

Mrs Laimdota Straujuma
Prime Minister of Latvia
Brīvības Boulevard 36
LV-1520 Riga
Latvia

**AMNESTY
INTERNATIONAL**



EUROPEAN INSTITUTIONS OFFICE

Our Ref: B1640

Dear Prime Minister

AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO THE LATVIAN PRESIDENCY

As the Latvian Government prepares to assume the Presidency of the Council of the European Union (EU), we would like you to take this opportunity to advance human rights issues in relation to a number of thematic areas. We call on your government to act upon the following recommendations throughout its Presidency.

HUMAN RIGHTS AT HOME

We have called for the development of an overarching EU-internal human rights strategy to guide EU action on human rights across all internal policies. This strategy would bring together existing instruments to ensure that all EU means are mobilised to promote and protect human rights internally. We would ask the Latvian Presidency, in line with the Justice and Home Affairs Council conclusions from 5-6 June 2014¹ to push for the development of such an overarching EU-internal human rights strategy which would:

- Establish a comprehensive human rights centred approach across all EU internal policies. This implies a reinforcement of the EU's institutional capacity to address human rights issues at all levels of policy-making, along with increased transparency and meaningful dialogue with civil society
- Develop EU standards that strengthen the EU's legislative framework on human rights and remedy gaps in protection. Law and policy-making should seek to promote EU and member states' existing human rights obligations
- Ensure that human rights are effectively monitored especially with regard to the implementation of EU legal and policy instruments. This is vital to fully assessing and remedying implementation problems on the ground, and to identify new avenues for EU action

¹ Council conclusions on the Commission 2013 report on the application of the EU Charter of Fundamental Rights and the consistency between internal and external aspects of human rights' protection and promotion in the European Union, JHA Council meeting, Luxembourg, 5 and 6 June 2014

- Adopt and apply measures to prevent and react to human rights violations in member states. More effective and proactive use should be made of available mechanisms to prevent human rights violations, with outcomes recorded and publicised. Penalty mechanisms should be used effectively whenever necessary to address violations of EU law by member states, as well as violations of article 2 of the Treaty on European Union (TEU), regardless of the field in which the breach occurs. The accession of the EU to the European Convention on Human Rights (ECHR) would certainly feature in any such strategy as an important tool to hold the EU more accountable for human rights. We welcome the commitment of Latvia to take the process forward following the opinion of the Court of Justice of the EU, and call on the Latvian Presidency to ensure that next steps are conducted in a transparent manner with meaningful consultation of civil society. We further call on the Latvian Presidency to ensure that this process is part of a wider reflection in the Council on how the EU can better protect and promote human rights in Europe.

PROTECT THE RIGHTS OF MIGRANTS, REFUGEES AND ASYLUM-SEEKERS

Across the EU and its borders, migration control policies continue to put migrants, asylum-seekers and refugees at risk. The EU should adopt a proactive and protective response to migration challenges, ensuring that it respects and fulfils the human rights of migrants, refugees and asylum-seekers. We would ask you to make full use Latvia's role of Chair of the Justice and Home Affairs Council to:

- Address the human rights aspects of EU border policies rather than focusing on preventing and controlling migration. This entails making the protection of the rights of migrants, refugees and asylum-seekers a priority, reflected in the development and implementation of legislation and policy
- Ensure a collective EU wide response to saving lives at sea and access to protection. This entails pressing member states to commit to concerted efforts to rescue people in distress at sea and ensure that refugees who arrive at the EU's external land borders are able to access asylum procedures
- Open up more safe and regular routes to the EU for those in need of protection, including increased resettlement and humanitarian admission places and access to family reunion and humanitarian visas
- Promote alternatives to immigration detention and work to eliminate the detention of children and other vulnerable groups solely for immigration purposes
- Ensure that human rights of migrants are central to cooperation with third countries on border-management and readmission, and that EU countries do not enter into migration control related cooperation with countries where refugees, asylum seekers and migrants are at risk of human rights violations and/or do not have access to effective protection.

REIGNITE THE FIGHT AGAINST DISCRIMINATION IN THE EU

Discrimination and violence, particularly targeting ethnic and religious minorities including Roma, migrants, refugees and asylum seekers, and lesbian, gay, bisexual, transgender and intersex (LGBTI) people, remain a Europe wide concern. The Council should mobilise, taking advantage of the new momentum from the Commission and European Parliament (EP) and prompt urgent action to combat persistent discrimination and hate crime in EU countries. We call on the Latvian Presidency to make a difference by:

- Recommitting to adopting comprehensive anti-discrimination legislation to protect people against discrimination on all grounds in all areas of life. In particular, we would ask you to overcome the political deadlock on the horizontal directive
- Push for the development of a more comprehensive and robust EU approach to combat hate crime perpetrated on all grounds, in line with article 21 of the Charter of Fundamental Rights of the EU. This would include the effective implementation of existing instruments and the development of new binding instruments to address protection gaps in the current EU legal framework, to ensure that all alleged discriminatory motives behind the perpetration of a crime are thoroughly investigated.

EXTERNAL ACTION

We would highlight the importance for the Presidency to ensure the EU and its member states continue to promote human rights in all areas of external action and policy, and in dealings with all third countries. This includes stronger EU action to prevent and respond to torture worldwide, and commitment from the Presidency, the EU institutions and member states to protect and support human rights defenders in their crucial work. In particular, we call on you in the course of the Latvian Presidency to:

- Actively use all means available to the EU and member states to denounce and eradicate torture in third countries in line with the EU Guidelines on Torture. This should include not only confidential and bilateral approaches but also clear public statements and demarches, to ensure concrete, pro-active and relevant responses to people at risk of, or experiencing torture
- Use the opportunity of the 30th Anniversary of the United Nations Convention Against Torture (UNCAT) to publicly commit the EU and its member states to intensify efforts against torture at home and abroad

- Encourage the remaining EU member states to ratify the UN Optional Protocol to the Convention Against Torture (OPCAT), and promote a consistent approach, internally and externally, to combating torture and other ill-treatment
- Support initiatives by governments or civil society in retentionist countries to abolish or take steps towards abolishing the death penalty.

We also welcome your commitment to prioritise a strategy on Central Asia. We would ask you to place human rights issues at the centre of this strategy and in particular, to pro-actively raise human rights concerns in your dealings with the leaders of Central Asia.

END THE TRADE OF CONFLICT MINERALS AND 'TOOLS OF TORTURE'

EU countries have a duty to protect human rights from abuse by business operations, and ensure access to remedy for victims. The legislative process on the Commission's proposal on conflict minerals will reach a crucial stage during your Presidency. We would therefore ask you to lead the Council to ensure the establishment of a due diligence system that effectively breaks the link between conflict and trade in natural resources. This would in particular include a mandatory regime with a global scope applicable not only to raw materials but also semi-finished and finished products and product components. The regime should cover all minerals and metals, and should foresee a mechanism to extend the regime to other natural resources at a later stage.

In January 2014, the Commission published a proposal to amend Council Regulation (EC) No 1236/2005, which controls the trade in equipment that could be used in torture or capital punishment in third countries. This was a positive step forward after years of consultation, and Amnesty International broadly supports the Commission's proposal. However, there are still loopholes remaining in the regulation that need closing, particularly concerning language on brokering and technical assistance, as well as the whole issue of promotions (particularly at EU arms fairs) and the absence of an end-use 'catch-all' clause, which could be used in exceptional circumstances. We expect the Council to come to a position on this proposal during the next six months, so the Latvian Presidency is in a unique position to negotiate compromises in the Council and with the EP, to ensure that the amended regulation is as strong, effective and practicable as possible.

We would be delighted to meet you in order to discuss these issues further. We look forward to working with you and your government in the forthcoming months, and should naturally be happy to provide any further information you might require.

Yours Sincerely,



Ivana McGowan
Director of Programmes
& Acting Director
Amnesty International EIO



Kaspars Zalitis
Executive Director
Mozaika