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Delivering on human rights - Amnesty International's ten-point program for the UK Presidency of the European Union

At the start of every European Union Presidency, Amnesty International presents its observations on the EU's human rights policies and recommends how they could be made more effective. The United Kingdom takes over the Presidency at a time of political and constitutional crisis that seems particularly inauspicious for the chances of the EU pursuing its main objectives with any kind of vigour.

There is no doubt however, that the current crisis has its origins in the absence of a compelling vision of the purpose of the European project, reflecting a sense among Europe's citizens that the EU is not delivering on the promises of its values not only in the economic and social sphere but also in terms of security and the pressing global agenda of poverty, conflict and massive abuse of human rights. So while the goals and methods of the EU are the subject of intense debate, there is every reason to regard the human rights agenda as one where the EU is in a position to project a convincing sense of purpose and deliver on its promises.

Amnesty International presents its human rights proposals to the UK Presidency as an ambitious program that should serve to reaffirm the EU as a Union of values both in its external relations and as regards its domestic policies. Even without the current political crisis the challenges are formidable, given continuing international tensions and the pressures to counter terrorism and to control "illegal immigration". For the UK, there is the added challenge that its positive engagement in areas such as arms control, freedom of expression and development in Africa, contrasts sharply with troubling practices that are at odds with its human rights obligations in areas such as counter-terrorism and the treatment of asylum seekers.

The prospects of the UK Presidency pursuing an effective human rights agenda should be viewed against the background of recent institutional developments. During the past year the EU took a number of measures to strengthen its human rights capability:

- It set up a new Group of Commissioners on Fundamental rights, Anti-discrimination and Equal Opportunities, chaired by President Barroso.
- It started preparations for the EU Fundamental Rights Agency to be launched in 2007.
- It adopted a further set of human rights guidelines for its foreign policy, on human rights defenders.
- The European Parliament set up a new Subcommittee on Human Rights of the Foreign Affairs Committee.
- A Personal Representative on Human Rights was appointed to Javier Solana, the EU's High Representative for the CFSP.

In the most significant EU development of the past year, the enlargement from 15 to 25 Member States extended the "Area of Freedom, Security and Justice" that the EU aspires to be.

In terms of institutional developments, all this signals major progress. But as always, policies have to be put into practice, and this is where the rhetoric too often rings hollow.

Human rights within the EU have finally become an item on the political agenda, but promoting the Charter of Fundamental Rights is not enough to guarantee their protection in practice. Member States still refuse to even acknowledge a measure of EU-level accountability for their own human rights shortcomings, and there are

indications that the Fundamental Rights Agency will not be mandated to address these.

The train bombings in Madrid, with their brutal message that Europe is vulnerable too, revived the EU's counter-terrorist drive and with it the assurances that there can be no security without human rights. But a recent analysis by Amnesty International found that the EU has not delivered on its human rights pledge. In addition, special legislation in some Member States (including the UK) that has led to evident human rights abuses has failed to evoke any EU-level response.

In the area of asylum, the fact that it is principally a human rights issue has been all but lost amid the political pressure to stop "illegal immigration". The EU directive on asylum procedures, condemned by NGOs and the United Nations High Commissioner for Refugees (UNHCR) alike for breaching standards of international law, faces similar criticism from the European Parliament. Over the past year a crisis atmosphere has been allowed to build up over how to stop people from crossing the Mediterranean into the EU. We have seen people being deported from the EU (Italy, Spain, Malta) without having their asylum claims heard, and serious human rights questions arising over the EU's engagement with Libya and other Mediterranean countries in this regard.

With the effective multilateralism of its new European Security Strategy, the EU has set out a different strategic vision to that of the US, but has failed to confront its transatlantic partner effectively to abide by international human rights and humanitarian law. In efforts to build closer partnerships with the other major powers - Russia and China – for too long human rights have also been sidelined. In particular, the pressure from some Member States to lift the arms embargo against China, imposed after the 1989 Tiananmen Square massacre, showed how easily human rights can be outflanked by economic and political interests.

However, there have also been positive steps. In a surprise but welcome turn of events regarding China, a ministerial troika in May 2005 for the first time acknowledged the intrinsic human rights conditionality of the arms embargo by posing some relevant benchmarks to be met by the Chinese government. Human rights feature prominently in the development of the European Neighbourhood Policy. The commitment to press candidate countries to put legislative reforms into actual practice appears irreversible. The EU is poised to complement its commitment to the International Criminal Court with strong support for the UN reform agenda including its human rights mechanisms. Several Member States including very positively the UK have come out in favour of a binding international Arms Trade Treaty.

Credit should be given where it is due. The human rights policies of the EU and its Member States evolve step by step, just as human rights advocacy by Amnesty International and the ever broadening human rights movement is a matter of incremental gains rather than spectacular breakthroughs. However, at a time when the world's last remaining superpower portrays human rights as a barrier to effective protection from terrorist acts rather than a pre-requisite for genuine security, and as the United Nations faces a defining moment in shaping its response to the challenges of development, security and human rights, we look to the EU to lead by example and deliver on human rights.

TEN POINTS FOR THE UK PRESIDENCY TO MAKE THE EU DELIVER ON HUMAN RIGHTS

At home:

1. **Make the Fundamental Rights Agency the cornerstone of a proper EU fundamental rights order including full compliance by Member States.**
2. **Examine the threats to the balance between security and human rights and redress the human rights deficit in the EU's counter-terrorism strategy.**
3. **Counter practices of unlawful detention and removal of foreign nationals from the EU.**
4. **Ensure scrupulous observance of the international protection obligations when developing the external dimension of asylum and immigration policies.**
5. **Promote the early ratification and implementation of the European Convention Against Trafficking.**

In the world:

6. **Press for more active implementation of the human rights guidelines.**
7. **Reaffirm unequivocally the absolute prohibition of torture and other ill-treatment.**
8. **Press for a binding international Arms Trade Treaty.**
9. **Galvanise global support for UN reform towards the promotion and protection of human rights.**
10. **Assert a strong human rights dimension in the EU's enlargement and neighbourhood policies.**

1. EU Fundamental Rights Agency

At the time of writing, the Commission was yet to present its proposal for the EU Fundamental Rights Agency. Following the consultations since 2004, it was expected to confirm that it will focus geographically on the EU, and opt for a remit limited to actions by the EU and its Member States when they are applying EU law. This would exclude the general human rights situation in Member States where they act autonomously.

Amnesty International has consistently argued against such a minimalist conception of the agency, and called for its mandate to include full human rights compliance by Member States, in order to fill the obvious gap in the EU's human rights policy that has so far turned a blind eye to abuse within its own borders. If the agency is to add meaningfully to the protection and promotion of fundamental rights in Europe, it should not be a mere extension of the EU institutions, adding a new layer to an already complex network of agencies and bodies. Instead, there is a strong need for an independent and competent agency that is empowered to identify the weaknesses in the existing system of human rights protection in the EU, and to raise the corrective capacity of both the national and collective systems to respond to abuse with structural improvement.

In reality, EU law and policy increasingly extend into precisely those areas that Member States try to shield. With the "Hague Program" the Council set out to give a new impulse to the development and strengthening of the EU as an "Area of Freedom, Security and Justice". This is to encompass the functioning of the European Arrest Warrant and similar instruments of judicial cooperation, common minimum standards on the rights of suspects and defendants in criminal proceedings, the conduct of police cooperating across borders and alternatives to pre-trial detention. It is impossible to divorce these developments from the actual practice in Member States. The "Area of Freedom, Security and Justice" is built upon mutual trust between Member States in each other's justice systems. As it develops, it will be necessary to ascertain whether or not that trust is well founded. Effective cooperation to fight serious crime including terrorism will depend on it.

It is for that reason that there is a need for an agency that is empowered to identify weaknesses in the way these systems operate. There is indeed plenty of monitoring, by the Council of Europe, by United Nations treaty bodies, by the EU Network of Independent Experts on Fundamental Rights, by national human rights institutes and by NGOs. But there is very little in the way of analysing and shaping all that information into remedial action or of translating it into the EU framework. It is precisely that function that is missing in the system, and it is precisely that function that Amnesty International believes the agency should fulfil.

Amnesty International calls for the creation of the European Fundamental Rights Agency to be viewed in the context of developing a comprehensive and coherent strategy for human rights protection in the EU that includes full human rights compliance by Member States.

2. Counter-terrorism and human rights in the EU

The EU has always been clear in asserting that there can be no security without human rights. However, the general assumption that the human rights of terrorist suspects will be protected within the EU's own Area of Freedom, Security and Justice is not borne out by the facts. In practice the EU and its Member States have a habit of ignoring breaches of rights protection within the EU, while too little attention is given to human rights abuses that may result when suspects are transported to countries outside its borders.

In a comprehensive analysis published in May 2005[1], Amnesty International established that there are serious deficiencies in the EU's criminal law response to terrorism. This ranges from definition problems undermining legal certainty and the secrecy surrounding terrorist blacklists, to the way that human rights protection obligations are allowed to dissolve at borders. It concludes that the EU has failed so far to properly address the serious issue of protection of fundamental rights in its collective policies and legislation on counter-terrorism. In surveying the multitude of counter-terrorist initiatives at EU level in the criminal law sphere since 11 September 2001, it shows that the lack of concrete safeguards is not only leading to breaches of human rights, but has created legal confusion and uncertainty.

Effective cross-border cooperation to fight terrorism in the EU is based on the principle of mutual recognition, whereby an order from a judicial authority in one Member State is to be recognised as valid in another. This in turn depends on EU Member States trusting each other's legal systems and sharing the same values. The reality is that questionable practices and legislative frameworks on counter-terrorism in some EU Member States are compromising those shared values. By undermining mutual trust, effective cooperation to counter terrorism is in fact jeopardised.

A critical question arises in connection with the draft Framework Decision on certain procedural rights for suspects and defendants for which negotiations continue under the UK Presidency. Amnesty International considers the scope and level of the proposed minimum standards as disappointing and is concerned that negotiations may lead to further dilution of these standards. This applies in particular to the possibility that terrorist and organised crime offences may be excluded from the scope of the proposed Framework Decision. The proposal was initially promised as a necessary complement to the European Arrest Warrant, itself an instrument put forward as a key element in the fight against terrorism, and it would appear not only incoherent and inconsistent within that context, but indeed objectionable to exclude from its remit the very type of offences that it was expected to tackle.

It is not just at the EU's internal borders that human rights may be left behind. In relation to cooperation with third countries to extradite or expel terrorist suspects, too little attention is being paid to credible concerns that serious human rights abuses may occur when they are transferred to third countries, making the EU complicit in such abuses. The worrying trend in the methods of removing terrorist suspects from EU jurisdictions through deportation, "rendition" and even abduction underlines that concern.

Amnesty International calls on the UK Presidency to take steps to redress the human rights deficit in the EU's counter-terrorism strategy:

- **by setting a legal framework that ensures that definitions of terrorism are sufficiently clear and precise as to provide legal certainty and avoid abuse of terrorist blacklisting;**
- **by ensuring that terrorist offences are kept within the remit of the proposed framework decision on procedural rights;**
- **by establishing clear and legally binding standards as to how Member States should comply with their international obligations to protect human rights when prosecuting terrorists across borders either within or outside the EU.**

3. EU return policy and detention of migrants

States have a sovereign right to control the entry, residence and removal of foreign nationals on their territory. That right must, however, be exercised in accordance with

[1] *Human Rights dissolving at the borders? Counter-terrorism and EU criminal law*, , IOR 61/013/2005, Amnesty International EU Office, May 2005.

international refugee and human rights law and standards. Importantly, these include the principles of non-discrimination and proportionality. The exercise of State sovereignty cannot be at the expense of the fundamental human rights of asylum seekers or migrants, whatever their legal status.

The number of asylum applications has significantly declined in most EU Member States in recent years. However, the overriding emphasis remains on the fight against irregular immigration, not only by impeding entry, but now also with a particular focus on return. Detention of foreign nationals is increasingly used in EU Member States, ostensibly with the justification that it is the only way to ensure an effective removal policy. However, there is substantial evidence that individuals are often detained even if there is little prospect that their removal can be effected within a reasonable time.

As particularly highlighted in three Amnesty International reports on detention of foreign nationals in Italy, Spain and the UK published on 20 June 2005[2], the increasing use of detention has a heavy human cost. Because of inadequate resourcing, living conditions in reception centres are often appalling. In practice, the right of access to interpretation, legal assistance and judicial review is often not respected. Difficulties in gaining access to a fair and efficient asylum determination process can result in *refoulement* - the return of people to countries where they risk serious human rights violations. Evidence documented by Amnesty International over the years shows that ill-treatment of individuals detained in reception centres and excessive use of force by law enforcement personnel during removal occur in a number of EU Member States.

In view of the discussions on common minimum standards on return which are due to be adopted under the UK Presidency, Amnesty International believes that this is an opportune moment for Member States to thoroughly re-examine their current policy, legislation and practice regarding detention policy and removal practice. To that end, alternatives to detention and non-custodial measures should be further explored. In order to achieve high-level guarantees of basic rights, the common minimum standards on return to be adopted at EU level should be fully in line with international human rights and refugee law. While detention should not last longer than strictly necessary, adequate resources should be allocated to ensure that procedural safeguards are properly implemented and to improve the living conditions in detention centres.

Where national practices are often characterised by a lack of transparency, Amnesty International believes that there is also a pressing need for the EU and its Member States to provide for independent monitoring given the potentially far-reaching consequences of detention and removal operations for fundamental human rights, in particular the principle of *non-refoulement*. The EU should develop an EU-wide monitoring and accountability mechanism, which would be complementary to the national procedures. Such a function could be part of the remit of the future Fundamental Rights Agency.

Amnesty International calls on the UK Presidency to uphold international human rights and refugee law principles in the coming discussions on return, through minimum standards allowing Member States to resort to detention only when it is established to be necessary, proportionate and lawful, and by providing for EU-wide monitoring and accountability of detention and removal practices.

[2] Amnesty International, *United Kingdom: Seeking asylum is not a crime: detention of persons who have sought asylum*, AI INDEX EUR 45/015/2005, Amnesty International, *Italy: Temporary stay- permanent rights: the treatment of foreign nationals held in temporary stay and assistance centres*, AI Index EUR 30/004/2005, Amnesty International, *Spain: The Southern Border: the State turns its back on the human rights of refugees and migrants*, AI INDEX/41/008/2005.

4. The external dimension of the asylum and immigration policy

According to the conclusions of the November 2004 European Council, any co-operation with third countries is conditional upon full respect for human rights, respect for democratic principles, the rule of law and the demonstration by those countries of a genuine commitment to fulfil international obligations towards refugees. The UK Presidency will have a crucial responsibility in upholding this commitment in the future discussions regarding migration partnership with third countries and regarding the establishment of pilot regional protection programs in transit and countries of origin to be launched in July 2005.

Although Amnesty International welcomes the strong human rights conditionality expressed in the Hague Program and recently reiterated towards Libya, it remains concerned by the political ambiguity of Member States' positions. As highlighted in the recent discussions on Libya, governments' interest in developing operational co-operation in order to intercept and return undocumented migrants may take precedence in the longer term over human rights protection.

The revival by the 2004 November European Council of the idea initially put forward by the UK in 2003 to develop offshore processing centres is also cause for concern. According to the action plan of the Hague Program presented in April 2005, the Commission is to launch a study in 2006 exploring the merits and feasibility of joint processing of asylum applications outside the EU territory. Time and again, Amnesty International has expressed its misgivings about the potentially far-reaching implications of offshore processing centres for the international protection system.

While partnerships with third countries can be important tools in addressing migration management, they do not release Member States from their obligations to allow asylum seekers access to asylum determination procedures in the EU territory. The EU risks breaching those obligations through measures that seek to reduce the number of spontaneous arrivals in EU Member States by denying access to territory and shifting asylum seekers to processing zones where responsibility, enforceability and accountability for refugee protection would be diminished, weak and unclear.

The discussions about partnership with third countries have highlighted the need to define the specific objectives of the external dimension of the common European asylum policy first before entering into cooperation with specific countries on an ad hoc basis. The coming discussions on regional protection programs will be a major test of the political willingness of the UK and other Member States to deal significantly with root causes of refugees and migration. Against this background, the UK Presidency should ensure a careful examination of the effective protection available in those third countries that may be willing to host such programs, in close association with the UN High Commissioner for Refugees.

Amnesty International calls on the UK Presidency to ensure that the development of regional protection programs is never used as a substitute to the protection obligations flowing from the 1951 Geneva Convention and other relevant international instruments including the European Convention on Human Rights.

5. Trafficking in human beings

Trafficking in human beings is a global problem that affects countries on every continent. Victims of trafficking have had many of their very basic human rights violated but are too often still treated as criminals rather than as victims of crime who need care and assistance in reclaiming their lives.

On 16 May 2005 the Council of Europe adopted the Convention on Action Against Trafficking in Human Beings, the first ever international instrument specifically aimed at protecting trafficked people's rights. The Convention constitutes a key step forward in ensuring enhanced respect and protection of the human rights of trafficked persons. While states, acting both individually and collectively, have taken measures aimed at ensuring the criminalisation of trafficking, very few have taken legislative and other measures to protect and respect the human rights of victims.

The Convention requires signatories to meet minimum binding standards for the protection and support of trafficked people. These include a guaranteed breathing period ('reflection period') of at least 30 days during which victims of trafficking can receive support to aid their recovery, including safe housing and emergency medical support. Trafficked people who may be in danger if they are returned to their country or who need to stay to assist criminal proceedings are granted temporary residence permits. A number of Council of Europe members including several EU Member States have already signed the Convention.

The European Commission is due to present a Communication on trafficking during the UK Presidency, aimed at strengthening the commitment of the EU and its Member States to preventing and combating trafficking and protecting its victims. It will seek to provide an integrated approach based on the respect of human rights. The Communication should offer an opportunity for the EU and the Member States to address human trafficking more effectively, and to start implementing the new Convention.

Amnesty International calls on the UK Government to sign and ratify the European Convention Against Trafficking, to encourage other Member States to do likewise, and so lead the EU to a more effective response to human trafficking and the need to protect the rights of its victims.

6. Implementation of EU foreign policy guidelines on human rights

The guidelines on human rights have been developed as concrete foreign policy tools to be used at EU level and by Member States, and in particular through missions in third countries. The Presidency normally plays a major role in their implementation. Experience so far with the guidelines, in particular those on torture, has shown that putting them into practice effectively is not a simple matter, a concern that is very much shared by the EU and individual Member States.

DEATH PENALTY

The UK Presidency should make maximum use of its extensive diplomatic presence to strengthen the global reach of the EU's policy against the death penalty. The UK Presidency's focus on Africa provides a unique opportunity to encourage the regional trend towards abolition of the death penalty on the African continent. It should also engage governments in Asia and across the Middle East to establish moratoria on executions with a view to abolition and make the EU's policy better known to public opinion in these regions.

TORTURE

Since the adoption of the guidelines on torture in 2001, the EU has had great difficulty in addressing governments on this sensitive issue, in particular with regard to cases of individuals considered at risk. Such interventions as have been made appeared to have remained limited to calls for ratification of the relevant instruments. In the current international context where the absolute prohibition of torture is under threat, indications that the UK Presidency will explore ways to raise the issue more systematically and extensively with third countries are welcome as this will enhance both the effectiveness and the credibility of the EU's policy on torture.

CHILDREN AND ARMED CONFLICT

The guidelines on children and armed conflict constitute an important EU commitment to address the impact of armed conflict on children. Based on the plan of action elaborated in 2004 with the contribution of NGOs, and using the framework of the bi-annual evaluation of the guidelines that will take place during the second semester of 2005, the UK presidency should use its wide diplomatic network in order to engage with civil society organisations in the field in order to consider better monitoring and early warning systems on child rights abuses.

HUMAN RIGHTS DEFENDERS

The UK Presidency should build on the recommendations of the 2004 EU Human Rights Forum in The Hague regarding the very real contribution EU missions can make to the protection of human rights defenders, and so step up the visibility of the EU's engagement, solidarity and active support for those in the frontline of the defence of human rights. Meetings with human rights defenders should be an integral and non-negotiable item on the agenda of visits of the Presidents of the European Council and the Council of Ministers to third countries.

Amnesty International calls on the UK Presidency to continue to press for more active implementation of the EU human rights guidelines including the necessary resourcing. In particular, concerns in relation to torture, the death penalty, the situation of human rights defenders or children and armed conflict should be a non-negotiable standing item of the agenda of the Presidency's meetings with third countries where these problems exist, including at the highest level.

7. The absolute ban on torture

As part of the EU's responsibility to examine seriously how it should maintain a proper balance between security and human rights when fighting terrorism within its own borders, there is a compelling need to confront the threatened erosion of fundamental human rights caused by the so-called "war on terror". Attempts to justify the use of torture or at least cruel, inhuman and degrading treatment epitomises this threat, and Amnesty International believes that concerted international action is required to counter it decisively.

It would be too easy to focus this concern exclusively on a US Administration whose actions have effectively put the human rights framework at risk by failing to take convincing action to stop all practices of torture and other ill-treatment. The EU has been less than outspoken in expressing its concern about the posturing and practices by its transatlantic partner, and this cannot but play into the hands of governments around the world that seek to justify their repressive actions and human rights abuse by labelling their opponents "terrorists".

As Amnesty International has described in its recent report on counter-terrorism in the EU[3], the EU would also do well to be more scrupulous about its own conduct. The absolute prohibition of torture is a core element of the EU's human rights policy, as reflected in the 2001 EU Guidelines on Torture, and reaffirmed every year on 26 June at the occasion of the UN International Day in Support of Victims of Torture.

It is essential that the EU applies that principle domestically with the same clarity, by outlawing the admissibility of evidence obtained through torture and by confronting questionable practices in Member States such as the use of *incommunicado* detention. Also, the EU's active support for the adoption by the UN of the 2002 Optional Protocol to the Convention Against Torture

[3] *Human Rights dissolving at the borders?,* supra nr 1.

contrasts with the slow pace of ratification by Member States[4].

If the EU is to strengthen its policy to stop and prevent torture effectively through concrete and more effective implementation of the guidelines against torture in relations with third countries, it should complement those efforts by:

- taking an active and unequivocal posture with regard to real or alleged breaches by its Member States and its closest allies;
- ensuring that evidence obtained through torture or other ill-treatment will not be admissible anywhere in the EU; and
- actively promoting the speedy ratification of the Optional Protocol to the UN Convention Against Torture by all EU Member States.

Amnesty International calls on the UK Presidency to lead the EU reaffirming unequivocally the absolute prohibition of torture and other ill-treatment, and to conduct a thorough examination of the EU's policy against torture with a view to ensuring that its stance is reflected fully in its domestic policies as well as its external relations.

8. Arms control

STRENGTHENING THE EU CODE OF CONDUCT CRITERIA

Under the UK Presidency of the EU in 1998, major advances were made in the development of EU arms export controls. Nearly seven years on, EU Member States are continuing to export arms to countries that abuse human rights and suffer internal instability. A review of the Code of Conduct on Arms Exports was initiated in 2003, and there were high hopes that this offered an opportunity to strengthen the Code and close remaining loopholes. However the review has yet to be finalised. Early indications suggest that apart from a stronger reference in the Code criteria to international humanitarian law, overall the review has been disappointing. The UK Presidency should complete the review and look to further tighten the Code criteria.

The present ambiguous wording of the Code criteria allows for widely differing interpretations by Member States. Tighter language would help prevent Member States from making irresponsible export licensing decisions. Similarly, the UK Presidency should develop best practice guidelines to implement the criteria. Such a development would not only be of benefit to current Member States, but could also be an invaluable tool in spreading EU standards of practice further afield, for example to those states which have aligned themselves to the principles of the EU Code but have no understanding of how to apply these principles in practice.

In order to increase the consistency in application of the Code by Member States in regard to sensitive regions, the EU should develop a 'red flag' database of countries at risk of instability. These countries could be based upon the EU's early warning 'watchlist' of countries at risk of conflict. Such a database would indicate to relevant EU ministries when there are serious concerns about a particular end user, making it incumbent on Member States to demonstrate why this export is necessary given the concerns that the EU already has about stability in the country that wishes to import the arms.

INCREASING EU SUPPORT FOR AN INTERNATIONAL ARMS TRADE TREATY (ATT)

The global spread of arms across the world requires a global response. Whilst regional agreements such as the EU Code of Conduct on Arms Exports are important, there is a need for a legally binding international Arms Trade Treaty to which all countries can accede. In a most welcome move, the UK

[4] As of 8 June 2005, there were three ratifications and 11 signatures by EU Member States.

Government has given its support to developing an international Arms Trade Treaty. It is important that the UK use its Presidency to encourage other Member States to do the same, and for all EU countries to support third countries build their capacity to similarly support such a Treaty.

Amnesty International calls on the UK Presidency to complete the review of EU Code of Conduct on Arms Exports, and to consolidate agreement among all Member States on the principles for an international Arms Trade Treaty.

9. UN reform

The UN summit meeting convening in September 2005 to review the implementation of the Millennium Declaration provides a historic opportunity for UN reform to ensure that human rights take their proper place as one of the three pillars of the United Nations. The primacy which the UN Charter accords to human rights requires no less.

The EU has rightly endorsed the recognition by the UN Secretary General that there will be no development without security, no security without development and that neither will be enjoyed without respect for human rights. The vision that all people achieve freedom from want, freedom from fear and freedom to live in dignity must underpin the summit decisions. The UK Presidency should ensure that the EU will galvanise global support amongst UN Member States to undertake distinct commitments to strengthen the promotion and protection of human rights.

Amnesty International calls on the UK presidency to lead the EU to:

- **support and promote the creation of a standing Human Rights Council as a principal organ of the United Nations as the best way to reflect the centrality of human rights in the UN Charter, rather than as a subsidiary organ of the General Assembly;**
- **provide a firm commitment to double the resources of the Office of the High Commissioner for Human Rights by 2010;**
- **strengthen the High Level Summit's resolve that permanent members of the Security Council refrain from using the veto in cases of genocide and large-scale human rights violations; and that the Security Council use its power to refer cases to the International Criminal Court.**

10. Enlargement and neighbourhood policy

TURKEY

Regarding the possible start of negotiations with Turkey in October, the EU should make maximum use of all channels of political dialogue with the Turkish government, as well as the revision of the Accession Partnership, to press for further legal reforms and their implementation. This should include in particular the prevention of torture and of impunity for its perpetrators, guarantees for the full enjoyment of freedom of expression and association, and an end to violence against women.

CROATIA

With regard to the postponement of the start of negotiations with Croatia pending the country's full cooperation with the International Criminal Tribunal for the former Yugoslavia, the EU should engage Croatia to bring its laws and practice into full compliance with recommendations by the Council of Europe and the UN. In relation to the war crimes and crimes against humanity committed during the 1991-1995 conflict, the EU should press and support the Croatian authorities to reform and resource its domestic judicial system to ensure that all perpetrators of war crimes and crimes

against humanity are brought to justice, regardless of their ethnicity or that of the victims.

BARCELONA +10

As the European Union and its Mediterranean partners prepare to celebrate the tenth anniversary of the Barcelona Process, "the ring of friends" the EU intends to build with its European Neighbourhood Policy to enhance stability and good governance at its Southern and Eastern borders is nearing completion. With the forthcoming signature of the EU-Syria Association Agreement, the EU's bilateral relationship with all partner countries on the southern rim of the Euromed space will be guided by the legally binding commitment of all sides to anchor their relations on respect for human rights.

The Commission's recent review of the Barcelona Process acknowledges that a decade of partnership "can not be said to have resulted in a significant advance in democratisation". Despite this sobering analysis, the reaction of Euromed ministers to Commission proposals to drive reforms towards better protection of human rights have remained reserved at best. On the other hand, the human rights chapters in the European Neighbourhood Action Plans agreed with Israel, Morocco, Jordan and Tunisia and the establishment of sub-committees on human rights with Jordan and Morocco, while modest in ambition and design, offer new entry points and platforms for a sustained engagement of Euromed partners in regard to better human rights protection, including in the framework of upgraded EU-Euromed cooperation on counter-terrorism and on asylum and migration.

Amnesty International calls on the UK Presidency:

- **to insist on full human rights compliance in connection with the start of accession negotiations with Turkey and Croatia;**
- **to lead the EU to forms of cooperation with neighborhood countries on counter-terrorism, asylum and migration that are anchored in full respect for international human rights, humanitarian and refugee law.**