

Alan Shatter TD
Minister for Justice, Equality and Defence
Chair of the JHA Council
Leinster House
Dublin 2
Ireland

**AMNESTY
INTERNATIONAL**



European Institutions Office

Brussels, 4 June 2013

Our Ref: B1456

Dear Minister,

COUNCIL CONCLUSIONS ON FUNDAMENTAL RIGHTS AND RULE OF LAW

Amnesty International welcomes the Irish presidency's initiative of adopting conclusions on fundamental rights and the rule of law at the June JHA Council meeting. This follows discussions in January and at last April's General Affairs Council stemming from the letter to President Barroso from four member states, and the EU presidency's seminar in Dublin. It will also coincide with a symposium on the same topic held by the EU Fundamental Rights Agency (FRA). These initiatives clearly acknowledge shortcomings in the EU's current response to human rights and rule of law challenges which arise in its member states.

Over the years Amnesty International has regularly documented human rights violations in EU countries, where the Union's lack of engagement arouses serious concern. Not least given its aim in the EU Treaties "to promote peace, its [EU] values and the well-being of its peoples" (article 3.1 TEU). Our concerns include:

- Systemic and pervasive discrimination against Roma people in Europe
- Erosion of human rights standards in Hungary through constitutional and legislative reforms over the past three years
- Lack of national and EU-level accountability for human rights violations, including torture and enforced disappearances, committed in the context of EU countries' involvement in US-led rendition and secret detention programmes
- Violations of the rights of asylum-seekers, migrants and refugees as a result of restrictive migration policies by the EU and member states

The initiatives under the Irish presidency signal the Council's long-awaited engagement, especially by JHA ministers, with EU internal human rights policy. The EU's lack of engagement in internal issues contrasts sharply with its work on external human rights policy. This might prove an important step in remedying this inconsistency.

So we expect Council conclusions that map a fresh course and offer specific ideas on how the EU might intervene when member states flout the founding treaties' values, including respect for human rights and the rule of law.

We caution against any approach that challenges the EU's legitimate right to promote and protect well-established principles and obligations such as the rule of law and human rights based on its existing treaties (articles 2, 3, 6 and 7 TEU).

We urge the Council to assert its legitimacy and authority on human rights, and commit itself to regularly reviewing the human rights situation in the EU. This is a vital precursor to allow it to identify priorities and decide on EU-level action.

A tangible move by the Council would be ensuring its Working Party on Fundamental Rights, Citizens' Rights & Free Movement of Persons (FREMP) is suitably equipped to operate actively. FREMP needs a clear human rights mandate reinforced by sufficient expertise and resources. Discussions and responses developed in FREMP should always occur in the framework of international human rights law, to which EU countries are signatories, to ensure a comprehensive and agreed format that exceeds existing EU laws and partisan views. FREMP should, at least, officially respond to FRA reports and review EU and member states' ratification of international and European human rights treaties, and reports and processes about their implementation, such as UPR recommendations. It should ensure that any peer-review system is on equal terms, not dividing 'new' from 'old' EU countries, and must immediately begin 'operationalising' articles 2 and 7 TEU.

Building on FREMP would ensure a solution which is part of the current institutional framework, and would leave room for coherent and coordinated human rights discussions among member states across the EU. It would be essential for matters discussed in FREMP to be brought to the Justice & Home Affairs Council to ensure measures are officially considered and adopted.

We look forward to the Council conclusions as new grounds for developing a more extensive and effective EU policy on internal human rights.

Yours sincerely,



Colm O'Gorman
Executive Director
Amnesty International Ireland



Dr Nicolas J Beger
Director, Amnesty International European
Institutions Office