



Mr Silvio Gonzato  
Director  
Human Rights and Democracy Division  
European External Action Service

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## Revision of the EU Action Plan on Human Rights and Democracy

Dear Mr Gonzato,

We are writing to you with regard to the forthcoming revision of the European Union (EU) Action Plan on Human Rights and Democracy. As organisations working against torture and ill treatment, we welcome the opportunity to share with you our key concerns around the EU and member states' responses, and to put forward recommendations for the new Action Plan below.

### 1. Go beyond silent diplomacy on torture

Today, the EU and its member states do not yet make full use of all the public diplomacy tools at their disposal when it comes to torture. EU and member states' foreign policies regularly consider torture and ill treatment too sensitive a subject to discuss publicly or even explicitly in bilateral exchanges with third country governments. As a result, torture is sometimes left off the agendas of human rights dialogues, or addressed only in passing or through other related issues (e.g. arbitrary detention), despite the fact that action against torture appears as a priority in some seventy EU Human Rights Country Strategies.

We recommend that the revised Action Plan should:

- Ensure that the EU and its member states make full use of all available measures including both confidential and bilateral approaches, as well as clear public statements, demarches and Council Conclusions, to ensure concrete, pro-active and relevant responses to torture and ill treatment
- Make torture and ill treatment a standing item on the agendas of all EU human rights dialogues with third countries worldwide.

### 2. Act against torture using existing EU policy tools, and strengthen the EU's capacity to stop torture

EU and member states' staff in headquarters and third countries are not always informed of the full extent of the tools at their disposal to address torture, including the EU Guidelines on Torture. At the

same time, civil society on the ground does not always know what assistance or action it can expect from the EU and its member states.

We recommend that the revised Action Plan should:

- Ensure the dissemination of the EU Guidelines on Torture among EU and member states' staff at headquarters and field levels, as well as civil society in the EU and in third countries. In all cases, specific support should be provided regarding the links between the EU Guidelines on Torture and other Guidelines that may be complementary, such as the EU Guidelines on Human Rights Defenders
- Strengthen EU and member states' capacity to respond pro-actively to threats or violence directed at human rights defenders for documenting and reporting on torture, or other work against torture and ill treatment
- Ensure that all human rights training for EU staff and member states' staff includes explicit training on preventing and responding to torture, and on the consequences of torture, with a view to adopting an integrated approach for action against torture
- Reinforce monitoring and reporting on the occurrence of torture in third countries, including in the EU Annual Report on Human Rights, with a view to strengthening measures taken to combat it, including in individual cases
- Establish regular and transparent reviews and assessments of EU and member states' action under the EU Guidelines on Torture, including meaningful stakeholder engagement and regular, systematic and public field reporting in order to encourage transparency and exchanges with civil society on measures undertaken
- Identify good practices by EU and member states to prevent and respond to torture and ill treatment in third countries; and ensure that these best practices are documented, disseminated and reproduced elsewhere, in regular consultation with civil society actors.

### **3. Tackle torture more effectively with a holistic approach**

To tackle torture effectively, the EU and its member states must ensure that their policies and actions address the full cycle of the fight against torture.

We recommend that the revised Action Plan tackle all elements of the fight against torture including prohibition, prevention, prosecution, redress, reparation and rehabilitation, and should:

- Actively promote the global ratification and effective implementation of the United Nations (UN) Convention against Torture (UNCAT)
- Match this by following up on the recommendations of the UN Committee Against Torture, the UN Special Rapporteur on Torture, and the UN Human Rights Council's Universal Periodic Review (UPR) and supporting standing invitations to the Special Procedures of the UN
- Support and promote the ratification of the UN Optional Protocol to the Convention against Torture (OPCAT) and its effective implementation within the EU and third countries, by ensuring the establishment or designation of independent and effective national preventive mechanisms (NPMs), while also encouraging states to fully cooperate with international and regional preventive mechanisms
- Include the concept of holistic rehabilitation and victim participation in defining efforts against torture; EU and member states' officials should visit rehabilitation centres and organisations working with torture victims on the ground, including during high level visits
- Ensure that EU member states fully support torture prevention and rehabilitation through the UN Special Fund of the Optional Protocol to the Convention against Torture, and the UN Voluntary Fund for Victims of Torture.

#### **4. Ensure EU credibility by acting against torture at home and abroad**

In order to be credible and convincing actors against torture and ill treatment worldwide, the EU and its member states must ensure that their own internal practices are in line with their recommendations for third countries, in the spirit of the wider EU and member states' engagement on ensuring greater internal-external coherence on human rights.

We recommend that the revised Action Plan:

- Require EU member states which have not yet ratified the UN Optional Protocol to the Convention Against Torture (OPCAT) to report on progress towards ratification
- Ensure all EU member states establish well-equipped, resourced and independent national preventive mechanisms (NPMs) and remain in pro-active dialogue with their NPMs with a view to acting on their recommendations, as well as reporting regularly on their OPCAT commitments under the Action Plan
- Ensure all EU member states fulfil their obligations under UNCAT, and conduct effective follow-up on the recommendations issued by the UN Committee Against Torture, including by ensuring that:
  - All acts of torture are offences under criminal law, and that those responsible are investigated and prosecuted, including in cases related to terrorism
  - Legal and procedural safeguards are fully applied to effectively reduce the risk of torture in all places where persons are detained
  - Effective remedies and reparation are provided to victims and appropriate rehabilitation services are available and accessible, in line with UN Committee Against Torture General Comment 3
  - The EU prohibition on the trade in tools of torture is strengthened and paralleled by efforts to promote the adoption of a similar regulation to address the trade in tools of torture internationally.

We welcome your action on torture and ill treatment through the revised Action Plan, and look forward to continuing our dialogue with you and your colleagues to ensure the strongest possible engagement by the EU and its member states against torture now and in future.

**Amnesty International**

**Association for the Prevention of Torture (APT)**

**International Federation of Christian Action for the Abolition of Torture (FIACAT)**

**International Rehabilitation Council for Torture Victims (IRCT)**

**World Organisation against Torture (OMCT)**

Cc:

Mr Riccardo Serri, Deputy Head of Division, Chair of Steering Group on the EU Action Plan  
Ms Elisabeth Edland, Policy Officer for the Fight against Torture