urge EU Member States to assist the USA in closing the Guantánamo detention facility by accepting released detainees into their countries.

BENCHMARKS

- Offer NGOs an opportunity to meet with the EU delegation attending the EU-US summit to brief them on human rights concerns to be raised.
- Ensure the official statement from the EU-US summit explicitly recognizes the need for justice for those whose rights have been violated in counter-terrorism operations and the commitment of both sides to make this call for justice a reality.

GREAT LAKES REGION

In the run-up to elections in countries of the Great Lakes region, Amnesty International has documented violations of freedom of expression and association, as opposition groups, human rights defenders (HRDs), and journalists face harassment and intimidation. There are fears of increased political tension and instability, including localized outbursts of violence and occurrences of arbitrary arrests and detention.

In Burundi, opposition parties have been banned from holding meetings and there have been reports of incidents of pre-election violence between members of the ruling party and opposition parties. In Rwanda, the authorities have used broadly defined genocide ideology laws to silence dissent, including those criticizing the ruling party and demanding justice for war crimes. Similarly, as seen in the past, Amnesty International fears that political opponents in Uganda may suffer human rights violations. Furthermore, security forces are resorting to arbitrary arrests, unlawful detention, as well as torture and other forms of ill-treatment, in seeking to prevent the holding of assemblies and rallies. Also in Uganda, a proposed Bill introducing government discretion in surveillance is feared to pose serious risks to the right to privacy and freedom of expression. Freedom of expression has also been curtailed by the introduction of the Anti-Homosexuality Bill 2009, further criminalizing homosexuality.

The Belgian Presidency should utilize its historic relationship with countries of the Great Lakes Region to demonstrate concrete implementation of the EU's human rights instruments and mechanisms. The deployment of EU election observation missions to these and other countries is essential in ensuring a conducive environment for free and fair elections, and furthermore must monitor any human rights violations that may occur before, during or after the actual election date.



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United Nations MONUC armoured personnel carrier on a street in Goma, Democratic Republic of Congo

Protection of civilians remains a crucial challenge in the region, in particular in the Democratic Republic of the Congo (DRC), with ongoing attacks both by military and armed groups against the local population, including rape, unlawful killings, abduction, forced labour, arbitrary arrests and looting of civilian and humanitarian property. These abuses and violations remain for the most part unpunished. It is crucial that during the Belgian Presidency, the High Representative, the EU, its Member States, the African Union and the UN Security Council, ensure that there is no withdrawal of UN peacekeeping troops that would compromise the protection of civilians.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY AND THE HIGH REPRESENTATIVE TO:

- Develop in line with the EU HRD Guidelines, a strategy and action plan for the promotion and protection of HRDs in the region, particularly women HRDs. Consult with HRDs and ensure the strategy raises HRDs profile, including by providing visible recognition through the use of appropriate publicity, visits or invitations, and by attending and observing trials of HRDs. Furthermore ensure contingency plans are put in place for HRD cases facing persecution.
- Condemn any threats and attacks against HRDs, undertake demarches and issue public statements where HRDs are at immediate or serious risk, including when their rights to freedom of expression and association have been violated.
- Ensure the EU takes a clear stand on supporting the continuation of the UN peacekeeping mission (MONUC) at full strength - in particular through its members who are on the UN Security Council – until there is clear evidence that the regular army is able to protect the civilian population. In addition, the EU should seek to provide specific support to the training of law enforcement agencies in the run-up to elections, in order to prevent any excessive use of force.
- Urge the Government of Rwanda to revise the genocide ideology law to conform to hate speech laws that amount to incitement of violence, discrimination or hostility against a protected group and to avoid criminalizing speech protected by international conventions.

BENCHMARKS

- Take an active stance on the protection of HRDs and journalists, particularly in connection with the up-coming elections in the region and in relation to freedom of expression in Uganda.
- Publicly condemn any incidents of localized violence between supporters of different political parties and strongly urge the relevant authorities to investigate such incidents and prosecute the perpetrators promptly in compliance with international fair trial standards.
- Observe relevant judicial proceedings in Rwanda to ensure fair trials in cases where there is a risk of punishment for the legitimate exercise of freedom of expression.

THE EU AND ITS NEIGHBOURS

Throughout the six months of the Belgian Presidency, there will once again be major developments in the relations between the EU and its neighbours – particularly with regards to Croatia, Morocco, Belarus and the Middle East.

Enlargement negotiations with Croatia are expected to draw near to conclusion, culminating in discussion on the critical chapter 23 – ‘justice and fundamental rights.’ Existing barriers to effective prosecution, apparent lack of political will in Croatia, and the low capacity of the justice system is leading to continued impunity for war crimes. How the EU tackles this issue will set an important precedent for how this issue is dealt with in other potential candidate countries from former Yugoslavia.

Following on from its first summit during the Spanish Presidency, Morocco will be the first Southern neighbour to agree a next-generation action plan with the EU, in line with its ‘enhanced’ status. With other neighbouring countries also requesting enhanced status and waiting to negotiate a new action plan (including Jordan and Tunisia), and other new agreements in the pipeline (with Syria and Libya) the EU must ensure that its relations with Morocco set a positive example and precedent for the whole neighbourhood. The EU must demonstrate that increased engagement and commitment on human rights issues is fundamental to enhanced relations. In the Eastern Neighbourhood, the EU needs to reaffirm the importance of establishing an immediate moratorium on executions in Belarus as a key foreign policy goal, following the executions in January.

Within the Middle East Peace Process (MEPP) and bilaterally, the EU has sent strong signals to the illegality of Israeli settlements in the West Bank, an end to the evictions of Palestinians in the East Jerusalem and the opening of crossings between Israel and Gaza. The Belgian Presidency can play an important role in coordinating the EU’s position which is still too often characterized by politicization, division and inaction, with a continued lack of recognition of the importance of dealing with all human rights violations as an integral part of a fair and durable solution to the conflict. This has been particularly evident in the approach taken by the EU towards the Goldstone report on violations committed during the hostilities in Gaza and Southern Israel in 2008-2009. As regards the right to water, despite the priority given by the Spanish Presidency, the issue still remains absent from specific EU discussions on the Middle East. The Belgian Presidency offers many opportunities for the EU to rectify this and take decisive action, bilaterally and in the General Assembly and Human Rights Council sessions.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY AND THE HIGH REPRESENTATIVE TO:

- Put greater emphasis on human rights reforms when in dialogues with neighbouring countries, in particular in drawing up new agreements and strategies, and to extend consultation with European and local civil society to include meaningful discussion on political developments.

BENCHMARKS:

- Achieve a commitment from the EU to consult with both local and European-based civil society when the EU engages in new agreements, draws up new Action Plans and strategies, and has political dialogues (not limited to human rights dialogues) with neighbouring countries.
- Ensure outcome documents from dialogues and other statements clearly identify the human rights progress expected in neighbouring countries along with a timeframe.
- Focus attention on continued impunity for war crimes and the need for judicial reform within discussions on chapter 23 of the enlargement negotiations with Croatia, and provides clear benchmarks for progress in this area and establish a post-accession monitoring mechanism if necessary.
- Include a strengthened human rights chapter with concrete human rights provisions and measurable benchmarks in the revision to the EU-Morocco Action Plan, including where appropriate a realistic timescale for their accomplishment, to be used as a model for other countries.
- Make clear statements on the need to establish an immediate moratorium on executions in Belarus, and recommendations from the second meeting of the Eastern Partnership Civil Society Forum are taken on board by the EU institutions and Member States as priority actions for regional cooperation.
- Outline and begin work at the EU on the practical measures that will enable implementation of the December 2009 conclusions on the Middle East Peace Process, as well as the past European Parliament, Human Rights Council and General Assembly resolutions on the Goldstone report. Furthermore, issue clear statements regarding the right to water and obligations of the parties to this effect.

EU-UNITED NATIONS RELATIONS

Over the years, the EU has demonstrated a firm commitment to supporting and engaging in the UN, including its human rights mechanisms. However, continued confusion over how the EU is represented in Geneva and New York risks undermining the EU's ability to act effectively and work constructively with partners. The development of the EEAS brings with it the prospect of increased coherence and coordination; however a prolonged transition period similarly risks entrenching uncertainty and endangers the EU's credibility within the UN, and with partner countries worldwide.

Following extensive internal discussions on priorities in regard to the review of the Human Rights Council (HRC) in 2011 during the Spanish Presidency, the Belgian Presidency and the High Representative now need to ensure that sufficient resources and political attention is given to outreach towards other UN Member States. The EU should insist on the principle that any changes in the work and functioning of the HRC must lead to improved promotion and protection of human rights. This should be achieved through better implementation of the existing 'institution building package' rather than rewriting it, which would open the door to further attacks on the role of the Office of the High Commissioner, the UN Special Procedures and civil society. The EU should focus particular attention on practical ways in which to use the review to strengthen the Special Procedures system.

Leadership is required on a number of important resolutions, most notably the resolution on the death penalty and further work towards the negotiation of an international Arms Trade Treaty (ATT). Both are key priorities that need coordinated action, not just by the EU delegation and Member State missions in New York, but also by the institutions in Brussels, and EU delegations and Member State embassies worldwide. The two initiatives will only succeed through consolidating existing cross-regional partnerships and ensuring regional ownership.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY AND THE HIGH REPRESENTATIVE TO:

- Assure its representation, engagement, leadership where necessary, and increase outreach on human rights issues in all UN structures during the 'transition' period.

BENCHMARKS

- Ensure the EU does not fall silent in discussions within the UN (and other international fora) but rather is demonstrably active and constructive in debates and negotiations, through both the EU institutions and EU Member States.
- Include the subject of the better functioning of the HRC in discussions with partner countries worldwide, in Geneva and through other bilateral discussions. Gain increased support for the next General Assembly resolution on the moratorium on the death penalty.
- Press during ATT Preparatory Committee sessions in July 2010 for a robust human rights rule in an ATT which will prohibit international arms transfers where there exists substantial risk that they are likely to be used to commit or facilitate serious human rights violations. Also press for a comprehensive scope covering all types of conventional arms and related materials, and regulates all types of international transfer, and the transactions essential for a transfer in each case (including brokering activity).

INTERNATIONAL JUSTICE

Amnesty International welcomes the important role played by the EU in strengthening international justice and encourages it to continue doing so. The Council Common Position on the International Criminal Court and its Action Plan provide a framework to support the universality and effective functioning of the ICC. Today, nearly seven years after the establishment of the ICC, the EU's support to the ICC remains vital. Amnesty International encourages a continuation of demarches to demand ratification and implementation of the Rome Statute of the International Criminal Court and Agreement on Privileges and Immunities of the Court (APIC). In addition, it is imperative that the EU protects the integrity of the Rome Statute by rejecting any Article 16 deferrals and by demanding states to abstain or abrogate from bilateral immunity agreements. As the ICC is now a functioning court, the EU should demand and support state cooperation with the ICC, including the arrest and surrender of persons indicted by the ICC.

Continued support for an effective implementation of international justice on national level is needed. Universal jurisdiction plays a critically important role in denying safe havens from perpetrators of international crimes. It is pertinent that EU Member States continue defending the exercise of universal jurisdiction at all forums. Furthermore, it is important that the European Network of Contact Points in Respect of Persons responsible for Genocide, Crimes against Humanity and War Crimes implements Amnesty International's recommendations from 2007 in order to improve its effectiveness.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY AND THE HIGH REPRESENTATIVE TO:

- Support the universality of the ICC by demanding all states to ratify and implement the Rome Statute and the APIC as well as to enact legislation on cooperation and complementarity.
- Support the effective functioning of the ICC and the integrity of the Rome Statute by demanding cooperation with the ICC and rejecting attacks toward the ICC.
- Defend the exercise of universal jurisdiction.

BENCHMARKS

- Demand the two EU Member States (Czech Republic and Malta) that have not yet done so, to ratify the APIC as soon as possible.
- Include the ICC as a topic on the agenda of the EU-US summit as well as in bilateral demarches. Welcome positive statements by the USA on the ICC and discusses ratification of the Rome Statute and cooperation with the ICC.
- Urge the three EU Member States (France, Malta and the UK) that have made declarations upon ratification of the Rome Statute which amount to prohibited reservations to withdraw them.
- Encourage the UN to cooperate fully with the ICC in locating and arresting persons named in ICC arrest warrants and press all states to ensure that persons named in such warrants are surrendered to the ICC without delay.
- Ensure the EU defends the exercise of universal jurisdiction for crimes under international law at the annual discussion of in the Sixth Committee of the UN General Assembly in October 2010.
- Urge the European Network of Contact Points in Respect of Persons responsible for Genocide, Crimes against Humanity and War Crimes to implement Amnesty International recommendations to improve its effectiveness.

CORPORATE ACCOUNTABILITY

The EU is uniquely placed to advance corporate accountability – within the context of its role as a global actor and an economic bloc it can provide a level playing field and guide business to respect human rights, following the UN ‘protect, respect and remedy’ framework for business and human rights. Recognizing that governments have the primary responsibility for the protection of human rights, companies have, at a minimum, the responsibility to respect them. Proper accountability needs adequate mechanisms and neither the international nor the EU human rights framework has kept pace with the impacts of economic actors in a globalized context.

To date the EU has framed its concerns about business and human rights as corporate social responsibility (CSR) issues, encouraging companies to adopt voluntary measures. The Belgian Presidency should shift this approach to corporate accountability to place rights holders at the centre of the debate. Corporate accountability entails measures that states should adopt in order to uphold their obligations to protect the human rights of women, men, children and peoples who may be impacted by corporate activity, and to make sure that corporations are accountable to those whose rights are at risk.

It is pertinent for the Belgian Presidency to take measures to ensure accountability for EU-based companies operating outside of the EU. The development of effective corporate accountability mechanisms is crucial if European commitments in relation to poverty alleviation and sustainable development are to be met. Action to better integrate corporate accountability measures in all relevant policies is essential for the success of the EU’s own commitment to tackling climate change, delivering sustainable development and promoting and defending human rights.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY TO:

- Address the accountability gaps identified in the current EU and national legal framework applicable to European companies in their operations outside the EU through better regulation.
- Ensure effective access to justice within the EU for people and communities whose rights are harmed by EU-based companies, including in cases when the human rights abuses are committed by EU companies acting outside the EU.

An Amnesty International mission delegate's fingers covered in oil from an oil spill at Ikarama, Bayelsa State, Nigeria.



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BENCHMARKS

- Incorporates a 'Business and Human Rights' framework and a clear action plan, nationally and at the EU-level, rather than a CSR approach.
- Calls on Member States to ensure that EU-based companies are regulated, monitored and held accountable for the human rights impact of their activities – both within and outside the EU.
- Implements operational measures to guide how EU-based extractive companies operate at home and abroad, including the requirement for companies to practice the highest level of due diligence in relation to their human rights and environmental impacts, regardless of where they operate, in order to prevent any involvement in human rights violations.
- Launches an in-depth debate on how the EU can support victims of human rights abuses caused by EU companies operating abroad in gaining access to justice.

MILLENNIUM DEVELOPMENT GOALS

The EU joined the global effort in the fight against poverty with its commitments towards achieving the Millennium Development Goals (MDGs). Despite this global initiative, progress is lagging behind with most countries, including Member States, already announcing that they will not meet their targets of reducing poverty by 2015.

The EU must recognize that human rights are both the means and the goal in the fight against poverty and therefore the absence of an explicit recognition and protection of human rights in the MDGs is a serious limitation. The current framework fails to acknowledge the fact that the eradication of poverty is interwoven with non-discrimination, gender equality and participation, and it causes an inability to hold governments accountable for the failure to fulfil obligations on reducing poverty. Additionally, it fails to recognize that integrating the invaluable role of human rights would ensure that the MDGs address not just the effects of poverty, but also the root causes, in turn ensuring the resources used are achieving maximum impact.

The adoption of an EU common position on the MDG's and the UN summit on MDG's in September provides key moments for the EU to demonstrate leadership. The Presidency should be at the forefront in promoting a human rights-focused approach to the MDGs and the eradication of poverty, by placing human rights at the centre of the EU position on the MDGs in preparation for the Summit.

AMNESTY INTERNATIONAL CALLS ON THE BELGIAN PRESIDENCY TO:

- Lead in developing a human rights-focused review of the MDGs in preparation of the UN Summit in September 2010.
- Promote the practice of reporting by Member States on their respective contributions on the incorporation of the principles of non-discrimination, participation and access to information in the MDG process.

BENCHMARKS

- Ensures a reference to human rights in the MDGs Summit outcome document, including the following calls as a minimum:
 - Reaffirms the language in the 2005 MDG Summit outcome that 'gender equality and the promotion and protection of the full enjoyment of all human rights for all are essential to advance achievement of the MDGs';
 - Provides specific actions to ensure consistency with human rights;
 - Ensures the importance of sexual and reproductive rights including the use of strong language on contraception and family planning.
- Puts forward concrete mechanisms in regards to accountability both by state and non-state actors.
- Proposes a process of consultation and review to design a post-2015 framework, that actively seeks the views of poor communities, and that is mandated to report on ways in which human rights can be fully integrated in that framework.
- Facilitates the adoption of policy and evidence of a rights-based approach in EU development cooperation with an emphasis on non-discrimination, gender equality and active participation.

THE CONSEQUENCES OF HAVING THEIR HUMAN RIGHTS VIOLATED, PRESIDENCY TO LEAD IN ACTIVE-EU ENGAGEMENT ON THESE 10 CASES:

DELEGATIONS IN EACH OF THE COUNTRIES IDENTIFIED, TO WORK CLOSELY ON THESE CASES TAKEN DURING THE SPANISH EU PRESIDENCY ON EFFECTIVE LOCAL IMPLEMENTATION OF THE EU GUIDELINES ON HUMAN RIGHTS

ALEKSEI SOKOLOV HUMAN RIGHTS DEFENDER, RUSSIA



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Aleksei Sokolov is the head of the organization Pravovaya Osnova (Legal Basis), which campaigns against torture and other ill-treatment of people held in detention. In May 2010 he was sentenced to five years imprisonment for theft and robbery, which he must serve in a maximum security penal colony. According to Aleksei's lawyers, there have been a series of violations of criminal procedure in the handling of his case. Amnesty International believes that Aleksei may be a prisoner of conscience, detained for the peaceful exercise of his right to freedom of expression in the course of his lawful human rights activities. There are fears he might be subjected to torture and other ill-treatment.

■ The EU should call for a fair trial on appeal and express concern under its Torture Guidelines and Human Rights Defenders Guidelines that Aleksei might be subjected to torture and ill-treatment, and as well that his right to fair trial might have been violated.

IBRAHIM KARIM MOHAMMED AL-QARAGHOLI DEATH ROW PRISONER, IRAQ



© Amnesty International

Ibrahim Karim Mohammed al-Qaragholi is on death row in a Baghdad prison. He was sentenced to death in 2008 for the kidnapping and murder of three US soldiers two years earlier. No defence witnesses were present at his trial and he was convicted on evidence given by four forensic experts who were also prosecution witnesses. His trial conducted over two sessions and without the presence of defence witnesses, appears to fall short of international fair trial standards. Ibrahim has appealed against the death sentence but his lawyer is not allowed to visit him. He will be executed if his sentence is upheld by the Court of Cassation and ratified by the Presidential Council.

■ In line with the EU's commitment to the worldwide abolition of the death penalty and its Guidelines on the Death Penalty, it should call for Ibrahim's death sentence to be overturned.

MUHAMMAD HAYDAR ZAMMAR RENDITION, GERMANY



Muhammad Haydar Zammar, a Syrian-born German national, was detained in December 2001 by Moroccan officials on suspicion of his alleged involvement in the 11 September 2001 attacks in the USA. Zammar reported that he was interrogated and ill-treated in detention whilst in Morocco for a few weeks before being illegally transferred to Syria where he was interrogated and allegedly tortured again. Then he was transferred to Sednaya Prison in 2004 and after a flagrantly unfair trial was sentenced to 12 years in prison.

A 2009 German parliamentary inquiry report acknowledged that German intelligence actors provided the USA with information on Zammar and that their authorities travelled to Syria and interrogated him. In January 2010, a UN report on secret detentions named Germany as a country of concern for its actions in the Zammar case. There has been no accountability or responsibility for complicity in Zammar's rendition or alleged torture.

■ The EU should take action on accountability for renditions and secret detention in accordance with the 2007 report of the European Parliament Special Committee on renditions and secret detention and the February 2009 European Parliament resolution that calls on Member States to fully investigate any allegations of state and/or individual complicity in these human rights violations.

THE MOTHERS OF SOACHA CAMPAIGNERS, COLOMBIA



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The Mothers of Soacha (Luz Marina Porras Bernal, Carmenza Gomez Romero, Maria Ubierna Sanabria Lopez, Blanca Nubia Monroy, Edilma Vargas Riojas and Flor Hilda Hermandez) are a group of Colombian women whose sons were extrajudicially killed by the security forces. These women have been threatened, harassed and subjected to surveillance in an effort to silence their campaign for justice. More than a dozen young men from Soacha, a poor locality near Bogota, were killed by the army last year and their bodies presented mostly as "guerrillas killed in combat". The judicial authorities are investigating more than 2,000 cases of extrajudicial killings by the security forces.

■ The EU should, under its Human Rights Defenders Guidelines, express concern over the harassment of these defenders and call on the Colombian authorities to carry out a full and impartial investigation into the threats made against them, and to guarantee their safety in strict accordance with their wishes and in line with repeated UN human rights recommendations to end impunity in cases of human rights violations.

CALL

AROUND THE WORLD, PEOPLE ARE SUFFERING AMNESTY INTERNATIONAL CALLS ON THE BELGIAN RAISING THEIR CASES AT EVERY OPPORTUNITY AND DEVELOPING A TEAM AT EMBASSIES AND CONTINUING TO BUILD UPON THE INITIATIVES UNDER DEFENDERS

SALTANA AHMETOVICH DISCRIMINATION, ITALY



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Saltana Ahmetovich (Nino) is a 30-year old Italian Roma who has lived all his life in camps. He currently lives in a caravan in La Monachina camp, outside Rome, which is due to be evicted. One of the camps where he lived before was attacked by people who threw Molotov cocktails and was then evicted by police. Finding work is extremely difficult for Nino, who is unable to earn enough money to improve his family's situation.

■ The EU should call on Italy to end discrimination against Roma people and respect their right to adequate housing. All the Roma people living in La Monachina and other camps due to be evicted under the Nomad Plan should be consulted and offered adequate housing and security.

HALIL SAVDA CONSCIENTIOUS OBJECTOR, TURKEY



© Vedat Yildiz

Halil Savda is a human rights defender and conscientious objector who has refused to perform military service in Turkey. Speaking out in support of other conscientious objectors he faces an ongoing risk of imprisonment. Since 2004 he has been arrested on multiple occasions and prosecuted three times, and despite being declared 'unfit' for military service in 2008, he remains at risk of prosecution and intimidation by the Turkish authorities for defending the rights of others.

■ Under its Human Rights Defenders Guidelines the EU should call for an end to the intimidation and threats of prosecution against Halil Savda.

SAIFULLAH PARACHA ILLEGAL DETENTION AND TORTURE, USA



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Saifullah Paracha, a Pakistani national, has been held unlawfully in Guantanamo Bay since 2004. He has not been charged or tried for any offence. He travelled to the USA to study when he was 26 and remained there with his family for approximately 10 years before returning to Pakistan. He was arrested in Bangkok, seized, hooded and cuffed, thrown into the back of a vehicle and taken to an unknown location where he was held for a few days. He suffers serious health problems as a result of heart disease. Saifullah is one of over a hundred men currently held in the detention centre.

■ The EU should call on the USA to immediately release Saifullah or charge him with an internationally recognizable offence.

PETRIJA PILJEVIĆ ABDUCTION, KOSOVO



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Petrija Piljević, a 57-year-old Kosovo Serb woman, was abducted from her flat in Pristina by three men wearing Kosovo Liberation Army uniforms on 28 June 1999, after the end of the armed conflict in Kosovo. Her body was later exhumed from an unmarked grave. It is estimated that 800 Serbs and Roma were abducted before, during and after the 1999 armed conflict in Kosovo. 10 years after her abduction her family is still waiting for those responsible for her death to be brought to justice.

■ The EU should ensure that the EU-led Rule of Law Mission in Kosovo (EULEK) promptly, thoroughly and effectively investigates the abduction and subsequent murder of Petrija Piljević, and other abductions which took place in the immediate aftermath of the armed conflict in Kosovo, so that those responsible for Petrija's abduction and death are brought to justice, and that her family receive reparations, including compensation.

PASCAL KABUNGU LU HUMAN RIGHTS DEFENDER, DEMOCRATIC REPUBLIC OF CONGO (DRC)



© Héritiers de la Justice

Pascal Kabungulu was one of the DRC's prominent human rights defenders and Secretary General of the human rights NGO Héritiers de la Justice (Heirs of Justice) when he was shot dead in front of his family in 2005. Shortcomings in the judicial system and the implications of several senior figures have contributed to the complete stalling of the trial. There appears to be little political appetite for resuming the prosecution and the alleged perpetrators are still running free.

■ On the fifth anniversary of Pascal's death, the EU should, under its Human Rights Defenders Guidelines, call on the DRC to investigate Pascal's death and insist that the killers be brought to justice.

MAO HENGFENG WOMEN HUMAN RIGHTS DEFENDER, CHINA



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Mao Hengfen has been repeatedly detained for her work defending women's reproductive rights and victims of forced evictions, and her support of human rights defenders. During her current 18 months' punishment for "disturbing public order" after protesting outside a court in 2009, family and lawyer visits have been prevented. Mao has repeatedly been tortured and otherwise ill-treated in custody before, so her family and lawyers are worried she is at risk of further torture.

■ The EU should call for Mao's immediate release and express concern under its Torture Guidelines for the torture suffered while in custody.

**AMNESTY
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**TEN CASES FOR
THE BELGIAN PRESIDENCY**

