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**AMNESTY
INTERNATIONAL**



European Institutions Office

Brussels, 23 April 2014,

Our Ref: B1553

Dear Prime Minister,

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

In January, Amnesty International issued recommendations to the Greek EU presidency on how to maximise its potential to promote and protect human rights within the EU and globally. We were grateful to the Minister for Justice, Transparency and Human Rights, Mr. Charalampos Athanassiou, for formally accepting our presidency recommendations.

Now that the Greek EU presidency has passed its mid-point, we are publishing this letter and the attached evaluation of its progress in implementing our recommendations. We also highlight opportunities for action to be taken before the end of the presidency's term.

In general, we have welcomed the presidency's accessibility and willingness to meet with civil society representatives. In this regard we would like to acknowledge the Permanent Representation of Greece to the EU in particular, for their facilitation of discussions on our recommendations with several key officials.

We welcome the presidency's prioritisation of combating violence against women (VAW), including female genital mutilation (FGM), and decision to adopt specific conclusions on the issue at the next Justice and Home Affairs (JHA) Council. We trust that the Conclusions will consider EU accession to the Istanbul Convention as an important framework for combating VAW. 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 concrete action throughout its term.

However, the presidency should have taken a stronger stance on EU action to protect the rights of migrants, asylum-seekers, and refugees. The Greek government, as EU presidency, should also show leadership at home, in particular by addressing the serious allegations regarding the treatment of migrants, refugees and asylum-seekers at Greece's borders. Revision of European migration policies should form an integral part of the EU's work on strengthening human rights and the rule of law within its borders.

We hope that, in coordinating member state input to the strategic guidelines on the future of justice and home affairs for adoption at the June European Council Summit, the presidency will fully take into account the EU's human rights obligations. The guidelines should include:

1. A commitment to develop an overarching internal human rights strategy
2. Robust action to combat discrimination on all grounds
3. Delivery on the Stockholm Programme's promise to develop a comprehensive strategy on VAW
4. Independent human rights scrutiny of EU states' border practices and third-country cooperation as key to reforming EU migration policies
5. The creation of safe routes to Europe for refugees

We look forward to continuing our engagement with your government, and await further progress on the implementation of our recommendations throughout Greece's EU presidency.

Yours sincerely,

Dr Nicolas J Beger
Director, Amnesty International European Institutions Office

Elias Anagnostopoulos
Director, Amnesty International Greek Section

Mid-term evaluation of the Greek EU presidency. Amnesty International 23 April 2014

Strategic guidelines in the field of freedom, security and justice (Post-Stockholm Guidelines)

As the EU approaches a crucial turning point, shaping future policies in the area of justice and home affairs, it is vital that the Union steps up to the challenge of ensuring that respect for human rights is the bedrock of all its policies and action. This requires the commitment of all EU institutions and member states to protect and promote human rights, in line with articles 2 and 3 of the Treaty of the EU (TEU).

We welcome the fact that the Greek presidency has prioritised the development of the post-Stockholm guidelines. We insist that the Council's input for the June European Council Summit, which the presidency is coordinating, should include a commitment to develop an overarching internal human rights strategy, to guide EU action across all JHA policies.

Amnesty International's call for an internal human rights strategy is inspired by the 'EU Strategic Framework and Action Plan on Human Rights and Democracy', which was adopted by the Foreign Affairs Council in June 2012. We believe that a framework strategy enshrining human rights at the core of the EU's internal legal and political machinery would help to overcome the dichotomy between the EU's aspiration to promote human rights globally, and the reality of human rights violations in member states. This would support current discussions in the Council on coherence across EU internal and external policy.

By setting common guiding principles for devising and assessing EU action on human rights, which take into account the specificities of the EU's legal framework, this strategy would bring together existing instruments and policies, and provide direction. A strategy geared towards human rights action would help the EU institutions to confront the reality of human rights violations in member states together, on a common human rights basis. This includes the development of effective actions to resolve problems, and a measurement tool for building accountability for what EU tools deliver.

We appreciate that the European Commission's Communication on future justice policies insists on the need for the EU and member states to uphold fundamental rights when implementing EU law, and reiterate that this objective must explicitly be extended to the area of home affairs. We are concerned that both the Communications, on justice and on home affairs, fail to elaborate concretely on human rights, and call on the Council to foreground human rights in its contribution.

In particular, Amnesty International calls on the Greek EU presidency, and the Council to ensure that the guidelines include, at a minimum, a commitment to:

- develop an overarching internal human rights strategy to guide EU action across all JHA policies
- robust action to combat discrimination on **all** grounds, as a core objective of EU justice policies
- develop a comprehensive strategy on violence against women (as promised, but still not delivered under the Stockholm Programme)
- create legal safe routes to Europe for refugees, including through considerably increased resettlement, as a key contribution to international solidarity
- ensure independent human rights scrutiny of border practices and EU cooperation with third countries, as a key reform of EU migration policies

Women's rights

We have appreciated the presidency's cooperation on the issue of violence against women (VAW). We welcome the presidency's decision to prioritise the issue of combating VAW, including female genital mutilation (FGM), and to adopt specific conclusions on the issue at the next Justice and Home Affairs

(JHA) Council. In response to the Commission's Communication 'Towards the elimination of FGM', and the United Nations General Assembly (UNGA) resolution on 'Intensifying global efforts for the elimination of FGM', we call on the presidency to ensure that the Conclusions commit EU member states to concrete and comprehensive action to end FGM. Further, it is crucial that the Conclusions consider EU accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), and urge the European Commission to develop a strategic framework to combat VAW in Europe.

Indeed, it is key that the presidency considers synergies between these Conclusions and discussions on the future of EU JHA priorities, and works to guarantee that the 'post-Stockholm guidelines' include a firm commitment to comprehensively address VAW and FGM.

Further, Greece should take swift action to ratify the Istanbul convention during its presidency, as a step towards a broader strategic framework on preventing and combating all forms of VAW, and encourage other member states and the EU also to do so.

During the negotiations at the UN Commission on the Status of Women, the EU and its member states adopted constructive positions. We particularly welcome the EU's call in favour of making gender equality and women's empowerment a priority in the elaboration of the post-2015 development framework, and support for a stand-alone goal on gender equality and the integration of a gender perspective into the new framework.

Corporate accountability

We recognise the Greek presidency's leadership in ensuring the Council's support for a compromise on the European Commission's legislative proposal on the disclosure of non-financial information (non-financial reporting, NFR). We acknowledge that the presidency took great effort to reach an agreement that was acceptable to both parties – the Council of the EU and the European Parliament – and accept the proposal as a step towards corporate accountability and business transparency. However, we would have liked to see a stronger proposal with a broader scope, including mandatory disclosure of human rights risks and the impacts of business operations and mitigation measures.

We note that, despite the endorsement of the United Nations Guiding Principles (UNGP) by EU member states, the EU has taken no concrete steps towards their implementation, and few member states have begun drafting a National Action Plan for the implementation of the UNGPs. We call on the Greek presidency to show leadership in developing its National Action Plan, and emphasise the duty to protect human rights and access to remedy.

Respecting Roma rights

We appreciate the statement made by the Greek Minister for Justice, Transparency and Human Rights on International Roma Day, as a sign of commitment to preventing and combating discrimination against Roma in all its forms and to facilitating Roma inclusion in European societies. In particular, we welcomed the presidency's call on member states to be vigilant and react immediately to hate-based crime, ensuring effective and prompt investigation, prosecution, and identification of discriminatory motives. We call on the presidency to ensure that this political statement is matched by concrete action throughout its term. Action to combat discrimination against Roma in all its forms should include legislative and policy initiatives to fill existing protection gaps.

We encourage the presidency to lead the Council to reflect on the Council Recommendations on effective Roma integration, which were adopted in December 2013, and their translation into national measures. This reflection should also include the prevalence of hate crime against Roma and possible responses to it, as well as the implementation of National Roma Integration Strategies (NRIS). In this

context, we reiterate our call on member states to make Roma participation an integral part of the NRIS implementation process.

Fighting discrimination

We welcome the presidency's recognition of combating hate crime as an important file, as signified by its cooperation with the Fundamental Rights Agency and the Centre of International and European Economic Law, in organising a seminar "How can EU member states combat hate crime effectively?" (28-29 April). We note that this seminar is important in raising awareness around the issue of hate crime, and hope that it will be used as an opportunity to develop a more comprehensive EU approach to combat hate-motivated violence, stemming from meaningful consultation with civil society. This would develop the presidency's call of 8 April for member states to react immediately to hate-motivated violence against Roma. Such an approach should include new binding instruments to address the protection gaps of the current EU legal framework. Indeed, we insist that the post-Stockholm guidelines include a commitment to fill the existing gaps in EU legislation and develop comprehensive standards to effectively fight discrimination and all forms of hate crimes.

We remain concerned by the lack of political will in the Council to advance negotiations around the Anti-Discrimination Directive. Greater transparency regarding the current state of play is needed.

EU accession to the European Convention on Human Rights

The draft agreement on EU accession to the European Convention on Human Rights (ECHR) was an important first step. However, we remain concerned about the lack of transparency and apparent inter-institutional tensions around the EU internal rules. We recognise that a delay to the issuing of the Court of Justice of the EU's Opinion has put back the start of official negotiations of EU internal rules. Notwithstanding, we insist that inter-institutional issues must not acquire importance to the detriment of the accession process.

When devising the internal rules, paramount importance should be given to the right to an effective remedy and access to justice for individuals claiming that they have been the victim of a violation of the rights enshrined in the Convention.

In the spirit of accession, it is important that the EU systematically considers how it currently fulfils and can in the future act to fulfil its obligations under the ECHR.

Treating migrants and asylum-seekers fairly

The first few months of the Greek presidency registered some serious incidents at sea, including loss of life off the island of Farmakonisi, and at the Spanish enclave of Ceuta. Such events reinforce the need for Council debates to address human rights concerns rather than focus on border control and security.

Further, we have been disappointed by certain statements made publically by Greek ministers regarding asylum and migration. In our letter of 12 February, we expressed concerns about statements made by the presidency during the debate on allegations of push-backs off the coast of Farmakonisi, at the European Parliament plenary session of 5 February. The Greek government as EU presidency should show leadership at home in particular by addressing the serious allegations regarding the treatment of migrants, refugees and asylum-seekers at Greece's borders.

Across the EU, and at its borders, migration control policies and practices continue to put migrants, asylum-seekers and refugees at risk. We are deeply disappointed that there has been no progress in addressing widespread immigration detention in the EU. Amnesty International's research points to the

use of immigration detention as a migration management tool. This is not consistently accompanied by the assurance of legal guarantees and basic human rights protection for detainees. Indeed, our research has found that conditions of detention in Europe can be extremely precarious, if not wholly sub-standard.

As the Syrian crisis continues, the provision of resettlement and humanitarian admission places for refugees in the EU remains extremely limited. More must be done to provide adequate protection and assistance to refugees, through increased resettlement. Further, the Greek presidency must press for the development of safe routes for refugees to reach Europe (including by enabling wider family reunification).

Post-Stockholm is an opportunity to revise European migration policies as an integral part of the EU's work on strengthening human rights and the rule of law. In setting the agenda for the forthcoming years in the field of migration and asylum, we call for a major shift in approach: the human rights compliance of common policies in this field must be assessed, policies accordingly reviewed, and inconsistencies and gaps in protection addressed; human rights standards must be mainstreamed in all policies and legislation; the full and proper implementation of these standards must be ensured.

Cases of People under Threat

Please find below some been significant developments on several cases, about which we would like to update you. During the remainder of the presidency, we urge the Greek presidency to ensure the EU's active engagement in the cases of individuals at risk, across the globe highlighted in our recommendations. EU actors should raise the plight of individuals at risk at every opportunity, pressing for tangible progress.

- **Jabeur Mejri**, a prisoner of conscience who spent two years in prison for publishing online articles and cartoons deemed offensive to Islam, was released from prison on 4 March 2014.
- **The Bolotnaya Three**: On 25 March, the Moscow City Court quashed **Mikhail Kosenko's** appeal against the Zamoskvoretskiy Court decision by which he was found guilty of participating in "mass riots" and "use of force against a police officer" and ordered to be sent for forcible psychiatric treatment. On 24 February, **Artiom Saviolov** was sentenced to 2 years and 7 months in jail.
- President Thein Sein announced in July 2013 that by the end of the year there would be no prisoners of conscience in Myanmar. It is vital that cases such as **Dr Tun Aung's** remain in the spotlight to show that this promise has not been fulfilled.
- **Eskinder Nega's** case has become iconic in the struggle for freedom of expression in Ethiopia and Africa, and on 28 January, he was awarded the 2014 Golden Pen of Freedom award, the annual press freedom prize of the World Association of Newspapers and News Publishers (WAN-IFRA). 3 May will be World Press Freedom Day.
- Amnesty International has declared the Resettlement Action Plan (RAP), developed by the Lagos state government for the victims of the **Badia East forced eviction**, to be an ineffective remedy for the human rights violations suffered by the victims. We are concerned that the RAP, which has been signed off by the World Bank, facilitates further human rights violations including the right to adequate housing, and fails to comply with the World Bank's policy on involuntary resettlement. The process for developing and finalising the RAP, and its contents fail to comply with international human rights law and standards: the RAP was finalised in the absence of genuine consultation with affected people which, among other issues, has resulted in around 350 affected people being excluded from the list of beneficiaries; the compensation offered is insufficient for finding adequate alternative housing.

Ends