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To the attn. of: An Taoiseach, Micheál Martin, TD

Cc: Minister Helen McEntee, TD
Minister for Foreign Affairs and Trade

Minister Thomas Byrne, TD
Minister of State with responsibility for European Affairs and Defence

Ambassador Aingeal O'Donoghue
Permanent Representative of Ireland to the European Union

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Deputy Permanent Representative to the European Union

Ambassador Luke Feeney
Permanent Representative of Ireland to the PSC

Dear Taoiseach,

AMNESTY INTERNATIONAL RECOMMENDATIONS TO THE IRISH PRESIDENCY OF THE COUNCIL OF THE EUROPEAN UNION

Ireland's Presidency of the Council of the European Union (EU) comes at a critical moment for Ireland, Europe, and the global multilateral system. In the face of unprecedented attacks on the foundations of human rights and international rules-based order, the European Union - itself a cornerstone of the multilateral system - has a critical role to play in bringing it back from the brink.

The international legal order remains the best guarantee for peace, security, sustainable development, and the protection of human rights. As crises multiply and deepen across the globe, the Irish Presidency now has an opportunity to ensure the EU plays its role in upholding the multilateral system, allowing it to thrive as a vital stabilizing and preventive force and a critical safeguard against impunity, injustice and mounting authoritarian practices.

Authoritarian leaders are accelerating their assault on the UN Charter and the Universal Declaration of Human Rights at a time of escalating conflict and crisis across the globe, where international human rights law and norms are one of the few safeguards for people exposed to violence and attacks on their lives and rights.

Russia has intensified its aerial attacks on civilians and critical civilian infrastructure in Ukraine, the conflict in Sudan has reached three years of a [devastating war against civilians](#), while the US and Israel's unlawful attacks against Iran and Iran's retaliatory strikes have endangered the lives and health of millions of civilians.

The attacks on international law have been accompanied by a wider, more insidious, though no less dangerous trend of selective application and enforcement of international laws and standards. These double standards and inconsistencies by states – particularly those with strong legal standards and commitments on human rights and rule of law – have significantly weakened the effectiveness and credibility of the multilateral system, with devastating consequences for global stability, accountability, and the lives of millions around the world.

Israel's ongoing genocide against Palestinians in Gaza and accelerating [ethnic cleansing](#) of Palestinians in the West Bank is emblematic of this breakdown. The EU and its member states have failed to act in accordance with proclaimed

EU values to end Israel's violations of international law. They have failed to prevent Israel's [genocide](#) in Gaza, to respect the terms of Article 2 of its Association Agreement with Israel, to implement the International Court of Justice (ICJ) Advisory Opinion by preventing trade, funding or investment that may aid or assist in the maintenance of Israel's illegal settlements. They have also failed to enforce the International Criminal Court (ICC) arrest warrant against Israel's Prime Minister Benjamin Netanyahu, to call out Israeli war crimes, or to refuse Israeli bond issuance in the EU market as a clear instance of financial facilitation which could amount to a failure to prevent genocide and even carries the risk of aiding or assisting in genocide. If the EU cannot or will not act to hold Israel to account, member states should act unilaterally, and Ireland must lead the way.

The recent engagement of the Taliban by the EU and a number of member states in an effort to deport Afghans to Afghanistan is another example of the EU's failure to respect its own legal obligations and clearly stated concerns on serious human rights violations and international crimes. Instances such as these send a worrying signal to the world of the selective applicability and accountability by the EU for the standards it asserts to uphold. The European Union must never lose sight of its duties to protect people, of its primordial treaty obligations to ensure its action is guided by its values and principles, including the rule of law and the universality and indivisibility of human rights. In a rapidly evolving world, the EU and its member states should avoid any false dichotomy between EU values and interests and the risk of trading human rights for short-term political gains or perceived stability. Only by centering human rights can the EU and its member states maintain the credibility, legitimacy and long-term effectiveness of EU foreign policy.

At this critical moment in which Ireland assumes the Presidency of the Council of the European Union, Amnesty International urges the Irish Government to:

1. Put human rights, justice and accountability at the centre of EU foreign policy:

In response to new and ongoing conflicts and escalating human rights violations worldwide, the Irish Presidency should lead the EU and its member states toward a foreign policy that centres on human rights, justice and accountability, by:

- **Acting in defence of the international human rights system** by robustly countering pushback on international law and norms and forging truly global partnerships and coalitions at multilateral fora and beyond. This will require proactive outreach across regional groups and active support for cross-regional initiatives, including on files prioritized by other regional groups. For partners in the Global South, this includes initiatives related to economic, social and cultural rights; the elimination of racism, racial discrimination and xenophobia; climate justice and financing; the digital divide; tax cooperation; and equitable access to vaccines.
- **Consistently support justice for crimes under international law, uphold the Rome Statute and preserve the independence and integrity of the International Criminal Court (ICC):** Amid the unprecedented attacks on the ICC, the Irish Presidency should lead the EU and its member states toward more decisive action to protect the Court, its elected officials and all those cooperating with it from external pressures or threats. This must include by immediately activating the EU blocking statute and similar instruments at national level that aim to mitigate or shield European operators, including civil society, from the effects of extraterritorial sanctions. Moreover, the EU should seek to develop alternative banking, payment and IT solutions for those targeted by extraterritorial sanctions and ensure that such EU support extends to all relevant international justice actors, including the UN Special Rapporteur and civil society actors as key partners and contributors to the work of the Court.
- **Prioritizing human rights in EU policy towards third countries and regions** and ensuring accountability for serious human rights violations is not compromised in the interest of cooperation with third countries on trade, energy, security, digital and other interests. Amnesty International has developed detailed analysis and recommendations for EU and member state action on Israel and the Occupied Palestinian Territory, Sudan, the Democratic Republic of the Congo (DRC), Ukraine, China, India, Syria, Iran, and the United States, and we stand ready to engage with the Irish Presidency on these and other files during the Presidency programme.

- **Ensuring that the EU's policies towards third states are brought in line with international law.** Ireland should lead the EU and its member states to ensure that conflicts, crises and rights violations worldwide are met with sustained, unified and unequivocal responses by the EU and its member states, that centre on human rights, accountability and the protection of civilians. At a time of multiple crises, the EU must act consistently and coherently across countries and regions, from Israel and the Occupied Palestinian Territory and Ukraine to Sudan, DRC and Iran, without prejudice to real or perceived political constraints nor to traditional alliances.
- **Show leadership by ensuring the EU institutions and member states act to address Israel's impunity for its crimes against Palestinians.** Ireland's Presidency coincides with the second anniversary of the International Court of Justice's (ICJ) Advisory Opinion of July 2024, presenting Ireland with a key opportunity to ensuring the EU does not directly or indirectly contribute to Israel's unlawful occupation of the OPT and crimes under international law, including genocide against Palestinians in Gaza and apartheid against all Palestinians whose rights it controls. We call on the Irish Presidency to lead the EU in reviewing all agreements, research exchanges and trade relations with Israel, and advance consensus among member states on the need to suspend the EU-Israel Association Agreement based on Israel's breach of its human rights clause (Article 2). Should the EU fail to act, we encourage Ireland and other member states to take unilateral measures, including initiating litigation before the Court of Justice of the European Union to ensure compliance with EU and international law.

Drawing from its own domestic efforts to bring Ireland in line with the ICJ Advisory Opinion of July 2024 on trade with Israel's illegal settlements, Ireland should lead EU action to ban trade, investment relations, or any form of aid, cooperation or financial assistance that contribute to, or are directly linked to, Israel's unlawful occupation, system of apartheid and ethnic cleansing of Palestinians. This must include an EU-wide comprehensive ban on trade with Israel's illegal settlements under the EU's Common Commercial Policy. To align with the EU and its member states' obligations, such a ban must encompass imports and exports of goods, services as well as investments. Should a ban not be adopted by the start of Ireland's term, we encourage the Irish Presidency to use its role as Chair of the Trade Policy Committee (TPC) to hold an exchange of views on the matter with the aim of placing the issue on the agenda of the next Foreign Affairs Council (Trade), to be chaired by Ireland, on 30 November 2026.

As chair of the Working Party on Public International Law (COJUR), the Irish Presidency should lead on the development of a roadmap to bring the EU's trade policies in line with the ICJ's advisory opinion of July 2024, in consultation with legal experts and civil society organizations.

- **Strengthening EU and member state support to Human Rights Defenders (HRDs) through concerted action for HRDs across EU external action.** Adopt a strategic vision outlining how the EU and its member states will support HRDs globally in light of the increasing challenges to their work, mainstream HRD concerns across the EU's different policy areas and strengthen the EU's crisis response and contingency planning capabilities. The Irish Presidency should also lead the EU and its member states toward a more coherent, coordinated, and predictable visa policy for HRDs drawing on existing derogations and exceptional procedures foreseen in the EU Visa Code to support HRDs, as outlined in the recently revised EU Visa Code Handbook.
- **Promote an ambitious EU Action Plan on Human Rights and Democracy:** The Irish Presidency should prioritize efforts to enhance the effective implementation of the Action Plan's commitments in all areas of EU action, at all levels of decision-making and across all policies and relations with third countries. This objective should be pursued while preserving and further strengthening the strategic priorities outlined in the Action Plan and the holistic and integrated approach it adopts. While the effective implementation of the Action Plan will remain key, several lines of action will need to be reinforced, strengthened and updated to more effectively confront new and emerging human rights challenges, including rapidly evolving digital threats and the mounting challenges to the civil society, human rights defenders and the multilateral human rights system.

2. Lead on effective and sustainable asylum and migration policies, centred on human rights:

- **Encourage focus on protection-centred elements of the reform and address longstanding gaps in national asylum systems** as EU member states move to implement the Pact on Migration and Asylum. This includes

inadequate and insufficient reception, the unlawful denial of access to asylum or the territory, or ongoing cases of border violence or non-assistance at sea. The right to asylum must be upheld no matter where people come from or how they entered the territory. Independent border monitoring mechanisms, as required by the Pact, must be swiftly put in place and be truly independent and effective to fulfil their functions, including an expansive scope and steps to guarantee accountability for violations. They should ensure sufficient funding and attention for protection-centred elements of the reform, and take concrete steps to avoid its worst likely consequences, including widespread detention or de facto detention at borders, lowered asylum standards, and an abuse of ‘crisis’ or ‘instrumentalization’ measures.

- **Steer Council discussions away from further efforts to externalize or evade asylum and migration responsibilities, including ‘return hubs’ or ‘safe third country’ arrangements.** These proposals carry the severe risk of rights violations in their implementation. As a global body of research has documented, previous attempts to externalize asylum or return responsibilities to third countries have resulted in a highly predictable pattern of human rights violations and had a ruinous human impact, heightening diplomatic and reputational risks, and have increased the EU’s dependence on third countries for migration management. Moreover, these schemes distract and detract from necessary investments into EU asylum and migration systems, from a renewed focus on implementing and ensuring compliance with existing EU law, and from a harmonized approach to asylum and migration within the EU. Rather, they exacerbate the divergences in member states’ practices, undermining predictability and coherence, and running counter to the harmonization objectives of the Pact on Migration and Asylum.
- **Firmly uphold human rights and due diligence in the EU’s ‘migration diplomacy’** and growing cooperation with third countries on migration management and address systemic shortcomings, including investigating and following up on credible and well-documented reports of violations by authorities in contexts including Tunisia, Libya, and Egypt, as well as Afghanistan where efforts to resume deportations clash firmly with the dire human rights and humanitarian situation in the country. Human rights must remain central to EU and member state’s diplomatic engagement. In cases of abuses by partner states, credible action must be taken, and such cooperation halted until reports of violations are addressed.
- **Uphold the rule of law and refugee protection standards at domestic and European level,** encouraging all member states to keep their protection system open and effectively accessible to all people seeking safety in the EU, and reversing a growing trend towards increasingly securitized, exclusionary, and deterrence-based policies and narratives on migration in the EU, with worrying repercussions for due process and evidence-based policymaking.
- **Promote a human rights compliant, fact-based, people-focused migration narrative.** Ireland’s history of migration places it in a key position to address the increasingly hostile and racist anti-migrant narratives taking hold across Europe, and reframe migration as a core part of Europe’s history and its future. A robust and effective European strategy is required to tackle disinformation and build a balanced public and political dialogue on migration which ensures people are treated with respect and which recognizes structural racism, colonial history, and global inequality.

3. Remain vigilant in upholding human rights and rule at law across the EU ensuring people can live in dignity, equality, and security. With changing realities across the European Union, it remains crucial to stay vigilant and work actively to ensure the EU and its member states uphold human rights and the rule of law. While the Irish Presidency comes at a time of opportunity for long-awaited progress in some member states, in many parts of the EU, we continue to witness backsliding on the rule of law, a sweeping pattern of systematic attacks and restrictions undermining civil society space and peaceful protest, increasing acts and policies fuelled by racism, violence and discrimination against LGBTIQ+ people, and a growing anti-gender movement. In this context, we call on the Irish Presidency to:

- **Maintain close scrutiny over the developments in Hungary following the government change.** Ongoing measures, including the Article 7.1 TEU procedure and frozen funds, should not be lifted until concrete, verified and effective action is taken to address the wide range of human rights and rule of law concerns. An informed decision on whether the threat to the EU’s fundamental values has been removed, requires both

careful examination of legislative changes as well as close cooperation on their practical implementation with civil society partners.

- **Strengthen EU support to civil society and human rights defenders (HRDs) within the Union**, by actively implementing the EU Civil Society Strategy and working with the European Commission towards the establishment of a mechanism to protect HRDs in Europe as a core element of building a stronger, more resilient ecosystem for the protection of human rights and civil space across the EU.
- **Uphold freedom of peaceful assembly and freedom of expression in Europe, amid a growing trend of criminalization and restriction of peaceful protests with a chilling effect.** There is a critical need for EU member states to exchange on how to fully uphold the right to protest. We note with concern the continuing unwarranted and discriminatory restrictions imposed, in particular against those standing up against racism, for women and LGBTIQ+ rights, against climate change, and those expressing solidarity with the Palestinian people across the EU.
- **Deliver concrete action on long-term, secure, sustainable housing solutions for people across Europe.** The Irish Presidency should heed the calls of homelessness and housing rights organizations to advance work on the EU Commission's proposal for a Council Recommendation on housing exclusion, focus on improving the text in forthcoming negotiations, and ensure the EU response moves from coordination towards concrete, impact-focused action plan which delivers for people.
- **Place racial and gender justice at the core of all Council action.** Work to advance the EU language and position on issues related to racial and gender justice, including sexual and reproductive rights, and work towards conclusions calling for full implementation of the strategies on gender and LGBTIQ+ equality and anti-racism prepared in consultation with civil society and those affected. We also urge the Irish Presidency to work with other member states to advance the cooperation and solidarity mechanism on access to abortion as called for by the 'My Voice My Choice' European Citizen's Initiative and endorsed by the European Commission.

4. Prioritize decisive action to strengthen safeguards, prevent harm, and ensure that corporate interests do not override people's rights and protection:

- **Address existing protection gaps and emerging risks linked to the misuse of technology** including highly invasive spyware, recommender systems and addictive design, and data protection. This requires not only robust enforcement of existing frameworks on AI, data protection, and export regulation, but also strong and effective mechanisms to hold Big Tech companies accountable.
- **Ensure that recent EU "simplification" initiatives do not weaken the protection of human rights, including fundamental rights under EU law.** While framed as necessary to enhance competitiveness, measures such as the Digital Omnibus and the wider Digital Fitness Check risk reopening core safeguards on privacy, data protection and AI governance and risk accelerating a broader deregulatory trend that could undermine hard-won human rights protections.
- **Defend human rights against deregulatory pressures in the EU's digital agenda**, making clear that competitiveness must not come at the expense of human rights and oppose the use of omnibus processes to reopen and weaken hard-won safeguards. Any revision of EU digital laws must strengthen – rather than dilute – protections. This includes ensuring the effective enforcement of the EU's General Data Protection Regulation (GDPR) in line with international human rights standards, supporting calls for implementing a generalized ban on surveillance-based advertising across the EU, and resisting attempts to weaken or undermine encryption which is a crucial enabler of numerous human rights.
- **Promote children's right to participation in a safe online environment, ensuring that cross-sector risks related to exploitative design are addressed in a holistic manner through safety-by-design.** We urge the Irish Presidency to encourage strong implementation of the Digital Services Act including by clarifying the responsibility of very large online platforms (VLOPs) to conduct risk assessments and mitigation in relation to

potential harms to health caused by addictive design. This includes greater emphasis on safety-by-design as opposed to implementing age assurance/verification and increasing data collection. Where age assurance tools are implemented, its key to ensure that they are designed in privacy-preserving ways.

Amnesty International calls on Ireland to realize its potential and use the upcoming Presidency to advance strong, principled, and consistent actions to support and strengthen human rights standards, their application, and their enforceability.

In addition to reconnecting people to what Europe means in their lives, the Presidency is an opportunity for Ireland to reconnect EU member states and Institutions to what the EU's founding values mean for people, both across its continent and around the world, through its internal and external action.

Thank you in advance for your action to deliver on the EU's human rights commitments at this crucial time for the EU. Amnesty International look forward to working closely with the Irish Presidency, and we stand ready to provide further information on any of the issues detailed here above.

Yours sincerely,



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