

RECOMMENDATIONS TO THE ITALIAN EU PRESIDENCY

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AMNESTY
INTERNATIONAL



2014: A FRESH START FOR EU HUMAN RIGHTS POLICIES AND PRACTICES

2014 represents a year for change in the European Union (EU). As a new European Commission and Parliament begin their terms, and the Presidents of the EU institutions take on their mandates, EU leaders and the Italian presidency must work together to steer the Union in the direction of human rights. As the presidency works towards the implementation of the Strategic Guidelines in the field of freedom, security and justice, it has another opportunity to strengthen human rights protection across the EU and, in particular, to initiate a major shift in approach to migration policies and practices.

Further, the EU must live up to its stated determination “to promote peace and stability and to build a world founded on respect for human rights, democracy and the rule of law”, ensuring the effective and consistent application of the EU Strategic Framework and Action Plan on Human Rights and Democracy in all areas of EU external action and policy, in dealings with all countries. This memorandum particularly highlights the need for a stronger EU response to the global crisis on torture.

Yet there is a dichotomy between the EU’s aspiration to promote human rights globally, and the reality of human rights violations in member states. In the EU, violence against women (VAW) remains a pervasive problem. Groups, such as migrants, Roma, and lesbian, gay, bisexual, transgender and intersex (LGBTI) people are targets of widespread discrimination, including violence. Border control measures expose migrants, refugees and asylum-seekers to serious harm. Their detention is systemic, rather than exceptional. And their lack of agency makes them vulnerable to abject exploitation and abuse. This has to change.

EU leaders and the presidency must respond to the urgency of these human rights challenges. They must use the opportunity of their new mandates to reset agendas, and recommit to stalled promises. At this crucial turning point, EU actors must take collective responsibility to ensure that respect for human rights is the bedrock of all EU policies and actions. This requires the commitment of all EU institutions and member states to protect and promote human rights, in line with articles 2, 3 and 21 of the Treaty of the European Union (TEU).

Amnesty International is calling for the development of an overarching EU-internal human rights strategy to guide EU action on human rights across all internal policies, and complement the Strategic Framework and Action Plan on Human Rights and Democracy. Such a strategy would bring together existing instruments to ensure that all EU means are mobilised to promote and protect human rights internally. It would serve to identify and respond to protection gaps, forming an accountability tool to assess EU action on human rights. The key principles should be endorsement by all EU actors and member states, and empowerment to act together.

New EU leaders must come together in 2014 to build the Union into a powerful actor that strives to respect, protect and fulfill the human rights of all people within its territory, at its borders, and beyond.

PROTECTING HUMAN RIGHTS ACROSS THE EU

Human rights and rule of law challenges persist in EU member states. An overarching EU-internal human rights strategy would provide vision and give substance to the founding human rights principles and objectives enshrined in the EU Treaties. To be legitimate and operational, the internal strategy should be endorsed by all three institutions and all member states, committing them to a shared and indivisible responsibility for implementation. The ultimate aim of elaborating an internal human rights strategy is to enable the EU to develop a proactive, protective response to pressing human rights challenges within its territory, at its borders and beyond.

RECOMMENDATION

The Italian presidency should:

- Push for the development of an overarching EU-internal human rights strategy, built around four main objectives:
 - » **A comprehensive human rights-centred approach across 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
 - » **EU standards that strengthen the EU's legislative framework on human rights and remedy existing gaps in protection.** Law and policy making should seek to promote the EU and member states' existing human rights obligations. Proposals should be developed in accordance with international and European human rights law from the outset and throughout the negotiation process, and guidelines should be issued to support member states in complying with relevant human rights standards when transposing EU measures
 - » **Effective monitoring of human rights in the implementation of EU law and policy instruments.** A broader and more thorough approach to human rights concerns is key to fully assessing and remedying implementation problems on the ground, and to identifying new avenues for EU action
 - » **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 TEU, regardless of the field in which the breach occurs



TREATING MIGRANTS, REFUGEES AND ASYLUM-SEEKERS FAIRLY

Across the EU, and at its borders, migration control policies and practices continue to put migrants, asylum-seekers and refugees at risk. Significant loss of life over the past years is a testament of the failures of European migration policies, and reinforces the need for EU debate to address human rights concerns, rather than focus on border control and security. It should not take tragic events, such as those off Lampedusa in October 2013 and May 2014, to spur the EU into action. Whilst we acknowledge increased efforts to save lives, notably Mare Nostrum, we insist that more must be done.

Steps must urgently be taken to combat a climate of impunity conducive to human rights violations, and ensure that all border-management policies and practices conform to human rights standards. The practice of push-backs (collective expulsions) must immediately be stopped. Mutual support between EU countries should be more effective, and needs to extend beyond practical cooperation and capacity-building measures. Further, the EU should show more solidarity with regions hosting the majority of the world's refugees and displaced persons, by participating more fully in resettlement activities.

The EU must develop a proactive and protective response to migration challenges, ensuring that it respects and fulfils the human rights of migrants, refugees and asylum-seekers, with due regard to their specific protection needs, relating to gender, gender identity, age or other personal characteristics.

RECOMMENDATIONS

The Italian presidency should:

- With the EU institutions and member states, seek fully accountable and protection-sensitive border-management policies and practices with effective and independent human rights scrutiny. This includes:
 - » measures and mechanisms to prevent and investigate human rights violations at the borders, and ensure that no one is returned to a place where he or she may face persecution or other human rights violations. The principle of *non-refoulement* must always be respected
 - » measures to ensure that asylum-seekers and other vulnerable groups with specific protection needs are identified and granted access to a territory where their needs can be properly assessed and addressed
 - » continuous and transparent human rights impact assessment and monitoring of EU action on migratory pressures, and border-management tools, such as Eurosur
- With the EU institutions and member states, ensure that agreements and arrangements with third countries on border-management and readmission do not cause or contribute to human rights violations, and:

- » are transparent and publicly available
- » are based on assessment of the potential human rights impact
- » respect international human rights and refugee law, as well as the law of the sea, and include adequate human rights safeguards with effective and independently monitored implementation mechanisms
- Press member states to fully and unequivocally commit to concerted joint efforts to rescue people in distress at sea, and ensure their prompt and safe disembarkation in a country where their human rights will be adequately protected
- Reverse the widespread use of immigration detention as a migration management tool, promoting meaningful alternatives, and working to eliminate the detention of children and other vulnerable groups solely for immigration purposes
- Promote solidarity measures and a protection-sensitive application of the Dublin Regulation, in particular by allowing asylum-seekers to receive protection in countries in which they have community and wider family links
- Press for the development of safe routes for refugees to reach Europe, including through meaningful and considerably increased resettlement, humanitarian admission programmes and the facilitation of wider family reunification
- Call on the Commission to trigger infringement procedures in cases of violations of the border, immigration and asylum acquis, with particular attention to violations of human rights
- Put on the EU agenda the issue of protecting migrant workers from human rights abuse and exploitation, including by opening new and more flexible legal channels for labour migration to Europe
- Encourage member states to address legal and practical barriers that migrants with an irregular status face in accessing basic services, including healthcare, housing, education, access to justice and labour redress mechanisms



FIGHTING DISCRIMINATION

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 and prompt urgent action to combat persistent discrimination, growing intolerance and hate crime in EU countries. Upholding the human right to non-discrimination for all people should feature as a priority in and of itself, and run throughout EU policies in all areas.

RECOMMENDATIONS

The Italian presidency should:

- Overcome the political deadlock on the horizontal directive, and recommit to adopting comprehensive anti-discrimination legislation, to protect people against discrimination on all grounds in all areas of life
- 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 should 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 any alleged discriminatory motive behind the perpetration of a crime is thoroughly investigated and duly taken into account in the prosecution phase
- Use the momentum created by previous presidencies to advance debates on creating stronger responses to hate crime, ensuring civil society involvement in any new initiatives developed at Council level
- Show a commitment to combatting discrimination against LGBTI people by adopting domestic legislation that tackles hate crimes based on grounds of sexual orientation and gender identity, and recognises the rights of same-sex couples in line with relevant international and European human rights standards

RESPECTING ROMA RIGHTS

More than a decade after the EU adopted the Race Equality Directive (RED) prohibiting racial or ethnic-based discrimination, Roma still face widespread discrimination throughout Europe, in all walks of life. Over the last five years, there has been progress in the development of strategies and policies to fight discrimination against Roma. Yet this has brought little tangible, sustainable impact. This is in contrast to the sense of urgency felt by those who experience racially-motivated violence and forced evictions, those segregated, and those facing discrimination in access to education and housing. The EU and member states must respond to this urgency, demonstrating political will and determination to end racism and other forms of discrimination against Roma, including hate crime, and foster their social inclusion. The situation of Romani people in member states is the yardstick against which EU action to combat discrimination should be measured.

RECOMMENDATIONS

The Italian presidency should:

- Respond with urgency to the ongoing violations and abuses of Roma rights, supporting member states in fighting discrimination against Roma, including hate crime, forced evictions, housing and school segregation, and systematically condemning public officials' use of discriminatory rhetoric
- Encourage EU member states to comply with the RED, and lead by example, by ensuring that Italy upholds EU law standards, in particular on the right to adequate housing; tackle forced evictions, segregation in mono-ethnic camps with sub-standard conditions, and discrimination in access to social housing.
- Call on the Commission to trigger infringement procedures in cases of non-compliance
- Lead member states to act on the December 2013 Council "Recommendation on

effective Roma integration measures in the Member States”, to effectively improve and implement National Roma Integration Strategies (NRIS), with adequate financial tools for their full development, integral Roma participation, and mindful of recommendations from the Commission and civil society organisations. The EU should be rigorous in monitoring member states’ implementation of NRIS



WOMEN’S RIGHTS

It is vital for the EU’s human rights credibility to ensure that women’s rights are robustly protected within and beyond its borders. The Fundamental Rights Agency’s (FRA) 2014 report on violence against women (VAW) found that an estimated 13 million women in EU had experienced violence in the 12 preceding months. There are 500 000 women and girls living with the consequences of female genital mutilation (FGM) in Europe, and a further 180 000 are at risk each year. During its presidency, Italy should demonstrate political leadership by pressing the EU and member states to renew their commitment to concerted action to combat VAW, delivering on promises to promote gender equality, and ensuring coherence across internal and external EU policies and practices.

RECOMMENDATIONS

The Italian presidency should:

- Ensure that women’s rights remain a core EU priority and that a comprehensive set of EU instruments is developed, in particular, a post-2015 follow-up strategy for equality between men and women
- Use the entry into force of the Council of Europe (CoE) Convention on preventing and combating VAW and domestic violence (the Istanbul Convention) as an opportunity to encourage member states to sign and ratify, and press for EU accession. As one of the few EU member states that has ratified the Convention, the Italian presidency should lead the way in promoting a holistic and comprehensive implementation with due focus on prevention, protection, prosecution and integrated policies, including the creation of a governmental body specifically devoted to women’s rights and VAW
- Gather support from member states for the effective and adequately resourced implementation of the Commission’s Communication *Towards the elimination of FGM*
- Press for the adoption of a comprehensive EU strategic framework on preventing and combating all forms of VAW, which integrates measures relating to the implementation

of existing EU commitments at both policy and legislative levels, including in the field of Justice and Home Affairs, enabling the EU to act consistently and with long-term vision

CORPORATE ACCOUNTABILITY

EU countries have a duty to protect people's human rights from abuse by business operations and ensure access to remedy for victims. To uphold these obligations, member states must set up measures, including human rights due diligence, to mitigate any threat to human rights, and measures to improve access to remedy for victims of corporate human rights abuse.

RECOMMENDATIONS

The Italian presidency should:

- Support member states in developing and implementing stronger national action plans to put into effect the United Nations Guiding Principles for Business and Human Rights (UNGPR), emphasising the need for transparency, and the duty to protect human rights and access to remedy (pillars 1 and 3)
- In the legislative process on conflict minerals, lead the Council to ensure human rights protection is adequately reflected and press for a robust framework with a global scope, which includes mandatory due diligence at all levels of the supply chain
- Initiate EU-level debate on how to improve and facilitate access to an effective remedy for victims of corporate human rights abuse abroad, identifying and implementing steps to remove obstacles to both judicial and non-judicial remedies



STOP TORTURE

Three decades after the ground-breaking Convention against Torture was adopted by the United Nations (UN) in 1984, governments across the world continue to betray their commitments to stamp out torture. The EU and its member states have undertaken significant international legal commitments and developed instruments to prevent torture globally, including the EU Guidelines on torture and

other cruel treatment (“the Guidelines on Torture”), and regulations concerning the trade in goods or “tools” which could be used for torture (Council Regulation 1236/2005). The EU must take strong and consistent action to monitor, prevent, and end torture wherever it occurs.

RECOMMENDATIONS

The Italian presidency with the European External Action Service (EEAS) should:

- Following the Guidelines on Torture and other relevant guidelines, with the EU and member states, make full use of all available modalities to eradicate torture in third countries. 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
- Step up action to stop torture, including through a clear dissemination and capacity building policy to ensure that all relevant EU and member state staff and civil society actors on the ground are informed of how the Guidelines on Torture can be implemented, and what civil society can expect from the EU and its member states
- Press for the regular and transparent review and assessment of the implementation of the Guidelines on Torture, with meaningful stakeholder engagement, including regular, systematic and, wherever possible, public, field reporting
- 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 combatting torture and other ill-treatment
- Lead by example by fulfilling Italy’s obligation under UN CAT to ensure that all acts of torture are offences under its criminal law

TRANSFER OF EQUIPMENT USED FOR HUMAN RIGHTS VIOLATIONS

The EU has established regulations to control the transfer to third countries of goods that could be used to commit human rights violations, including capital punishment and torture or other ill-treatment. The “Council Regulation (1236/2005) concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment” (“Tools of Torture Regulation”) has been amended several times since its adoption in 2006 to reflect technical developments, including through updates to lists of prohibited items and trade activities, and to the lists of sensitive policing and prison equipment that can easily be used for torture or other ill-treatment and that should be regulated. The amendments to the lists and to the Regulation itself need to be carefully considered. A new amendment to this Regulation has been drafted and was submitted in early 2014 to the European Parliament and Council for their decision.

RECOMMENDATIONS

The Italian presidency with the EEAS should:

- Act to strengthen the effectiveness of Council Regulation (1236/2005), that prohibits the trade in inherently inhumane equipment that has no practical use other than for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, and that requires strict control of the trade in other security equipment that might easily be used for torture or other cruel, inhuman or degrading treatment or punishment. For example, the trade in electric shock

weapons that are applied by direct contact with a victim, such as stun guns, stun shields and stun batons, should be placed on the prohibited list of the Regulation

- Act to strengthen the Council Regulation itself, including by pressing for the introduction of an “end-use catch-all clause” to enable the EU to act rapidly to prevent the trade of unlisted items that nevertheless are found to have no practical use other than for the purposes of capital punishment, torture and other ill-treatment, or where it is found there are reasonable grounds to believe that the items would be used for such purposes
- Promote the adoption of a similar regulation to control the “torture trade” internationally

ACCOUNTABILITY FOR EUROPEAN INVOLVEMENT IN CIA RENDITION AND SECRET DETENTION PROGRAMMES

In September 2014, it will be two years since the European Parliament (EP) adopted its second report urging the EU institutions and member states to promote or conduct full and effective investigations into all alleged involvement in Central Intelligence Agency (CIA)-led rendition and secret detention programmes. Reviewing its own experience, the Italian Presidency must lead the way at EU level to ensure that all victims of human rights violations perpetrated in the course of these operations, including torture and enforced disappearances, have access to justice and effective remedy.

RECOMMENDATIONS

The Italian Presidency should:

- Engage at EU level to ensure the full accountability of EU member states for their complicity in the CIA rendition and secret detention programmes. State secrecy should never serve as a justification for denying justice to victims of torture and enforced disappearances
- Press the member states concerned to fully implement the recommendations in the EP’s report and follow-up resolution, including by the full, prompt, impartial and effective investigations, in line with international standards, into all allegations of European complicity in CIA rendition and secret detention programmes, and, in the spirit of future EU accession to the European Convention on Human Rights (ECHR), to cooperate fully with the European Court of Human Rights (ECtHR), in which a number of related cases are pending

THE TEN YEAR ANNIVERSARY OF THE EU GUIDELINES ON HUMAN RIGHTS DEFENDERS

This year marks the ten year anniversary of the adoption of the EU Guidelines on Human Rights Defenders (HRDs) on 14 June. Amnesty International calls on the Italian presidency to ensure that EU and its member states reflect on the effectiveness of the Guidelines to date and to renew their commitment to translate them into meaningful action. In line with the EU Strategic Framework and Action Plan on Human Rights and Democracy, the EU and its member states have committed to intensify political and financial support for HRDs, and strengthen EU efforts against all forms of reprisal. However, while important progress has been made over the past decade, the implementation of the Guidelines remains inconsistent.

The Italian presidency should mark the tenth anniversary of the Guidelines and publicly reiterate the EU and member states' commitment to supporting the crucial role of HRDs in the promotion and protection of human rights worldwide.

The Italian presidency should work with the EEAS to ensure that all EU delegations and member state embassies:

- Proactively and in close contact with HRDs, make full and strategic use of all modalities of EU and member state action to support HRDs in their work, privileging concrete steps such as trial monitoring and including providing visibility, taking public action or issuing public statements
- Reinforce practical and action-oriented training on the EU Guidelines on HRDs and complement this by ensuring that civil society in third countries is familiar with the Guidelines and consulted in EU and member state strategies on HRDs
- Regularly engage with a wide range of HRDs working on civil, cultural, economic, social and political rights in different areas of countries including rural and remote areas, with appropriate attention to women HRDs
- Use political and human rights dialogues as well as other channels of communication to remind third countries of their duty to protect HRDs, and ensure involvement of HRDs in these processes
- Reinforce EU and member state coordination on HRDs, ensuring both political backing and full resources for impactful work to support them
- Provide systematic feedback to HRDs, civil society and the public on EU and member state action on HRDs, encouraging meaningful public debate on how to reinforce these vital efforts



ELEVEN CASES OF PEOPLE UNDER THREAT

The European Union (EU) is founded on a shared determination to promote peace and stability and to build a world founded on respect for human rights, democracy and the rule of law. These principles must underpin all aspects of EU internal and external policies.

Around the world people are suffering the consequences of human rights violations. Amnesty International strongly urges the Italian presidency to ensure the EU shows leadership and active engagement in the following listed cases.

The Italian presidency should:

- Raise the plight of those concerned at every opportunity and press for tangible progress
- Work with all EU embassies and delegations in each country to achieve positive change and concrete impact
- Act locally and in national capitals to realise all the EU human rights guidelines
- Ensure that coherent action on human rights concerns is taken not only on cases abroad but also those within the EU



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**ZAYN AL-ABIDIN MUHAMMAD HUSAYN (ABU ZUBAYDAH) AND ‘ABD AL RAHIM HUSSAYN MUHAMMED AL-NASHIRI - LITHUANIA, POLAND, ROMANIA
ACCOUNTABILITY FOR TORTURE AND ENFORCED DISAPPEARANCE**

These men were both held in secret detention by the Central Intelligence Agency (CIA) for over four years, during which time they were subjected to enforced disappearance and torture, including “waterboarding” (mock drowning), and later transferred to Guantánamo Bay. Abu Zubaydah remains held in indefinite detention without charge while al-Nashiri is due to be tried by a US military commission and risks execution if convicted.

Both have alleged that they were detained between 2002 and 2003 in a secret CIA prison in Poland; Abu Zubaydah has also alleged that he was subsequently held in secret CIA detention in Lithuania and al-Nashiri has alleged that he was also held in Romania. A Polish prosecutor has granted them “victim status” under the continuing investigation into the alleged presence of a secret CIA prison at Stare Kiejkuty, in Poland. The Polish investigation has been shrouded in secrecy and the men’s lawyers have complained that they have not been allowed to participate meaningfully in it. Following a hearing last December, al-Nashiri and Abu Zubaydah are awaiting the decision from the European Court of Human Rights (ECtHR) on their application for mistreatment during detention in Poland. In addition, they have lodged separate applications against Romania and Lithuania, both of which have to date failed to initiate any effective investigations into their alleged secret detention.

The Italian presidency should:

- **Commit itself to intervening with US and EU governments on behalf of effective redress for these men, and call for the closure of Guantánamo Bay**
- **Robustly reject impunity and support all efforts, to conduct full, independent, and effective investigations into all allegations of European**

complicity in CIA secret detention programmes, as outlined in the 2012 European Parliament Report, which named both these individuals and called for effective redress



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**DILOROM ABDUKADIROVA - UZBEKISTAN
TORTURE**

Dilorom Abdukadirova is a prisoner of conscience, serving an 18-year sentence, after a trial that violated international fair trial standards. She was subjected to torture and other ill-treatment while in pre-trial detention.

On 13 May 2005, Dilorom joined thousands at a protest in Andizhan to voice concerns about the economy. Hundreds of individuals, including women and children, were killed as security forces opened fire on demonstrators. Dilorom fled to neighbouring Kyrgyzstan, and was subsequently granted permanent residency as a refugee in Australia. She returned to Uzbekistan in January 2010, to be reunited with her family. Dilorom was detained upon arrival and charged with “illegal exit” from Uzbekistan.

In 2010, she was sentenced to ten years and two months imprisonment on several charges, including denigration, attempts to overthrow the constitutional order, and illegal exit from Uzbekistan. Following a closed trial inside Tashkent Women’s prison, her sentence was extended by eight years after she was accused of deliberately breaking prison rules.

Uzbekistan has severe restrictions on the rights to freedom of expression, association and assembly. Torture and ill-treatment of detainees and prisoners by security forces are systematic. Thousands of prisoners have been convicted after unfair trials for their alleged extremist Islamist beliefs, their convictions based solely on “confessions” extracted

under torture.

In line with the EU Guidelines on Torture and other cruel treatment, the Italian presidency should ensure that the EU and member states press Uzbekistani authorities to:

- Conduct a full, prompt, impartial and effective investigation into the acts of torture suffered by Dilorom Abdukadirova, and bring the perpetrators to justice
- Amend the Criminal Procedure Code to include a provision to provide stronger protection against the use of evidence or confessions which may have been extracted through torture or other ill-treatment
- Cooperate with relevant UN Special Procedures, granting the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment access to Uzbekistan



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ESKINDER NEGA - ETHIOPIA PRISONER OF CONSCIENCE

Eskinder Nega was arrested in 2011, after having criticised the government on its use of the Anti-Terrorism legislation to silence critics, and calling for freedom of expression to be respected. He was accused of involvement with the banned Ginbot 7 Movement for Justice, Freedom and Democracy, convicted for “preparation or incitement to terrorist acts”, “participation in a terrorist organisation”, and “high treason”, and sentenced to 18 years’ imprisonment in July 2012. Amnesty International considers Eskinder a prisoner of conscience, imprisoned for his peaceful and legitimate activities as a journalist. He was awarded the World Association of Newspapers and News Publishers’ Golden Pen of Freedom Award in January 2014. Eskinder has been prosecuted eight times on account of his journalism. During his most recent detention and prosecution, he was denied access to lawyers and family members in the initial stages of detention, and has been subjected to unlawful visiting restrictions since early 2014.

In Ethiopia, the authorities routinely use criminal charges

and accusations of terrorism to silence critics. Repression of freedom of expression, already severe, increased alarmingly after the Anti-Terrorism Proclamation, which contains several excessively broad provisions, became law in 2009.

In line with the EU Guidelines on Freedom of Expression Online and Offline, the Italian presidency should urge the Ethiopian authorities to:

- Immediately and unconditionally release Eskinder Nega, and all other journalists, opposition members, peaceful protestors, and others detained solely for exercising their right to freedom of expression
- Immediately amend laws which unduly restrict freedom of expression and association, including the Anti-Terrorist Proclamation and the Charities and Societies Proclamation
- Fulfil its international obligations by taking all necessary steps to ensure that journalists and human rights defenders can operate freely, independently and with the full protection of the state



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AHMAD ‘AMR ‘ABD AL-QADIR MUHAMMAD - IRAQ DEATH PENALTY

On 21 July 2006, Ahmad ‘Amr ‘Abd al-Qadir Muhammad was arrested by security forces in Baghdad and held incommunicado for more than a year. He was reportedly tortured and coerced into “confessing” that he was a member of an armed group who had intended to plant explosives, and that he had previously been involved in several bomb explosions in Baghdad. On 17 May 2011, he was sentenced to death on the basis of the 2005 Anti-Terror Law. He is currently held at Camp Justice, al-Kadhimiya Baghdad and is at imminent risk of execution.

Defence lawyers have stated that eyewitnesses, including police officers, have given conflicting testimonies, and assert that no evidence linking Ahmad to the previous bomb explosions was presented to the court.

The death penalty has been used extensively in Iraq since its reinstatement in 2004. Amnesty International documented at least 169 executions in 2013, and at least 38 were executed within four days in January 2014. Many prisoners are executed after convictions based on “confessions” extracted under torture.

In line with the EU Death Penalty Guidelines, the Italian presidency should urge the Iraqi government to:

- **Commute the death sentence imposed upon Ahmad ‘Amr ‘Abd al-Qadir Muhammad, and grant him a retrial in compliance with international fair trial standards**
- **Ensure the full, prompt, impartial and effective investigation of allegations of torture by an independent body, which brings perpetrators to justice**
- **Declare an official moratorium on executions with a view to abolishing the death penalty, in accordance with repeated calls from the UN General Assembly, and commute without delay all death sentences**



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TUN AUNG - MYANMAR/BURMA PRISONER OF CONSCIENCE

Dr. Tun Aung was arrested on 11 June 2012, in connection with riots in Maungdaw, Rakhine state, and held incommunicado for several months. Independent witnesses assert that Dr. Tun Aung did not play any role in violence, or incitement of violence, but actively tried to calm the crowd. He was convicted of inciting riots and of various other criminal offences. His sentence of 11 years imprisonment in 2012 was increased to 17 years following the prosecution’s appeal in 2013. This was later reduced, including under the Amnesty accorded by the President’s Office on 30 December 2013, and on 20 January 2014. He is currently being held in Insein Prison in Yangon.

Amnesty International considers Dr Tun Aung a prisoner of conscience, targeted because he is a Muslim community leader. President Thein Sein’s promise there would be no prisoners of conscience in Myanmar/Burma by the end of 2013, has not been fulfilled.

The Italian presidency should press the Myanmar/Burmese authorities immediately and unconditionally to release Dr. Tun Aung and all prisoners of conscience, and ensure that all trials meet international fair trial standards.



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RESIDENTS OF BODO - NIGERIA CORPORATE ACCOUNTABILITY

In 2008, two consecutive oil spills, caused by faults in a Shell pipeline, resulted in thousands of barrels of oil polluting the land and creek surrounding Bodo, a town of 69,000 people in the Niger Delta. Both spills continued for weeks before they were stopped. The pollution caused by the spills has exposed people to serious health risks, destroyed their livelihoods, undermined their access to clean water and food, and devastated the environment. No proper clean up has ever taken place, and there has been no progress towards reparations. A third spill in 2012 has deepened concerns, and the UN Environment Programme (UNEP) estimates that it could take more than 25 years to fully rehabilitate the area.

Many people in Bodo have been pushed deeper into poverty as a consequence of the oil spills and continue to face the health risks of the pollution.

In 2011, the Bodo community sought justice and proper compensation from Shell. A Court action in the UK is ongoing. In January 2013, a judgment was passed against Shell in the Netherlands.

The Bodo disaster is symptomatic of the wider situation

surrounding the Niger Delta oil industry. Poorly maintained equipment has contributed to the companies' failure to prevent pollution, and 1000s of oil spills over a number of decades.

In line with the EU Strategic Framework & Action Plan on Human Rights and Democracy commitment to promote corporate social responsibility, and the UN Guiding Principles on Business and Human Rights, the Italian presidency should:

- **Initiate EU-level debate on how to improve and facilitate access to an effective remedy for victims of corporate human rights abuse abroad, identifying and implementing steps to remove obstacles to both judicial and non-judicial remedies**
- **Press the Nigerian authorities to:**
 - » **ensure independent oversight of the oil industry and better access to effective remedy for people whose rights are adversely affected by oil operations in the Niger Delta**
 - » **amend and strengthen the regulation of the petroleum industry in the 2012 Petroleum Industry Bill (PIB) in line with international obligations, to ensure that it addresses the social, health and human rights impacts of activities of the oil industry**



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THE BOLOTNAYA PROTESTERS - RUSSIA FREEDOM OF EXPRESSION

On 6 May 2012, police dispersed an authorised protest action on Bolotnaya Square. 400-650 people were arrested and charged with administrative offences, and dozens subsequently criminally prosecuted in connection with “mass riots” and violence against state officials.

While acknowledging that isolated incidents of occasionally serious violence did take place, Amnesty International considers that these did not amount to mass riots within

the meaning of Russian or International Law. Amnesty International is therefore calling for charges of participation in or incitement to mass riots to be dropped. Amnesty International considers the case to be politically motivated and intended by the authorities to discourage further peaceful protest.

Amnesty International came to the conclusion that at least ten of the “Bolotnaya prisoners” are prisoners of conscience, deprived of freedom solely for the peaceful exercise of their rights to freedom of expression and assembly. Three of the prisoners of conscience were released under the amnesty law in December 2013 but seven were convicted including Mikhail Kosenko who was sentenced in separate, flawed proceedings to forcible treatment of indeterminate duration in a psychiatric institution. On 11 June 2014, a court in Moscow region ruled that Mikhail Kosenko can be discharged from a psychiatric hospital to receive outpatient treatment. If this decision is not contested by the prosecutor’s office Mikhail Kosenko could be released in July. However, his criminal conviction remains and the original decision to send him for forcible psychiatric treatment has not been overturned. The future of six other prisoners of conscience in the Bolotnaya case who remain in detention will be decided on 19 June at the appeal hearing in Moscow City Court. Amnesty International insists that all prisoners of conscience be released immediately and unconditionally, and that their convictions be overturned.

While there is much compelling evidence of the use of abusive force by police in Bolotnaya, not a single police officer has faced prosecution, and not a single relevant allegation has been impartially and effectively investigated.

The verdicts in the Bolotnaya case are part of a wider clampdown on freedoms of assembly, association and expression since Vladimir Putin resumed the Russian presidency on 7 May 2012.

The Italian presidency should press the Russian authorities to:

- **Immediately and unconditionally release all prisoners of conscience in the “Bolotnaya case”, drop any charges, overturn any convictions in relation to any individual in connection with the purported “mass riots”, ensure fair trial for all remaining defendants and ensure that Mikhail Kosenko’s sentencing to compulsory psychiatric treatment is overturned**
- **Conduct independent, impartial and effective investigation into all allegations of abusive use of force by police, and bring all those responsible to**

justice

- **Insist that Russia fully respects the rights to freedom of expression, assembly and association, in line with international human rights standards, and repeals and abstains from introducing any further restrictions to these rights in domestic law**
- **The EU should also monitor all key court trials which arise in connection with the Russian authorities' clampdown on the rights to freedom of expression, assembly and association, and, when appropriate, publicly report conclusions of the trial observers**



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PARASKEVI KOKONI - GREECE HATE CRIME, ROMA

A series of racist attacks against the Roma community have taken place in the village of Etoliko, western Greece. In August 2012 and January 2013 groups of locals, allegedly instigated by members of Golden Dawn, a far-right party, attacked Roma in their houses, terrorised them and vandalised their properties. Several Roma were injured and many more fled their houses in fear and were only able to return months later. Many Roma told Amnesty International that even though police officers were alerted and present during the racist attacks, they failed to stop the mob attacking them and their houses. They also said that in the days following the attacks the police advised some of them to leave their homes as they couldn't protect them.

In October 2012, Paraskevi Kokoni, her 11-year-old son, and her mentally disabled 23-year-old nephew, were attacked whilst out shopping. Paraskevi told Amnesty International that, moments before, an onlooker had pointed her out as the sister-in-law of a local Roma leader.

In November 2013 three men were charged with serious bodily harm for the attack against Paraskevi and her nephew. However, previous racist attacks in Etoliko were not taken into account, and Amnesty International is concerned that the investigation did not look into the possible racist motive

for the attack. A first court hearing was scheduled for 1 April 2014, but has been postponed until November.

At a time when Greece has seen a steep increase in racially motivated attacks and xenophobia, Amnesty International has serious concerns about the inadequate response of the law enforcement authorities towards hate crimes, which has helped to entrench impunity for the perpetrators.

In line with EU law and the EU's stated determination to combat racist and xenophobic crime, the Italian presidency should call on the Greek authorities to:

- **Ensure that all crimes perpetrated with a discriminatory motive are fully and effectively investigated, with any alleged discriminatory motive duly taken into account in the prosecution and sentencing of perpetrators. This notably includes:**
 - » **the effective implementation of Circular 7100/4/3 which obligates the police to investigate possible racist motives**
 - » **the adoption of binding protocols requiring investigative authorities to exercise due diligence to highlight any alleged hate motive on the part of the perpetrator on the basis of which a crime may have been perpetrated**



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CLAUDIA MEDINA TAMARIZ - MEXICO VIOLENCE AGAINST WOMEN, TORTURE

Claudia Medina Tamariz woke at 3am on 7 August 2012, to find marines had broken into her home in Veracruz City. They tied her hands, blindfolded her and took her to the local naval base where, she says, she was given electric shocks, beaten, kicked, and sexually assaulted. Claudia, a mother of three, was accused of being a member of a violent criminal gang. She denies this.

The following day, she was transferred to the local branch of the Federal Attorney General's Office where she was interrogated and pressured into signing a statement that she was not allowed to read. In court on 13 August 2012, Claudia retracted her statement and described the abuse inflicted on her in detention. All the charges against her except one (carrying an illegal weapon) were dropped, and she was released on bail. A judge ordered the Federal Attorney General's Office to investigate her allegations, but to date they have not carried out a specialist medical and psychological assessment, despite Mexico's obligations under the UN guidelines for investigating torture (the Istanbul Protocol), nor has anyone been held to account for Claudia's torture.

Torture and ill-treatment are used routinely by Mexican police and security forces. Reports of torture increased alarmingly between 2006 and 2012, when the government adopted a military approach to tackling organised crime. Between 2010 and 2013, 7164 complaints of torture and other ill-treatment were registered with the National Human Rights Commission but the federal judiciary recorded only seven convictions. Complaints are rarely investigated adequately, perpetrators are not brought to justice, and statements obtained under torture are accepted as evidence.

In line with the EU Guidelines on Torture and other cruel, inhuman or degrading treatment or punishment, and with reference to the Guidelines on Violence against women and girls, the Italian presidency should press the Mexican authorities to:

- **Carry out prompt, full and impartial investigations into allegations of torture and ill-treatment, which include thorough medical examinations carried out in accordance with the Istanbul Protocol; bring perpetrators to justice; and ensure that victims receive reparations**
- **Establish, implement and monitor new protocols for conducting initial medical examinations of detainees at the moment when they are taken into custody or transferred so that any evidence of torture and ill-treatment is adequately and safely recorded by trained civilian medical staff and made available to detainees and their lawyers**



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GAO ZHISHENG - CHINA HUMAN RIGHTS DEFENDER

Gao Zhisheng is one of China's most respected human rights lawyers. In 2005, the Beijing Municipal Justice Bureau revoked his lawyer's license and suspended the operations of his law firm Shengzhi Law Office as a direct result of Gao Zhisheng's open letters to the government calling on them to stop religious persecution. He has been subjected to enforced disappearance, torture, illegal house arrest and detention since 2006, when he was charged with the vaguely-defined offence of "inciting subversion", as a result of his human rights activities. He is currently imprisoned in Shaya county prison in northwest China, after being sent to prison in December 2011 for apparently violating the conditions of his suspended three-year sentence. He is due to be released in August 2014.

Prior to his imprisonment, Gao Zhisheng's whereabouts had been unknown for almost 20 months. He has been repeatedly tortured since 2006, including being subjected to beatings, repeated electric shocks to his genitals, and lit cigarettes held close to his eyes. He continues to be at high risk of further torture. His family fled China, following constant harassment by the authorities.

Torture and other ill-treatment remain endemic in all places of detention in China. Categories of prohibited behaviour stipulated in China's Criminal Law are limited, and do not comply fully with definitions of torture under international law.

In line with the EU Guidelines, including on Human Rights Defenders, the Italian presidency must urge the Chinese authorities to:

- **Immediately and unconditionally release Gao Zhisheng, and ensure that he does not face any harassment or restrictions to his freedom of movement, speech and association following his release**

- **Ensure that as long as Gao Zhisheng remains in detention, he has access to family, legal representation of his choosing, and any medical care he may require, and is protected from torture and/or other ill treatment**
- **Allow human rights defenders to carry out their peaceful work without fear of hindrance, intimidation, arbitrary detention or imprisonment, in line with the UN Declaration on Human Rights Defenders**
- **Undertake institutional reforms to ensure the effective implementation of existing laws prohibiting torture**



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DETAINED AND ABUSED MIGRANTS, REFUGEES AND ASYLUM SEEKERS - LIBYA

Tens of thousands of migrants and refugees, entering Libya from Sub-Saharan Africa, North Africa and the Middle East are at risk of exploitation, arbitrary and indefinite detention in harsh conditions, as well as abuse during arrest and detention. Following arbitrary arrest by state security agencies, militias and sometimes by “concerned” citizens, they are often detained in overcrowded and poorly resourced “holding centres” run by the Ministry of Interior, or held by militias. Non-accompanied asylum-seeking children can be held in such conditions for months without access to family visits. Amnesty International has documented numerous cases of beatings, whipping and other forms of torture or ill-treatment, including of women, in these facilities. In the absence of female guards, detained women migrants and refugees are vulnerable to sexual abuse, including intrusive body searches by men.

Under Libyan law, foreign nationals who have entered Libya irregularly can be detained indefinitely pending deportation. Most are never brought before judicial authorities, given a

chance to challenge their detention or to complain about their treatment. Their deportation can be delayed for months for financial and administrative reasons, and due to poor coordination with detainees’ embassies. The Libyan authorities have also started subjecting foreign nationals to forced medical examinations and deporting those diagnosed with viral infections such as hepatitis B and C or HIV. No distinction is made between irregular migrants, asylum-seekers and refugees by Libyan officials or militiamen. Individuals in need of international protection face the same risks of arbitrary and indefinite detention, torture and other ill-treatment. Although UNHCR visits detention facilities, there is no national system to assess the protection needs of asylum-seekers and refugees and to protect them from *refoulement*.

Despite the situation of migrants and asylum seekers in Libya, the EU and its member states have continued to engage Libya’s cooperation on migration control. Most recently, the EU has established a Border Assistance Mission (EUBAM) aimed at building the capacity of the Libyan authorities to enhance border controls, including on the management of migration flows.

The Italian presidency should:

- **Refrain from entering into future agreements on migration control with Libya until the authorities demonstrate that they fully respect and protect the human rights of refugees, asylum-seekers and migrants, and put in place a satisfactory system for assessing and recognising claims for international protection**
- **The EU should also monitor and regularly assess the human rights impact of cooperation with Libya on the issue of migration**

In this document, Amnesty International presents specific recommendations on human rights policy for the Italian presidency to deliver during its six-month term as President of the Council of the European Union (July-December 2014). Amnesty International will then assess the presidency's progress. We also invite the Italian presidency to monitor its own progress in following the recommendations. Human rights work is about real people. Taking action on individuals is a tangible way of putting into practice the EU's commitment to protecting human rights. We ask the Italian presidency to intervene on behalf of 11 people or communities who have suffered, or are currently suffering, human rights violations, thereby demonstrating the EU's commitment to defending human rights throughout the world.

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Cover picture: Mobilisation drive for the *SOS Europe: People before borders* campaign, at Piazza del Ferrarese, Bari by Amnesty International's Italian section, on the occasion of its 29th General Assembly. © Simone Muscogiun

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