



**President Herman Van Rompuy**  
President of the European Council

Brussels, 25 November 2010  
Our Ref: B1023

Dear Mr Van Rompuy,

**Subject: 3<sup>rd</sup> Africa – European Union Summit, 29-30 November 2010**

As European and African leaders take stock of the Joint Africa EU Strategy at the Summit in Tripoli (29-30 November 2010), we urge for increased consideration of human rights in all future cooperation efforts. As stated in the Joint Africa EU Strategy adopted in 2007, Africa and Europe are bound together by a community of values, including the respect for human rights, equality, justice, the rule of law and democracy. Leaders on both sides should thus take concerted action to give effect to the commitment to human rights and effective implementation of regional and international human rights instruments. Human rights should be accorded greater weight in pursuing the shared vision of the Joint Strategy to promote sustainable development in both continents, living side by side in peace, security, prosperity, solidarity and human dignity. This applies not only to the partnership on democratic governance and human rights, but throughout all eight partnerships. The importance of placing human rights considerations at the centre of joint policies is highlighted below with regard to the partnerships on Peace and security, Millennium development goals (MDGs) and Migration, mobility and employment.

**Peace and security**

Amnesty International is concerned about the continued impact of conflict, insecurity and violence on millions of people in Africa, compelling scores of civilians to flee and seek a better future elsewhere, including in Europe. While progress has been made towards resolving some of the ongoing conflicts, we wish to emphasise the urgent need to address the human rights situation in Somalia and Sudan.

***Somalia***

Amnesty International is concerned at the widespread violations of international humanitarian law and human rights law, including war crimes, and the dire humanitarian situation in southern and central Somalia. Civilians are at high risk of being killed and injured in indiscriminate attacks by all parties to the internal armed conflict, and as a result of a situation of generalized violence and collapse of the rule of law. Certain categories of persons face targeted attacks, including unlawful killings, torture and other ill-treatment, abductions, death threats and harassment. In areas where there is currently no fighting, civilians bear the brunt of arbitrary and repressive rules enforced by armed Islamist groups. Conflict and associated human rights abuses continue to cause massive displacement in Somalia. According to UNHCR, as of October 2010, over 200,000 civilians were estimated to have fled their

homes in Somalia between January and early September 2010, some 1.4 million are currently displaced within the country and 68,000 have been registered as newly arrived refugees in neighbouring countries in 2010.

**Amnesty International calls on African and EU leaders to:**

- **Demand that grave abuses committed against civilians by all parties to the conflict are investigated and mapped by an independent and impartial Commission of Inquiry or similar mechanism, which could also recommend the way forward for accountability in Somalia.**
- **Demand the establishment of an independent mechanism to investigate all allegations of violations of international humanitarian and human rights law by personnel of the African Union Mission in Somalia (AMISOM), including allegations of indiscriminate or disproportionate attacks.**
- **Ensure that all Somalis fleeing conflict and persecution in southern and central Somalia are able to access refuge and protection in accordance with relevant human rights obligations. In particular, provide refuge, protection, durable solutions and support to Somali civil society activists to continue their work in light of the specific risks they face.**

***Sudan***

Amnesty International is concerned about the situation of human rights in Sudan in the lead up to the referendum on self-determination of south Sudan, scheduled to take place on 9 January 2011. Restrictions on freedom of expression, including censorship, closure of newspapers and the arrests of journalists have significantly increased in the north of Sudan in recent weeks. At least 11 activists and journalists arrested by the National Intelligence and Security Service (NISS) presently remain in incommunicado detention without charges. Amnesty International is particularly concerned over the powers granted to law enforcement agencies, such as the NISS, which continue to commit human rights violations, including arbitrary arrests and detention, torture and other forms of ill-treatment.

In Darfur, the armed conflict continues to affect thousands of people who are confronted on a daily basis with insecurity, inter-tribal fighting and armed confrontations between the government forces and various armed opposition groups. The renewed military attacks on villages since February until now have caused thousands of displacements and refugee arrivals into Eastern Chad and North Eastern Central African Republic.

**Amnesty International calls on EU and African leaders to:**

- **Request the Sudanese authorities to immediately stop the arbitrary arrests and detentions, torture and other ill treatment, particularly by the NISS, and to ensure that those responsible for human rights violations are held accountable in the lead up to, during and following the referendum.**
- **Urge the Government of Unity and the Government of Southern Sudan to remove all restrictions on freedom of expression, association and peaceful assembly and to allow journalists and activists to peacefully continue their work and express their opinions.**
- **Call on the Government of Sudan and all parties to the conflict to protect civilians in Darfur, ensure their access to aid and to halt all violations of international human rights and international humanitarian law.**

**Millennium Development Goals**

Amnesty International welcomes the focus on the Millennium Development Goals (MDGs) in the Joint Africa-EU strategy. The Outcome Document of the General Assembly High-Level Plenary Meeting on the MDGs recognised that respect for and promotion and protection of human rights is an integral part of effective work towards achieving the MDGs. The assessment of progress made to date clearly demonstrates that despite some positive achievements, progress on the MDGs has been insufficient and uneven and is excluding the most disadvantaged and poorest people in the world. The UN

Secretary-General has issued a clear warning that many of the global targets will not be met by 2015 unless efforts are radically stepped up. To ensure that the lives of the most marginalized people are genuinely improved, it is essential that governments place human rights at the centre of efforts to meet the MDGs.

One example that illustrates the gap between MDG efforts and governments' human rights obligations is the target under Goal 7 to improve the lives of 100 million slum dwellers by 2020. This is a staggeringly inadequate target considering that there are currently 1 billion people estimated to be living in slums worldwide, with numbers estimated to rise to 1.4 billion by 2020. The vast majority of these people are living in settlements considered "illegal" or "irregular", in which people have limited or no security of tenure and are thus extremely vulnerable to forced evictions. Amnesty International has documented forced evictions in numerous countries in Europe and Africa, including Angola, Chad, Egypt, France, Greece, Italy, Kenya, Nigeria, Romania, Slovakia and Zimbabwe. The effect of forced evictions on communities can be catastrophic, particularly for people who are already living in poverty. Amnesty International has also documented the failure of governments to ensure minimum essential levels of water and sanitation and equal protection under the law in slums and informal settlements in many countries. It is essential that the Africa-EU partnership on the MDGs considers ways in which cooperation can lead to better implementation of international and regional human rights standards, including on adequate housing and evictions, as well as cooperation in international bodies to strengthen recognition of the human rights to water and sanitation.

**In advancing efforts to implement MDGs, Amnesty International calls on all states involved in the EU Africa partnership to:**

- **Improve accountability and provide effective remedies through national, regional and international mechanisms for failures to fulfil the duty to respect, protect and fulfil human rights in pursuing MDG initiatives.**
- **Review consistency of all existing and planned laws, policies and programmes at national and international levels linked to the MDGs to ensure consistency with international human rights standards. This review should ensure that the views and experiences of those affected by MDG initiatives are heard and taken into account.**
- **Include the excluded by ensuring that MDG efforts are inclusive, aimed at ending discrimination, guarantee gender equality and prioritize the most disadvantaged groups.**
- **Set and implement national targets for progress to realize all economic, social and cultural rights, in particular minimum essential levels, in the shortest possible time. Governments should develop time-bound and measurable targets, taking into account existing levels of progress and the resources available nationally and through international co-operation and assistance.**
- **Ensure meaningful participation of people living in poverty in MDG planning, implementation and monitoring at all levels. States must ensure equal participation by women and provide an enabling environment for the work of human rights defenders, including through guaranteeing people's rights to information, freedom of expression and association.**

**Migration, mobility and employment**

Recent examples of cooperation in the field of migration and asylum between the EU and African countries have given serious rise to concern, with both sides ignoring their human rights obligations. The EU is increasingly engaging with third countries in order to prevent irregular migration flows. As much as this may be necessary to "manage" migration, it cannot absolve the EU and its member states from the responsibility to ensure that fundamental rights of migrants, asylum-seekers and refugees are effectively respected in practice. EU-Africa cooperation has made it increasingly difficult for people fleeing areas where they are at risk of human rights violations to seek asylum in Europe, but has also lead to increasingly grave consequences for migrants who are obliged to travel via alternative and dangerous routes by unsafe means, creating a greater risk to their lives.

The holding of the Africa-EU Summit in Libya underscores the importance of placing the protection of migrants' rights, as well as those of refugees and asylum-seekers, at the centre of policies to address migration. The EU and its member states are turning a blind eye to Libya's dire treatment of refugees, asylum-seekers and migrants, and are actively pursuing collaboration to decrease the flow of arrivals from Africa to Europe. In July 2010, 27 Somalis who were returned to Libya after being intercepted by Malta were immediately detained for periods ranging from a few days to several weeks. Libyan officials reportedly lined up all male detainees against a wall and beat them with batons; some were electrocuted during interrogations. In August 2010, Colonel Mu'ammar al-Gaddafi requested €5 billion to halt the "influx of starving and ignorant Africans" to Europe. About a month later, the European Commission signed a deal with Libya covering "the management of migration flows and border control", in return for financial assistance of €50 millions until 2013.

Another regrettable example of EU-Africa cooperation can be seen in Mauritania, where migrants risk being arbitrarily arrested, detained and expelled to neighbouring countries with no opportunity to challenge the legality of their detention or collective expulsion. These measures appear to be a consequence of pressure exerted by the EU and in particular Spain.

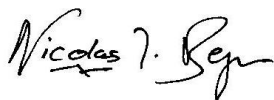
These examples illustrate that EU-Africa cooperation results in shrinking the protection space of refugees and undermine the rights of migrants, rather than promoting human rights and human dignity.

**Amnesty International calls on African and EU leaders to:**

- **Develop responsibility-sharing mechanisms to provide effective protection for those fleeing conflict and persecution, and to ensure that the rights of all migrants are respected in transit and host countries.**
- **Ensure that adequate protection standards are enshrined in readmission agreements concluded between the EU and African States and that the rights of asylum-seekers, refugees and migrants are fully respected in the implementation of such agreements.**

With this, we wish you fruitful discussions, and remain at your disposal for further discussion and information.

Yours sincerely,



Dr. Nicolas J. Beger  
Director

**CC:**

José Manuel Barroso, President of the European Commission  
Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission