



Reference: **B1813**
HE Ambassador Kaja Tael
Permanent Representative of Estonia to the EU
Rue Guimard 11–13
1040 Bruxelles

29 May 2017

Dear Ambassador Tael,

AMNESTY INTERNATIONAL'S RECOMMENDATIONS ON HUMAN RIGHTS DEFENDERS TO THE PRESIDENCIES OF ESTONIA, BULGARIA AND AUSTRIA

I am writing to share with you our recommendations for the next trio of presidencies for the Council of the European Union (EU) and to introduce you to our new global campaign, ***Brave: Human rights defenders under threat – a shrinking space of civil society***, a campaign to take global action against the worrying assault against human rights defenders (HRDs) and the rights that they seek to protect and defend.

In an age of fear, division and demonisation across the world, we know that those who dare to take a stand for human rights are coming under attack with more intensity, frequency and in more places at an alarming scale and rate. Worldwide, human rights defenders are facing an onslaught of harassment, intimidation, smear campaigns, ill treatment, unlawful detention and are being threatened and even murdered, just for standing up for all our human rights.

This global trend of shrinking space for civil society and ongoing threats to human rights defenders unfortunately also manifests itself within EU countries. As Amnesty International has documented in recent years, there has been a notable and worrying regression on human rights and the rule of law in Poland and Hungary, including attempts to smear and undermine civil society. Equally, the recent campaign of innuendo and insinuation made by some representatives of institutions (EU and Italian), politicians and commentators regarding unsubstantiated allegations of criminal ties of NGOs to smuggling networks - based on no evidence - is putting at risk crucial lifesaving activities carried out by NGOs at Europe's sea borders. The EU and its member states must respond firmly and decisively to the global crackdown on HRDs through its foreign policy. At the same time, they must equally take action to protect and promote human rights within the EU, in line with the myriad of international obligations and commitments made by EU member states and enshrined in the EU Treaties themselves. Now more than ever, we need people who stand for justice and human rights.

The upcoming presidencies of the Council of the EU represent a unique opportunity to further promote the full implementation of EU's policies and commitments on human rights, such as the EU Guidelines on HRDs and Strategic Framework on Human Rights, by protecting and empowering human rights defenders inside and outside Europe. We urge the trio of presidencies to lead the EU and member states to:

- Use all opportunities in relations with third countries, up to highest level and in public settings, to recognize the importance of the work of HRDs, to protect them and to promote their work;
 - Include in key Council Conclusions the situation of HRDs (including individual cases), civil society space and support to key human rights issues raised by HRDs, both in the internal and external context;
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- Crucial Council discussions on rule of law and fundamental rights in the EU should not take place without adequate involvement of civil society. The Council should explicitly acknowledge the role that NGOs have in securing respect for human rights and holding governments and EU institutions accountable for operating transparently and in accordance with the law. Given the deteriorating situation regarding civic space in Europe, the Rule of Law Dialogue of 2018 could be dedicated to discuss these concerns and to promote an enabling environment for civil society.
- Identify gaps in engagement under the EU guidelines on HRDs and ensuring that the EU and member states address them in practice;
- Involve HRDs in Council discussions and briefings and publicly meet them in third countries, in member state capitals and in Brussels;
- Ensure that discussions on EU and EUMS relations with strategic partners such as China, Russia and USA as well as on conflict and crisis situations, reflect commitments to protect and support HRDs;
- Adopt strong positioning toward partners worldwide on accountability for International Humanitarian Law and International Human Rights Law violations raised by HRDs;
- Mainstream human rights in foreign policy by organising more regular, substantive and systematic exchanges with non-governmental organisations (NGOs) and human rights defenders. The Estonian, Bulgarian and Austrian Presidencies should ensure that such meetings take place regularly during their mandate, focusing on the mainstreaming of human rights in EU foreign policy. The Presidencies should likewise take the lead by meeting with human rights defenders regularly throughout the Presidencies;
- Ensure that when visiting 3rd countries within the framework of the presidency EU member states meet with HRDs and raise their human rights concerns in meetings with the authorities;
- Ensure that Foreign Affairs Council (FAC) includes specific discussions and agreements on HRDs and on how to address human rights violations when discussing country situations.

I am attaching the global briefing paper we launched on 16 May to mark the start of the campaign. The briefing explores the widespread measures currently used worldwide to silence human rights defenders, ranging from personal attacks like threats, beatings and killings to the use of legislation to criminalise human rights-related activities. Other measures include surveillance and attacks on HRDs' capacity to communicate and on their rights to peaceful assembly and association, as well as restrictions on their freedom of movement and additional violence against women human rights defenders. Central to these methods is the use of smear campaigns and stigmatisation to delegitimise them and their work.

Against this backdrop, the EU and its member states must take a visible stance of support for HRDs and step up their engagement with third countries to uphold civil society and deliver on their human rights commitments. We will aim through this campaign at engaging the presidencies of the EU to ensure that human rights defenders are protected and empowered. We look forward to working with you closely on this so that together we reverse the worrying assault by governments, armed groups, corporations and others on the right to defend human rights we are currently witnessing.

Yours sincerely,



Iverna McGowan

Head of European Institutions Office and Advocacy Director
Amnesty International