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**AMNESTY  
INTERNATIONAL**



**European Institutions Office**

Our Ref: B1447

Brussels, 23 April 2013

Dear Taoiseach,

**AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO IRISH EU PRESIDENCY: MID-TERM REVIEW**

In January we were grateful to the Tánaiste for formally accepting our presidency recommendations and assuring us of the Government's continuing commitment to human rights in the EU and abroad. Following our 15 April letter to you, and now that the presidency has passed its mid-point, tomorrow we are publishing the attached briefing with our observations on the Irish presidency's progress in implementing our recommendations. We also indicate possible areas for improvement over the remaining months.

Copies of this letter and briefing are being sent to relevant Ministers today also. We should like to thank the Departments of Justice & Equality and Foreign Affairs & Trade for responding to our request for comment on progress with regard to the implementation of our recommendations. Following our letter seeking input from the Department of Jobs, Enterprise & Innovation, we have been invited to meet officials there, so will include their input in our end-of-term review.

Your Government's engagement with Amnesty International has generally been positive. We appreciated the chance to discuss our recommendations with several ministers and key officials. We were also grateful for debriefing sessions at the Irish Permanent Representation to the EU. Similarly, we welcome the Minister for Justice & Equality's prioritisation of protection of fundamental rights and promotion of the rule of law in Europe during Ireland's presidency. EU-level political support for such initiatives is vital if the EU is to defend its credibility as an entity founded on respect for human rights.

Unfortunately however, there were two areas where we felt the presidency might have been stronger. Our letter of 15 April highlighted the regrettable lack of engagement on EU action to combat female genital mutilation (FGM). On the issue of discrimination against Roma we hope the important political message in the presidency's statement on International Roma Day will be matched by presidency action over its remaining term.

We very much look forward to continuing our engagement with your Government and to seeing further progress on the implementation of our recommendations over the coming months.

Yours sincerely,

Colm O'Gorman  
Executive Director  
Amnesty International Ireland

Dr Nicolas J Beger  
Director, Amnesty International European  
Institutions Office

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## **Mid-term evaluation of the Irish EU presidency, Amnesty International, 24 April 2013**

### **Implementation of the EU Action Plan for Democracy and Human Rights (the human rights package)**

We were encouraged to hear that the presidency has mainstreamed human rights in discussions at the various EU Council Working Groups. It is important for momentum to be maintained on the implementation of the EU human rights package so that as many as possible of the deadlines listed are met ahead of the first anniversary of its adoption this June.

We appreciate that enlargement has been a key part of the Irish presidency programme. Current and future enlargement negotiations should be constructive, maximising the potential to improve human rights observance in the country concerned. Croatia will join the EU this summer. While there has been progress domestically in recent years, the accession process will trigger the need for further attention following Croatia's entry to ensure victims and their families are given access to truth, justice and reparations for human rights violations committed during the 1991-5 war. Regarding other Balkan countries, we are deeply concerned by reports that continued impunity for war crimes and the failure of domestic accountability might receive less prominence in future negotiations, which seems to be true of Montenegro. We hope to discuss this further before the end of the presidency, to ensure the accession process is used to its full potential to deliver real human rights change across the Balkans.

We welcome engagement with officials working in the Council Working Group on Public International Law (COJUR) and acknowledge the progress resulting from ensuring COJUR input into the EU Annual Human Rights Report. However, further progress remains necessary if we are to ensure full implementation of International Humanitarian Law (IHL) guidelines. This should firstly involve clarification of the roles of COJUR, the EEAS, individual member states and all other actors in their implementation. The aim should be to ensure the inclusion of systematic reference to specific IHL obligations in EU statements and conclusions, and that IHL expertise informs EU-level discussions on relevant country situations.

We endorse the presidency's active coordination of EU member state positions at this March's UN Arms Trade Treaty negotiations, and welcome the Irish delegates' close engagement with us at the conference to ensure that the strongest possible text was agreed and then adopted by the UN General Assembly. We were also grateful for Ireland's public statement on the day the treaty was adopted, committing itself to signing the treaty once it opens for signature on 3 June, and hope it encourages other EU countries to follow suit.

We praise the Irish presidency's progress and leadership on the UN Treaty Body strengthening process. We welcome the Irish presidency's important work at the UN Human Rights Council (HRC) and commend the leadership Ireland has shown working with Norway to strengthen the resolution on "protecting human rights defenders" adopted at the 22<sup>nd</sup> HRC Session on 21 March.

### **Asylum and Migration Matters**

Regarding EU asylum legislation, we acknowledge the presidency's efforts to conclude negotiations on the European Common Asylum System (ECAS), which marks an important step in EU standard-setting. We doubt, however, whether the new legislation will deliver high protection standards in the EU or enough legal clarity to allow for better harmonisation once member states put it into effect.

On the rights of migrants, we draw your attention to our continuing campaign on migrants' rights. There is compelling evidence that migration control policies and practices have often put migrants, asylum-seekers and refugees at risk along the EU's external borders and in non-EU countries through cooperation agreements. On 24 April we held an event in Brussels focusing on human rights violations at EU border control operations<sup>1</sup>. This underlined the importance of member states, EU institutions and

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<sup>1</sup> <http://www.whenyoudontexist.eu/sos-europe-european-parliament-must-stand-up-for-migrants-news>

EU agencies, particularly Frontex, reinforcing their commitment to protecting effectively the human rights of migrants, asylum-seekers and refugees along Europe's borders.

### **Respecting Roma Rights**

We were glad that the Minister for Justice & Equality prioritised the protection of fundamental rights and promotion of the rule of law in Europe. EU-level political support for such initiatives is vital if the Union is to defend its credibility as a body founded on respect for human rights. The presidency's statement on International Roma Day was another welcome initiative. We regret that this political support was not matched by engagement by the relevant officials in Dublin who declined to meet us to discuss Roma rights. We hope the political commitment to Roma issues will be maintained and shall be in contact again about the presidency's possible participation in an event we plan for the European Parliament's June plenary session.

### **Corporate Accountability**

We welcome the invitation to meet Department of Jobs, Enterprise & Innovation officials who work on business and human rights. We look forward to discussing how the EU can enact effective regulatory measures to ensure EU companies respect human rights in their home territory and abroad. The forthcoming process on new EU legislation on disclosure of non-financial information by large companies and groups provides an excellent opportunity for this.

### **Preventing and Combating Violence against Women and Female Genital Mutilation (FGM)**

We appreciate Ireland's support in principle for the aims and terms of the Council of Europe's Convention on preventing and combating violence against women and domestic violence. We maintain our call that Ireland as expediently as possible should at least sign this important convention before the close of its presidency. We appreciate that agreement was reached on the European Protection Order at the Justice & Home Affairs Council in March, completing adoption of the Commission's Victims' Rights Package. Amnesty International would stress however that there is still a need for a comprehensive EU strategy on Violence against Women.

We welcome the presidency's strong support at the UN Commission on the Status of Women in March. We also appreciated collaboration between Irish delegates and our New York office over the Side Event on Women's Human Rights Defenders, and in agreeing strong wording on this in the conclusions.

We have written to ministers and officials several times to express our deep disappointment over the presidency's failure to engage with, and show any support for EU action to end female genital mutilation (FGM). We feel this risks undermining Ireland's international position on gender equality. The Irish presidency could still remedy matters by putting FGM on the agenda at the next European Council for Social & Health Affairs and by supporting a future European action plan which would help member states tackle the practice.

### **Equality, Fundamental Rights and the Rule of Law**

We recognise the presidency's efforts to keep negotiation of the Anti-Discrimination Directive alive in the Council, and we welcome emphasis on the need for further EU action to counter hate crime and intolerance, racism and anti-Semitism. Although communication with officials working on the Anti-Discrimination Directive has been good, we are concerned that deliberations on the text continue behind closed doors. We and several other NGOs are urging the Council to share a copy of the current text to allow meaningful consultation on the proposed Directive.

We welcome the presidency's inclusion of an agenda item on protecting EU citizens' fundamental rights at the first informal Justice & Home Affairs (JHA) Council in Dublin. We strongly support efforts to develop an EU internal human rights policy by extending the debate in the Council to address the current internal framework's shortcomings.

We were encouraged by the presidency's 17 April statement at the European Parliament's plenary debate on the constitutional situation in Hungary and the need for new mechanisms to protect fundamental rights in the EU. The subsequent initiative to include this on the General Affairs Council agenda on 22 April was also heartening. We hope this will provide further grounds for substantive discussion at the presidency conference in Dublin on 9-10 May on fundamental rights and equality and will spark momentum for tangible EU-level action.

### **EU Accession to the European Convention on Human Rights**

On 5 April, the Council of Europe countries and the EU finalised the draft agreement for EU accession to the European Convention on Human Rights. We appreciated the opportunity of having a constructive meeting with Ireland's negotiator on this file. We commend that the presidency maintained the forward momentum on this dossier. We hope that there will now be a more transparent dialogue on EU internal rules and that the focus remains on the protection and promotion of human rights.

### **Criminal Justice in the EU**

Ahead of the 17 April trilogue, we and several other NGOs issued a joint briefing<sup>2</sup> to flag up various contentious points in the last Council draft on the proposed Directive on the right of access to a lawyer and the right to communicate with third parties when detained. We believe they deserve the co-legislators' special attention at a key juncture in negotiations, to ensure the Directive does not undermine human rights standards. We urge the presidency to show leadership at the Council to ensure that the final compromise fully meets these standards. By failing to do so, the EU would undermine its own objectives and risk setting a regressive agenda for defence rights in Europe and beyond.

### **Nine cases of people under threat**

We are grateful for the Department of Foreign Affairs & Trade's update on the status of some of those cases in our recommendations, and look forward to discussing all cases further with the presidency in the near future. We highlight here internal EU elements from two of the cases.

### **Families in Cluj-Napoca, Romania**

Claudia Greta of the Cluj-Napoca Roma community in Romania recently addressed the European Parliament at an event we held on International Roma Day. Her testimony was a powerful reminder of the gravity of the situation. By addressing this specific case, the presidency will be more strongly placed to produce well-informed national and EU responses to the plight of Roma people in Europe.

### **'Abd Al Rahim Hussayn Muhammed Al-Nashiri, USA**

We appreciate Ireland's and the EU's reaffirmation of their commitment to abolishing the death penalty. This case highlights not only the death penalty issue but also European accountability for its complicity in the US-led rendition and secret detention programmes, described in the European Parliament's report on alleged transportation and illegal detention of prisoners by the CIA in European countries (Flautre Report). This report is due for review in mid-September. Preparations on reporting progress from the Council perspective should already be underway. We hope the Irish presidency will ensure this dossier is followed up so the review is up-to-date when it is presented to the European Parliament during Lithuania's EU presidency.

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<sup>2</sup>[http://www.amnesty.eu/content/assets/Doc2013/JointNGO\\_briefing\\_on\\_Directive\\_on\\_the\\_right\\_of\\_access\\_to\\_a\\_lawyer15April2013.pdf](http://www.amnesty.eu/content/assets/Doc2013/JointNGO_briefing_on_Directive_on_the_right_of_access_to_a_lawyer15April2013.pdf)