

Mr Edmond Haxhinasto
Chairman of the Committee of Ministers
Minister of Foreign Affairs
Albania

**AMNESTY
INTERNATIONAL**



European Institutions Office

08 June 2012

Our ref: B1215

Dear Minister,

AMNESTY INTERNATIONAL'S RECOMMENDATIONS ON ALBANIA'S PRIORITIES FOR ITS CHAIRMANSHIP OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE

Taking into account the priorities of the Albanian Chairmanship of the Committee of Ministers of the Council of Europe, as set out in document CM/Inf(2012)16 of 16 May 2012, we should like to transmit our comments and recommendations to your Chairmanship.

Guaranteeing the European Court of Human Rights' long-term effectiveness of the (Priority 5)

We welcome the Albanian Chairmanship's priority of guaranteeing the European Court of Human Rights' long-term effectiveness and the intention to raise awareness on the European Convention on Human Rights by promoting the Court's case law.

Concerning the Court's long-term effectiveness, member states' compliance with their Convention obligations, including effective implementation of the Court's judgments, is critically important. Systemic failures to fulfil such obligations and fully and swiftly execute the Court's judgments are the root cause for the many "repetitive cases" which over-stretch the Court. We call on your Chairmanship to uphold a strong commitment to the Convention and to supporting the Court by seeking to ensure that member states effectively implement the Court's judgments.

In view of the forthcoming negotiations on implementation of the Brighton Declaration, we urge the Chairmanship and all member states to refrain from reforms that will place undue pressure on the Court, especially on how it ought to interpret and apply the Convention. Respect for the rule of law and human rights requires a strong and independent judiciary shielded from political interference. This basic premise applies not only to national courts but also to regional and international Tribunals.

Accession by the European Union to the Convention is a critical step for the coherence and consistency of human rights protection in Europe which must be concluded without delay. It should lead to the strengthening of the Convention's human rights protection system and fill accountability gaps which might otherwise lead to impunity for human rights violations as the mandate of the EU expands following the Lisbon Treaty. However, negotiations on accession have been hindered and, since October 2011, shielded from any public scrutiny. In view of reports indicating the resumption of negotiations in Strasbourg, we call on the Albanian Chairmanship to guarantee that an agreement on accession is reached without delay following transparent and meaningful public consultation which keeps those whose human rights are at stake central to this debate.

Guaranteeing the promotion of human rights (Priority 6)

We welcome the Chairmanship's commitment to promoting gender equality and to encouraging those member states which have not yet signed and ratified the *Council of Europe Convention on preventing and combating violence against women and domestic violence* to do so. By signing the treaty, Albania confirmed its strong support for the effective fight against violence against women. We hope Albania leads by example and strives to be among the first ten countries to ratify the treaty to ensure its entry into force.

Promoting sustainable democratic societies: Combining diversity and freedom (Priority 1)

We call on the Chairmanship to ensure that the Committee of Ministers and member states effectively address discrimination, particularly against Roma, lesbians, gay, bisexual, transgender and intersex (LGBTI) people, migrants and Muslims. The rise of xenophobia, hostility and discrimination against ethnic and religious minorities, migrants, and LGBTI people throughout the region should be a core concern for the Committee of Ministers. The report *Living Together: Combining diversity and freedom in the 21st century Europe* makes important recommendations to the Committee of Ministers in this regard which we hope your Chairmanship will address.

In many countries, homophobic and transphobic hate crimes are not being adequately investigated or prosecuted and freedom of expression and assembly are denied to LGTBI people, despite the Court's case law. Recently, laws which aim to restrict the rights to LGBTI people's freedom of expression have been introduced or are being discussed in several countries including Hungary, Lithuania, Moldova, the Russian Federation and Ukraine. A bill banning gender reassignment surgery is being discussed in Lithuania and is at odds with the Court's ruling in *L v Lithuania*.

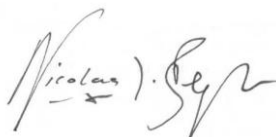
The Committee of Ministers should address such serious threats to the respect for human rights and Court judgments and provide appropriate responses. The review of the implementation of CM Recommendation (2010) 5 to member states on measures to combat discrimination on grounds of sexual orientation or gender identity is eagerly awaited. This process should lead to systematic monitoring by the Council of Europe of discrimination on grounds of sexual orientation and gender identity. Albania and other states' commitment to improving the situation of LGTB at home through the Council of Europe LGBT Project is a positive step which other member states should be encouraged to follow.

Discrimination against **Roma** remains widespread in Europe in all walks of life, particularly in relation to the right to adequate housing as forced evictions remain common practice across Europe. Events in Albania, Bulgaria, the Czech Republic, Hungary, Romania and Serbia among others signal this pervasive discrimination. The European Court of Human Rights and the European Committee on Social Rights have often found serious violations of human rights of Roma. But since member states are failing to implement those decisions, Roma children continue to be segregated in schools in the Czech Republic, regardless of the 2007 Court's judgment on *DH v the Czech Republic*. The Albanian Chairmanship and the Committee of Ministers must take its monitoring obligations seriously and ensure that no more dilatory measures are accepted in implementing the Court's judgments, or other Council of Europe bodies' decisions and recommendations.

We have recently documented discrimination on grounds of religion and belief experienced by **Muslims** in several European countries and in key areas such as employment. Discrimination against the exercise of freedom of expression and freedom of belief and religion is also common. We encourage the Albanian Chairmanship actively to fight discrimination against Muslims during its mandate and to ensure adequate implementation of PACE Recommendation 1927 (2010) on Islam, Islamism and Islamophobia in Europe.

I wish your Chairmanship success. We hope the promotion and protection of human rights will be at the heart of your endeavours and we stand ready to provide any further information you require.

Yours sincerely,



Dr Nicolas J Beger

Director

Cc: Permanent Representatives to the Council of Europe, President of the European Court of Human Rights, Registrar, President of the Parliamentary Assembly of the Council of Europe, Secretary General of the Council of Europe, Commissioner for Human Rights, Chair of the European Commission against Racism and Intolerance, Special Representative of the Secretary General for Roma Issues.