



Council of the
European Union

Brussels, 16 September 2019
(OR. en)

12108/19

COHOM 97
COPS 275
DEVGEN 165
FREMP 114
CONUN 114
CFSP/PESC 670

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	11918/19
Subject:	Council Conclusions on the Guidelines on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Delegations will find attached Council Conclusions on the Guidelines on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the Council at its 3712. meeting held on 16 September 2019.

**Council Conclusions on
the Guidelines on EU Policy Towards Third Countries on Torture
and Other Cruel, Inhuman or Degrading Treatment or Punishment**

1. The Council welcomes the Guidelines on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and approves the revised guidelines. The Council remains seriously concerned by the widespread use of torture and other ill-treatment around the world.
2. The Council recalls that the prohibition of torture and other cruel, inhuman or degrading treatment is absolute in international law. The fight against torture and other ill-treatment is enshrined within the EU legal and political framework and the EU will continue to oppose any attempt to limit this absolute prohibition. In this respect, the EU and its Member States reaffirm their full commitment to combatting torture and other ill-treatment worldwide, in line with relevant international and regional treaties and standards on human rights, including on the administration of justice and the conduct of armed conflict.
3. The EU will continue to strongly oppose and condemn the use of torture and other ill-treatment by state and non-state actors, wherever it takes place and whatever its form, using all tools at its disposal. The Council recognises the relevance of a comprehensive approach to eradicating torture encompassing all essential elements: prohibition, prevention, accountability and redress for victims.

In this context, the Council underlines the importance of procedural safeguards, in particular in the first hours of detention, to prevent torture and other ill-treatment.

4. The EU calls on all States to fully comply with their human rights obligations under international law including in counter-terrorism, migration, trafficking in human beings and other crisis management settings, with particular attention to those in the most vulnerable situations. The EU also stresses the importance of mainstreaming safeguards against torture and other ill-treatment in all actions and policies.
5. Engaging with all key stakeholders and taking joint actions is critical to the eradication of torture. The Council underlines the importance of further strengthening cooperation with UN mechanisms and regional bodies, as well as with other relevant actors such as the International Criminal Court. The Council equally acknowledges the key role of National Human Rights Institutions and independent National Preventive Mechanisms as well as of civil society organisations and human rights defenders in the fight against torture and other ill-treatment.
6. The Council notes with appreciation the progress made by the Global Alliance for Torture-Free Trade, a cross-regional effort gathering more than 60 countries committed to ending trade in goods used for torture and capital punishment globally. The Council welcomes the UN General Assembly resolution on Torture-Free Trade and strongly supports efforts to establish common international standards in this field. It also welcomes the ongoing work on the revision of the Istanbul Protocol on Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
7. The revised guidelines provide practical guidance to EU institutions and Member States, including on the wide range of tools that can be used in their engagement with third countries and in multilateral human rights fora to support ongoing efforts to eradicate torture and other ill-treatment worldwide. The Council Working Party on Human Rights (COHOM) will follow up on their implementation in close cooperation, when appropriate, with other Council working groups.
