

Mr Thorbjørn Jagland
Secretary General
Council of Europe
F-67075 Strasbourg Cedex

Brussels, 3 November 2014

**AMNESTY
INTERNATIONAL**



EUROPEAN INSTITUTIONS OFFICE

Our ref: B1605

Dear Secretary General,

A TEN POINT PLAN FOR HUMAN RIGHTS

Amnesty International expresses its best wishes for your second mandate as Secretary General of the Council of Europe and looks forward to continuing collaboration with you and your Secretariat on human rights issues. We were grateful to receive your recent letters and thank you for your agreement to meet us on 24 November to discuss our organisation's main human rights concerns and how best the Council of Europe can respond to the current, unprecedented human rights crisis that you described in your report on the state of human rights, democracy and the rule of law in Europe.

We took note with interest of your 'Agenda for Co-operation and Sustainable Reform' and take this opportunity to share with you the below ten point plan with the top line human rights issues that we ask you to consider prioritising during your second mandate. One of our primary hopes for the next five years is that you will be a strong champion for human rights. Victims of human rights violations all over Europe need you to impartially speak out for their rights both publicly and/or proactively when you engage with the member states' authorities. To achieve this aim we would recommend that you:

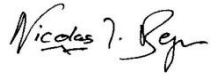
1. Preserve the integrity of the European Convention on Human Rights system and the European Court of Human Rights. The guiding principles of any new reforms must be that they serve to enhance the protection of human rights and national implementation of the Convention. This would include measures to address systemic human rights problems, and further reform the execution of judgments and supervision of execution procedures. Steps should also be taken to guarantee that the Court has adequate resources to ensure effective protection to individuals, thereby preserving the right to individual petition in its current form.
2. Intensify cooperation with the European Union (EU) to maximise complementary action to effectively promote and protect human rights in Europe. The Council of Europe needs to maintain its efforts to complete the process of the EU's accession to the Convention. We pay tribute to your commitment to facilitate and promote the accession process, so as to safeguard and strengthen the crucial role of the Pan-European Convention system. We call on you to seek the new EU leaders' commitment that all EU institutions will keep their engagement to prioritise the accession process in the coming months and reiterate their support to the Court and the Convention system. The Council of Europe also has a key role to play in supporting the EU in developing a sound EU-internal human rights strategy to strengthen its ability to define and articulate more effective and meaningful responses to the pressing human rights challenges that the EU and its member states are facing.
3. Keep human rights and international humanitarian law (IHL) violations committed by all sides in the context of the armed conflict in eastern Ukraine high on your agenda. It would be of particular importance for you as Secretary General of the Council of Europe to make clear to all parties in this conflict, including Ukraine, Russia, and all those fighting on both sides that they must protect civilians, fully respect the principles of IHL, and refrain from any further violations. Ukraine must investigate all alleged war crimes, including cases of abduction, ill-treatment, and extra-judicial killings by members of the so-called volunteer battalions, and bring the perpetrators to account. Russia must respect IHL in its own military engagements, but also not contribute to human rights and IHL violations by supporting separatist armed groups who engage in abduction, ill-treatment, and execution-style killings and other deliberate killings of members of local communities under their de facto control.
4. Assist Ukraine in its implementation of structural reforms to fulfil its human rights obligations under the Convention, and in particular address the long-standing issue of police impunity for torture and other forms of ill-treatment. There is a need for a revision of the existing proposals for the criminal justice system reform, and in particular it will be crucial to create an independent and impartial mechanism for carrying out effective investigations into past and ongoing human rights violations and abuses by police and other law enforcement agencies. We welcome the Council of Europe's efforts in assisting the Ukrainian authorities. The Council of

Europe needs to promote and facilitate genuine consultation with experts and civil society, and provide all the necessary technical assistance towards the implementation of the relevant reforms.

5. Of particular concern for you will be Russia's failure to fulfil its human rights commitments that it undertook when acceding to the Council of Europe. The Council of Europe should make use of all of its political leverage and available instruments to critically address Russia for its disrespect of core Council of Europe principles and standards to the detriment of the enjoyment of human rights. The rights to freedom of expression, association, and assembly are being blatantly disregarded, as the clampdown on government critics and dissenting voices, including printed and online media and NGOs, has significantly intensified in recent months. Notably, after its occupation and annexation of Crimea, Russia has fully applied its restrictions on the rights to freedom of expression, association and assembly in that territory also, while there are also worrying trends of discrimination in relation to the Crimean Tatars and persecution of Crimean Tatar leaders under Russia's anti-extremism legislation. Your call to allow the Russian NGO "Memorial" to continue was an important message.
6. Challenge Azerbaijan for its failure to abide by basic human rights standards as the country holds the Chairmanship of the Council of Europe's Committee of Ministers. The increased clampdown on freedom of expression, assembly and association, and particularly the routine use of harassment, beatings, unfair trials, detention and imprisonment of peaceful protesters and government critics, ultimately risk undermining the integrity of the Council of Europe's human rights system. We therefore welcome your call to release prisoner of conscience Ilgar Mammadov and your statements on the arrest of human rights defenders who were recently imprisoned in reprisal for their active engagement with and contribution to the Council of Europe and its Parliamentary Assembly. We also urge you to further stand up for the more than 20 other prisoners of conscience who are currently behind bars in Azerbaijan.
7. Assist Turkey in implementing the necessary structural reforms needed to fulfil its human rights obligations under the Convention. We ask that you use your influence to encourage the Turkish authorities to unblock the stalled reform processes that have, up to now, fallen short of Turkey's human rights obligations as well as of public expectations in the Turkish elected representatives. The reforms relating to the justice system are of key concern and should focus on issues such as: independence of the judiciary, the protection of the rights to freedom of expression and assembly in law and practice, and the realisation of the state's obligation to carry out effective and impartial investigations into all cases of alleged ill-treatment by law enforcement officials in order to address police impunity and bring those responsible to justice.
8. Revive the Council of Europe's strong engagement on migration issues, including by taking prompt action against human rights violations committed against migrants, asylum-seekers and refugees by its member states, in particular at the EU's external borders, and calling for effective and independent investigations and remedies. We call on you to work with the EU and its member states to focus migration policies on upholding and respecting migrants' and refugees' rights, saving lives, and providing safe and legal routes to Europe for people fleeing conflict and persecution. It is also important to address the existing protection gaps in the Common European Asylum System (CEAS), particularly those underpinning the application of the Dublin regulation. To reverse the wide-spread and systematic use of migration detention, the Council of Europe can play a crucial role in developing European immigration detention rules and promoting best practice in monitoring immigration detention facilities.
9. Mobilise and call for urgent action to combat discrimination, growing intolerance and hate-motivated violence, which remain a Europe-wide concern. We welcome your intention to reaffirm the Council of Europe's role in securing the rights of minorities. We call on you to continue combating discrimination in all its forms and in particular ensure a robust response to hate crimes against vulnerable groups such as Roma, migrants, refugees and asylum-seekers, and lesbian, gay, bisexual, transgender and intersex (LGBTI) people. The EU and its member states have a particular responsibility in this respect.
10. Enhance the transparency of the Council of Europe's work, by increasing access to relevant Council of Europe documents and engaging in meaningful consultation with civil society organisations on thematic and country-specific human rights concerns. This should include taking into account written submissions and meaningful participation in key meetings. We welcome your intention to consider organising annual meetings with leaders of key human rights NGOs in Europe, and your suggestions on how to step up dialogue between the Committee of Ministers and NGOs, and facilitate their access to the Council of Europe, outlined in document SG/Inf(2014)23. Relevant Council of Europe documents, such as country-specific action plans, progress reports and assessments on the state of human rights in member states, should be publicly accessible, and civil society should be consulted both during the drafting process and during their implementation and evaluation.

We look forward to our meeting on 24 November to discuss these points and the Council of Europe's strategic direction on human rights in more detail.

Yours sincerely,

A handwritten signature in black ink that reads "Nicolas J. Beger". The signature is written in a cursive style with a large, stylized 'N' and 'B'.

Dr Nicolas J Beger
Director
Amnesty International European Institutions Office