



## **AMNESTY INTERNATIONAL EU ASSOCIATION - ANNUAL REPORT 2005**

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## Annual Report 2005

### Introduction

Whereas 2004 was a year of change and anticipation with the accession of ten new Member States, the adoption of the constitution, a new European Parliament and Commission, 2005 saw the whole EU suddenly plunged into crisis after the French and Dutch voted no to the constitution.

Insofar as that crisis impairs the functioning of the whole system and blocks the EU from delivering better on its values and ambitions, human rights are as much affected as any other area of EU endeavour. More specifically, it means that the two major human rights items in the constitution are shelved: the incorporation of the Charter of Fundamental Rights making it legally binding, and the mandate for the EU to accede to the European Convention on Human Rights (ECHR).

Amnesty International, like so many other NGOs dealing with human rights, development, conflict prevention, social and environmental issues, did not come out in favour of the constitution as such but supported it to the extent that it did promise greater efficiency and effectiveness with which the EU would deliver on key policies in these spheres. Likewise, as civil society we find ourselves in broad agreement seeing the solution to the constitutional crisis not in endless debate about Europe as such, but in effective action and better delivery, domestically and on the global stage.

For all the talk of crisis and the soul-searching that is still continuing, it was striking to see the EU quickly settling down to "business as usual". For human rights, that was good and bad news. The good news was mainly to be found on the side of external relations where we could see marked progress in certain areas, the bad news was on the domestic side where the taboo on human rights compliance by Member States became ever more sharply pronounced especially in connection with the fight against "illegal immigration" and terrorism.

At the global level the debate on UN reform has underlined the inextricable link between security, development and human rights. This conceptual insight is gradually finding its way into the whole field of the EU's external relations, raising complex challenges of shaping more comprehensive and cross-cutting strategies - for example development policies in which human rights (including women's and children's rights) are more effectively mainstreamed; conflict prevention strategies that try to tackle root causes of poverty and exclusion; ambitions to control irregular migration while protecting refugees' and migrants' rights; or trade policies that take account of human rights impacts.

Meanwhile in 2005 we could see the EU becoming more operational in its foreign policy. This manifested itself in particular in concrete engagement in peacekeeping and civilian crisis management. Human rights are increasingly recognised as a key factor that has to be built into conflict prevention, peace and crisis management operations from the very start. Another area in which the EU sought to develop more concrete action to enhance stability through advancing democracy, human rights and the rule of law as well as through economic prosperity, was the European Neighbourhood Policy. The achievements in this respect of the EU's enlargement policy and its crucial role in Europe's remaining area of instability, the West Balkans, may seem evident but public perceptions were rather more negative.

Amnesty International has for years been critical of the EU for failing to put its human rights tools in the field of external relations into practice. The past year showed more positive developments, including focused efforts to implement the various human rights guidelines, debate on the human rights clause, and EU support for an international arms trade treaty. At the institutional level the European Parliament's revived subcommittee on human rights, and the new position of Javier Solana's personal representative on human rights, have had a positive impact.

Nevertheless, engrained problems remain. Human rights worldwide continue to feel the impact of 9/11 and the manner in which the US conducts its 'war on terror'. When dealing with key countries, 'strategic partnerships' and the double standards of Realpolitik still tend to eclipse human rights interests. Mainstreaming human rights remains an elusive goal. There is great resistance for the EU to go beyond the purely voluntary approach when addressing corporate responsibility in relation to human rights. Funding human rights action is hampered by too much bureaucracy to spend too little money.

Human rights within the EU have only recently become an item on the political agenda. We saw some seemingly significant developments: the proposed fundamental rights agency (FRA), the Group of Commissioners on Fundamental Rights, and the intentions to enable EU accession to the ECHR and to incorporate the Charter of Fundamental Rights into the constitution. But the constitution is dead, the FRA will effectively be barred from dealing with the hard issues of human rights in the EU, and the Group of Commissioners is equally invisible in this respect. Meanwhile, Member States still refuse to even acknowledge a measure of EU-level accountability for their own human rights shortcomings.

The gap with the reality of those shortcomings has become increasingly obvious. For many years AI has reported on police abuse, various forms of racism and discrimination, as well as increasingly restrictive asylum policies. The fact that asylum is principally a human rights issue seems to be lost amid all the discourse surrounding migration management and the political pressures to stop illegal immigrants from reaching the EU almost at any cost. The EU's enlargement program has sharpened the contrast between the scrutiny of candidate countries and the complacency of Member States. Emergency legislation in Member States that led to evident abuses has remained without EU response. The disclosures at the end of 2005 about CIA renditions and the suspicion of European complicity in gross human rights abuse by US agents underlined how counter-terrorism can put human rights at risk.

Two dominant factors have been driving the EU's domestic agenda: terrorism and irregular migration. Both feature serious human rights issues. Amnesty International has demonstrated extensively the human rights deficit in the EU's counter-terrorism policy, and the manner in which human rights and refugee protection obligations are snowed under in the fight against "illegal immigration". Given their external ramifications there is a real risk of undermining the credibility of the EU human rights policy as a whole. It has brought AI to lead a call for a fundamental review of that policy, in its external and internal aspects.

Pressure remained as important as ever to hold the EU to its promises. The scope for human rights advocacy at the EU is vast, and while considerable attention goes to the issues that capture the headlines, underneath there is a continuous effort to provide information and exert pressure on a wide range of countries, cases and issues. Often that less visible effort has more impact than is possible on the headline issues. Human rights NGOs are seen as an indispensable counterpart to the system by the EU institutions themselves, notwithstanding the fact that they regularly expose the double standards that are to some extent inherent in that system.

Amnesty International continued to play a very active and in some respects prominent role in this context. Much of that effort, especially in the area of external relations, is in partnership with or complementary to other NGOs operating in Brussels. In that domain AI increasingly seeks to link up with other networks, such as on development, conflict prevention and social issues. When it comes to working on asylum and immigration, there are markedly fewer NGOs active at EU level, while none deal as extensively as AI with the increasingly pressing questions of human rights inside the EU.

Significant media coverage continued to enhance the impact of AI's activity at EU level, and reinforced the prominent profile of the EU office as the face of the organisation in Brussels and as an authoritative source of information, analysis and advice. Its resource function was particularly sought in the complex and politically highly sensitive areas of asylum and immigration, and judicial cooperation and fundamental rights in the context of counter-terrorism.

Unlike most of its partners, AI is also able to draw on its extensive network of national sections and structures capable of exerting influence in other capitals. That ability to put pressure on Member States' governments at home gives AI a clear strategic advantage. In this context it was important that AI was able to start a project at the end of 2004 to help AI branches in the new Member States,

initially for two years, to develop effective EU lobby work. In the course of 2005 the results started to become visible

## **Human rights in Europe**

In 2005 AI continued to sharpen its focus on human rights within the EU, for two reasons. First, abuses do occur, often systematic, and need to be addressed for the sake of redress as well as prevention. Second, the effectiveness of the EU in its external human rights policy is directly linked to its credibility regarding its own compliance. Generally, the response remained that the EU has no competence over human rights problems in Member States.

AI holds that there are formal arguments to counter this position, in particular on the basis of Article 7 of the EU Treaty which provides for action by the European Council in case of serious breaches of human rights. Perhaps even more important, especially in an era when counter-terrorism and the fight against illegal immigration put human rights at risk across EU borders, is the political argument that the EU cannot afford to turn a blind eye to its own shortcomings if it purports to be a "union of values". And yet that was precisely what continued to happen. The silence of the EU in the face of serious breaches of human rights standards was a given. AI's regular appeals – in 2005 it asked attention for human rights problems in France, Greece, Italy, Slovenia, Spain, UK - received either an unsatisfactory response (Commission), or no response at all (Council).

The unwillingness to upgrade its domestic human rights role was also echoed by the low profile discussions over the future EU Fundamental Rights Agency (FRA). AI welcomed the proposal presented by the Commission in June for the agency as one step in the incremental process of building an effective human rights policy for the EU itself, but found that its mandate was conceived too narrowly, and that the overall process reflected a too limited and ad hoc approach to fundamental rights policy in the EU. It argued for an agency that is empowered to identify weaknesses in the way human rights are observed in practice in the EU - not only at EU level but also in the Member States. The negotiations that began under the UK Presidency confirmed what AI termed a minimalist conception of the future agency's role.

In May 2005, AI published a major report highlighting the deficiencies in the EU's criminal law response to terrorism. The analysis also expressed concerns over measures by Member States including methods of removing terrorist suspects from EU jurisdictions to third countries where they may face torture. The report was presented to EU Counter-terrorism Coordinator Gijs de Vries and the Director General for Justice, Freedom and Security Jonathan Faull. Shortly afterwards the report was also discussed in a meeting AI had with JHA Commissioner Franco Frattini.

The concerns set out in AI's report gained a particular resonance in the groundswell of disclosures in the autumn about the manner in which the "war on terror" was being conducted by the United States, and how it impacted in Europe. The Council of Europe and the European Parliament set up inquiries to establish the truth on possible EU and member state complicity in practices that involved illegal kidnapping, transportation, secret detention and torture of terrorist suspects, and on the alleged presence of CIA secret detention sites on the territory of EU and candidate countries.

The EU never responded to antiterrorist measures taken by some Member States that breach international standards. However, the disclosures about renditions and secret detentions highlighted the EU's collective responsibility with regard to the way its Member States conduct the fight against terrorism. AI addressed an appeal to the European Council in December 2005, calling on the EU leaders to state unequivocally that they will not tolerate any national or EU law or practice in the fight against terrorism that violates the principle of respect for the rule of law and protection of human rights. The Council kept silent.

Meanwhile Council negotiations on the framework decision on procedural rights of suspects and defendants in criminal proceedings dragged on. There were disturbing signs that terrorism-related offences might even be excluded from the scope of the new instrument, which could be regarded as another test for the EU's promise made in 2001 shortly after 9/11 that increased judicial cooperation would be balanced with adequate human rights safeguards.

During 2004 AI had repeatedly called on the Council to resume negotiations on the proposed framework decision on combating racism and xenophobia and so to push for harmonisation of substantive criminal law on racism. The Luxembourg presidency responded but had to abandon the project yet again because of fundamental disagreements.

AI also lobbied the EU in connection with several Council of Europe initiatives, notably its conventions on trafficking in human beings and on terrorism.

### **Asylum and immigration**

After completion of the first phase of harmonisation with a series of minimum standards, the development of a common European asylum system began to falter. Legislative fatigue combined with the overall restrictive political climate and the increasing focus on closing Europe off from "irregular" migration resulted in 2005 in a marked shift of attention to the so-called external dimension of asylum and immigration policy.

The political guidance for the harmonisation process had been provided by the Tampere European Council in October 1999 where States reaffirmed the "absolute respect of the right to seek asylum" and agreed that the Common European Asylum System (CEAS) should be based on "the full and inclusive application of the Geneva Convention", thus ensuring the respect of the principle of *non-refoulement*. From the perspective of concerned NGOs, the overall assessment of the first phase of harmonisation was rather negative

Under the 2004 Hague Programme the CEAS is to be completed by 2010, including the commitment to a single asylum procedure. AI continued to express its concern that a common system will be based on the low standards agreed during the first harmonisation phase. Other aspects were commented on more positively, such as systems to jointly deal with country of origin information and to address particular pressures on national asylum systems, including those in some of the new Member States.

The defining moments in 2005 were the tragic events in the Spanish enclaves of Ceuta and Melilla in Morocco where in September and October a number of people were killed and many more injured while they were trying to scale high razor-wire fences and gain entry to Spanish territory. These events highlighted increasing attempts by EU Member States to effectively withdraw from their international human rights and protection commitments and to shift responsibility for refugee protection to neighbouring third countries where responsibility, enforceability and accountability for effective protection are likely to be minimal at best.

In the light of the events AI urged the Council to examine carefully the potential impact of future developments in the EU asylum and immigration policies, in particular regional protection programs, on the international protection system. It expressed concern that the manner in which the "fight against illegal immigration" is conducted risks exacerbating rather than alleviating the problems associated with irregular migration. It criticised the lack of real solidarity, and abusive practices against asylum seekers and migrants generally that too often amounted to breaches of international human rights obligations, ranging from unlawful detention to *refoulement*. Not only did this put a strain on the EU's stated goal of seeking durable solutions and tackling root causes, it also risked affecting the EU's credibility and legitimacy in asking others to carry burdens it is not prepared to accept for itself.

With a series of AI country reports the EU was pressed about the improper and unlawful use of detention against asylum seekers and migrants in Spain, UK, Italy and Greece. Again, the Council did not deem it necessary to respond. Likewise, a number of interventions were made in connection with expulsions of irregular migrants from Italy and Malta.

### **Enlargement**

A major factor in the constitutional crisis was the widespread negative attitude towards enlargement. Turkey's candidacy especially was subject of critique and protest. However, this did not prevent the actual process following its course as set by previous Council decisions on existing and new candidacies.

Bulgaria and Romania remained on track for actual accession in January 2007 although pressure was maintained for further improvement on issues like the justice system and fighting corruption. Extra safeguard clauses with reinforced monitoring apply that allow for postponement in case of insufficient application of the *acquis*. AI issued a briefing in October at the time of the Commission's annual progress reports, detailing concerns in both countries on ill-treatment by law enforcement officers, discrimination against Roma communities and the treatment of persons with mental disabilities.

Accession negotiations with Turkey and Croatia started in October. AI remained active throughout the year by providing its information and assessment of the human rights situation in particular in relation to Turkey. While acknowledging the importance of the accession process in bringing about major legislative reform in a relatively short period of time, AI remained concerned about implementation in practice given the continued prevalence of torture and restrictions on freedom of expression and association. In the case of both Croatia and Turkey, too, a special safeguard clause applies, allowing for suspension of negotiations in case of serious and persistent breaches of the principles of liberty, democracy, respect for human rights and fundamental freedoms. By imposing this conditionality, human rights should remain a central focus.

Throughout the year, AI continued to make its information available to the EU on the remaining countries of the Western Balkans for which the Stabilisation and Association process is the framework for their relations with the EU. Macedonia's application for EU membership was accepted so that country also acquired official candidate status.

In conjunction with its actual enlargement the EU has drawn up a coherent policy framework for relations with its new neighbours in the East and South. The European Neighbourhood Policy (ENP) aims at enhancing cooperation in the political field as well as in security matters and social-economic development. AI considers that the ENP has the potential to strengthen democracy and promote human rights in a number of countries where serious problems of systematic abuse persist, but it has advocated that to create such opportunities will require similar constructive conditionality as applied in the enlargement process.

At the occasion of the 10th anniversary of the Euro-Mediterranean Partnership in November, AI issued a substantial analysis pointing out that ten years after the Barcelona Process was initiated, the violation of human rights continued unabated among partner countries. At the same time the European Union increasingly failed to live up to its own international obligations, notably in its response to terrorism and irregular migration. AI called on the summit in Barcelona to include human rights more firmly on the political agenda with adequate implementation mechanisms.

### **Human rights in the world: country work**

The mainstay of AI's work was as always the constant supply of information combined with lobby, publicity and campaigning in Brussels and in the national sections about human rights in the many countries with which the EU has relations. This activity always included countries that AI prioritised for action by the worldwide movement, such as in crisis response situations.

AI's work at the EU included a long list of countries, some of them regular features for many years.  
 In **Africa**: Cameroon, Chad, Democratic Republic of Congo, Equatorial Guinea, Eritrea, Ethiopia, Ivory Coast, Liberia, Nigeria, Sierra Leone, Somalia, Sudan, Togo and Zimbabwe.  
 In the **Americas**: Brazil, Colombia, Guatemala, Mexico and the USA.  
 In **Asia**: Afghanistan, Burma, Cambodia, China, India, Indonesia, Japan, Laos, Malaysia, Maldives, Nepal, Pakistan, Philippines, Singapore, Sri Lanka, Thailand, and Vietnam.  
 In the Middle East and North Africa: Algeria, Egypt, Iran, Iraq, Israel/occupied Territories, Lebanon, Libya, Syria and Tunisia, as well as the Euromed partnership.  
 In **Europe and Central Asia**: Albania, Bulgaria, Croatia, Romania, Russia, Serbia and Montenegro, Turkey, Ukraine and Uzbekistan.

It is not practical in the context of this annual report to give an account of all these activities, but more detailed information on country work can be made available on request.

Major initiatives were taken in relation to several countries that have been regular features of AI's human rights advocacy at the EU. The annual China and US and bi-annual Russia summits were targeted, as was the ongoing EU involvement with Colombia in terms of assistance and political dialogue. The official human rights dialogue with Iran was suspended due to lack of cooperation from Iran, but the one with China was closely monitored, as were the new human rights "consultations" with Russia. Work on Turkey remained intensive in the enlargement context. The EU was urged on a regular basis including at the occasion of President Bush' visit to Brussels in February to press the US over its conduct of the 'war on terror' and to close Guantánamo.

The country that remained under the spotlight for AI was China, in connection with the EU's attempt to come to agreement internally and with the US to lift the arms embargo it had imposed in 1989 in response to the Tienanmen Square massacre. AI's regular briefings on aspects of the human rights situation in the country, combined with its substantial contribution to the review of the EU Code of Conduct on Arms Exports which the EU projected as a convenient substitute, created a constant demand for expertise, public presentations and media contacts. In May the EU adjusted its position to the effect that the lifting of its arms embargo was made contingent on human rights reform in China.

As always, the UN Commission on Human Rights meeting in Geneva in the spring provided an overarching priority for EU lobby as a vital part of AI's and the international human rights movement's aim to get and keep offending countries and thematic concerns on the agenda. Intensive lobbying in Brussels and through the capitals directed at the EU as the actor carrying the majority of initiatives in Geneva were key in AI's overall effort. The result of the 2005 session was again very disappointing. The latter part of the year saw equally intensive efforts to commit the EU to the key elements of the reform of the UN Human Rights Commission into a more effective Human Rights Council.

### **Thematic concerns**

The EU's human rights guidelines – on death penalty, torture, human rights dialogues, children and armed conflict, and human rights defenders – were developed as concrete foreign policy tools to be used especially through missions in third countries. Their implementation was in many ways problematic, but with the latest guidelines on human rights defenders adopted in 2004, finally more determined and systematic efforts began to be made to put them into practice. They were focus of discussion at the EU Human Rights Forum in December in London, where AI led a substantial debate based on the first outcomes of a project on human rights defenders by AI's Dutch section. Key finding was the low level of awareness of the guidelines among officials and staff as well as among human rights defenders themselves.

The torture guidelines have proven most difficult to implement, but signs were that the focus on human rights defenders could also serve to stimulate a fresh impetus on torture. AI helped prepare for such an effort in 2006. The UK presidency undertook an evaluation of the guidelines on children and armed conflict, to which AI contributed through the special Brussels coalition on children's rights.

After years of protracted negotiations and persistent campaigning by AI the Council in 2005 at long last approved the torture trade regulation, that aims to control the export of goods that can be used for torture or capital punishment. Throughout the year, AI also campaigned for speedy ratification of the Optional Protocol to the UN Convention on Torture.

The review of the EU's Code of Conduct on Arms Exports initiated in 2004 remained without conclusion, caught up as it was with the controversy over the lifting of the arms embargo against China. AI has actively campaigned for strengthening the code, placing the review of the code in the broader context of its worldwide Control Arms campaign. One of the aims was to make it legally binding.

On violence against women, the scope for EU-level action was limited because of the lack of community competence to regulate in this area. On the other hand, much activity was already generated and funded by the Commission in the sphere of prevention. The EP took the issue up in a number of ways assisting to achieve exposure of the problem. The EU office director addressed a hearing of the Committee on Women's Rights in June. In the domain of external relations AI consistently addressed the EU over its responsibility for the conduct of EU forces to ensure a zero-tolerance policy towards violence against women, trafficking and other abuse.

In the second half of the year AI began to engage more systematically with EU efforts to combat trafficking, in conjunction with other NGOs. In a letter in November to the Council multi-disciplinary working group on organised crime, AI stressed that human rights protection of the victims should take precedence over the immigration control dimension that appears prevalent in official attitudes, and pointed out that the EU policy must promote standards for protection of trafficked persons that are at least consistent with the minimum standards set by the Council of Europe.

During 2005 no progress was made on the question of corporate social responsibility (CSR) after an extensive dialogue process in the form of a two-year Multi-Stakeholder Forum had ended the previous year in fundamental disagreement over the need and appropriateness of regulating for corporate accountability. AI had participated actively in the process together with the other NGOs from different sectors.

## **EU institutional developments**

The year started with a new face, that of Michael Matthiessen, the newly appointed Personal Representative for Human Rights of the EU's High Representative for the CFSP Javier Solana. AI had actively promoted the establishment of this new position, for the sake of enhancing the continuity and consistency of the EU's external human rights policies. The experience of the first year was positive, in particular in terms of connecting relevant parts of the system and injecting a more consistent human rights perspective in different fora ("mainstreaming"). One of the tangible outcomes of facilitating cooperation with NGOs was a series of meetings by AI, Human Rights Watch and the International Federation for Human Rights in November with top Council officials, including the full Political and Security Committee, EU Counter-terrorism Coordinator Gijs de Vries, Director General of EU Military Staff General Perruche, and the High Representative for the CFSP Javier Solana.

The European Parliament's Subcommittee on Human Rights that was re-established in 2004 quickly developed a constructive profile not only by dealing with specific country and thematic issues, but in particular also by shaping its accountability role vis-à-vis the Council and the Commission. AI has contributed to the work of the subcommittee (as well as other relevant EP committees) in a variety of ways.

The new Group of Commissioners on Fundamental Rights set up and headed by Commission President Barroso has managed to stay largely in the background without making a significant mark on the role of the Commission in areas of direct concern to AI. Its major achievement so far was a methodology presented in April for monitoring the implementation of the Charter of Fundamental Rights in connection with legislative proposals. Another institutional innovation in this field is still under negotiation, the proposed Fundamental Rights Agency (see above under 'Human rights in Europe').

The role and position of NGOs at the EU came under scrutiny in two separate developments. The first was the so-called transparency initiative launched by Commissioner Kallas, aiming to promote greater openness and ensure ethical behaviour among EU institutions and lobbyists. The approach taken for lobbyists and NGOs is to ask for self-regulation e.g. through a code of conduct. The second development is an initiative by the Commission to propose a code of conduct for non-profit organisations to promote transparent NGO governance in relation to preventing such organisations from being misused by terrorists in particular for purposes financing.

AI has been active in particular with regard to the latter issue, along with development, conflict prevention and social NGOs, because a too rigid approach could put a whole range of development, relief, humanitarian and peace-building activities in jeopardy. At the end of 2005 the JHA Council adopted conclusions acknowledging the vital role of the non-profit sector in various domains and stating a series of principles that should ensure that the integrity of NGOs is safeguarded without impairing their credibility and functioning.



## Media and outreach

The EU office media program continued to be a crucial asset for AI's advocacy at the EU. Major initiatives such as on the counter-terrorism report, and the persistent exposure of abuses in the fight against irregular migration and of the shortcomings of the EU policy in human rights in Europe, not only generated public pressure in support of lobby efforts, but also served to strengthen the high public profile for AI at the EU as a serious actor and as a reliable resource. Which in turn helps to keep AI on the media's radar screen for the less prominent issues as well.

The key to the successful program remained careful selection to avoid overload, properly timed connection to the EU agenda, succinct messages with sharp quotes, and good coordination between the different AI components (EU office, International Secretariat and national sections). In addition, availability of staff to provide background and specialist briefings, proved again to be a good way of meeting journalists' needs, in particular on more complex and sensitive dossiers like asylum and counter-terrorism. Several feature articles were also produced on these issues.

As has been indicated throughout this report, outreach in the broader sense, and in particular cooperation with other NGOs, is indispensable for AI's work at the EU. Such cooperation takes place continuously on an ad hoc basis in different alliances, while at the same time broader networks provide platforms for exchange of information and for coordination of activities that benefit from a joint approach. AI continued to play an active role in the general network of human rights and democracy NGOs and in the special networks on asylum and migration issues and on migrant workers.

Since 2002 AI participated in shaping a successful inter-sectoral NGO alliance to ensure an effective civil society contribution to the work of the Convention drafting the new constitution. That cooperation continued with other NGO families such as in the development, conflict prevention and social fields, on issues of common interest ranging from the future Financial Perspective to CSR to elaborating the concept of participatory democracy. A corollary of AI's active role in all these circuits is a constant demand on EU office staff and especially the director for speaking engagements on a wide range of relevant issues.

## Membership involvement

Amnesty International's EU work is not only done in Brussels, but it is a joint effort with the AI sections and structures in the Member States, reflecting AI's strategic objective to influence EU decision-making also through direct pressure on the Member States at the national level. With the enlargement from 15 to 25 AI is unfortunately no longer in a position to do so in all Member States, for in only five of the ten new EU countries, Slovenia, Poland, Czech Republic, Slovakia and Hungary, does AI have national branches capable of such activity. Even so, it was felt necessary to provide extra support for these new partners in EU lobbying, through the establishment of a special two-year project based in Warsaw that started in November 2004 to help capacity building in this area.

All EU sections and structures participate to a larger or lesser extent in the many actions that are generated. Cooperation is especially close each time with the presidency sections, in 2005 the Luxembourg and UK sections. The tradition was continued of presenting a detailed memorandum to each incoming presidency, outlining AI's assessment of the effectiveness of the EU's human rights effort and making concrete recommendations tailored to the period ahead.

## Impact

The impact of AI's efforts at the EU are not easy to measure, if only because any particular achievement will have many authors and actors involved in the process of bringing it about. Also, human rights impact as such is something to be cautious about: a Council declaration or European Parliament resolution may never have more impact than on the paper on which they are written, while invisible actions on behalf of for example human rights defenders may not only lend protection to the individuals but also contribute to broader systemic change.

Bearing this in mind, it is possible to point at impact when reviewing human rights developments at the EU and AI's efforts. As the human rights organisation most knowledgeable, active and vocal on

the broader complex of the EU domestic human rights deficit, AI has been instrumental over a number of years to help put this on the agenda and to maintain the pressure necessary to obtain a more satisfactory response. AI's consistent analysis of legislation and of the human rights implications of EU counter-terrorism and asylum and immigration policies is unique and the quality of this work lends its voice credibility and weight. Over the past period we have also seen AI in particular address the dangers of the EU's approach to building cooperation with Mediterranean partners to control 'illegal immigration' in a way that has been used by the Commission, valued by Member States and taken seriously into account in Council negotiations.

Implementation of the EU's human rights guidelines depends much on engagement of NGOs, and AI's efforts over the past year in particular on the Human Rights Defenders guidelines have been instrumental in pushing for what has become a determined effort to put them into practice. At an entirely different level, the explicit acknowledgement by the EU in 2005 that the lifting of its arms embargo against China would require certain human rights reforms followed sustained and highly visible AI pressure over a long period to establish such explicit conditionality. In the sphere of CSR, AI has come to be seen as a key player in the struggle to go beyond voluntary effort by companies and seek corporate accountability. And again in a different domain, the investment by AI in Brussels at capacity-building and cooperation with partner NGOs is widely acknowledged and valued.

AI's reputation and vast resource of human rights expertise are great assets to conduct human rights advocacy at the EU. Applying those assets in a way that puts them to greatest effect in using the vast potential for human rights offered by the complex entity that is the EU, is the daily challenge for the EU Office. It requires intimate knowledge, expertise, a measure of intuition, an ability to play the double role of partner and critic in constant interchange, and the confidence to make choices to adapt one's own priorities to the realities of the EU without losing sight of the bigger picture.

We hope that this annual report reflects those qualities.

**EU Office 2005 selected documents (available on [www.amnesty-eu.org](http://www.amnesty-eu.org)):**

- More resources for human rights: AI's ten-point program for the Luxembourg Presidency of the EU (January)
- The purpose of the Fundamental Rights Agency - presentation at public hearing by the European Commission (January)
- A missed opportunity to raise refugee protection standards throughout the EU: briefing to the EP on the Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (February)
- Open letter to EU leaders on the meeting with US President Bush in Brussels (February)
- Open letter to JHA Commissioner Frattini on deportations to Libya (March)
- Open letter to Luxembourg Presidency on impunity of French police (April)
- Immigration cooperation with Libya: the human rights perspective – briefing for JHA Council (April)
- AI contribution to the Commission Green Paper on an EU approach to managing economic migration (April)
- Promoting EU fundamental rights policy – presentation at EP public hearing (April)
- The EU Constitution and human rights – Amnesty International's view (May)
- Illegal immigration - AI open letter to the JHA Council (May)
- Human rights dissolving at the borders? Counter-terrorism and EU criminal law (May)
- Open letter to incoming UK Presidency: the human cost of Fortress Europe (June)
- Campaigning to stop violence against women also needed in Europe – presentation at EP public hearing (June)
- Delivering on human rights: AI's ten-point program for the UK Presidency of the EU (June)
- AI appeal to the EU regarding expulsions from Italy to Libya (June)
- Open letter to the UK Presidency on the 10th anniversary of the massacre of Srebrenica (July)
- EU concerns regarding human rights in China – AI briefing for EU-China summit (September)
- The death penalty in India – AI briefing for EU-India summit (September)
- EU Regional Protection Programmes: enhancing protection or barring access to EU territory? (September)
- The Fundamental Rights Agency: a minimalist conception of human rights (September)
- EU Member States threatening the integrity of the international refugee system - AI open letter to JHA Council (October)
- AI's response to the Commission proposal for a Fundamental Rights Agency (October)
- Bulgaria and Romania: AI's human rights concerns in the EU accession countries (October)
- Letter to Council on EU action plan to combat trafficking in human beings (November)
- Open letter to UK Presidency on CIA secret detention facilities and interrogation practices (November)
- Ten years of Euromed: time to end the human rights deficit (November)
- Open letter to the Commission President Barroso on the 'erased' in Slovenia (November)
- Reasserting the Union's fundamental values in the fight against terrorism – open letter to the European Council (December)