

**Federica Mogherini**

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**AMNESTY  
INTERNATIONAL**



**EUROPEAN INSTITUTIONS OFFICE**

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Dear High Representative Mogherini,

### **SHARED COMMITMENT TO HUMAN RIGHTS MUST BE AT CENTRE OF EU-CELAC RELATIONS**

At the forthcoming summit between the European Union (EU) and the Community of Latin American and Caribbean states (CELAC) on 10-11 June 2015 in Brussels, Amnesty International calls on leaders from both continents to re-affirm their shared commitment to universal human rights and to put them into practice at home and in all future collaborations.

This commitment must begin by ensuring fully-fledged consultations with human rights organisations on both continents and mainstreaming of key human rights concerns into the next Action Plan and into all exchanges at this and future EU-CELAC summits. Amnesty International calls for decision-makers on both sides to reaffirm their shared commitment by ensuring that human rights remain at the centre of all discussions at the summit and beyond.

Today, citizen security is a key issue for both Europe and the Americas. Yet **true security can only be achieved through a system that puts human rights at its centre**. In the aftermath of the January 2015 Paris attacks, as counter-terrorism initiatives are stepped up in France and across Europe, governments must remain vigilant to ensure that their efforts to thwart future attacks do not come at the expense of human rights, including to freedom of expression and to private life.<sup>i</sup> Likewise, international and national efforts toward security must not violate human rights commitments, including those against torture, as seen in the complicity of several EU member states with the CIA secret detention programmes. Accountability and justice for any such violations remain paramount both for human rights within the EU and for its credibility and legitimacy as a human rights actor worldwide.<sup>ii</sup> In Latin America, the strategy around the 'war on drugs' has had a very high cost in terms of human rights, yet has proven ineffective at combating drug trafficking. In Mexico alone, since the war on drugs began in the previous administration, 23,000 people have disappeared and 120,000 have died. Police violence is widespread in the region, including torture and other forms of ill treatment<sup>iii</sup>. Excessive use of force to repress public demonstrations has become common in places like Brazil or Venezuela.

In recent years, both the EU and CELAC countries have stepped up their commitments to **protect and support the work of Human Rights Defenders (HRDs)**. The EU's Guidelines on Human Rights Defenders are now over a decade old, with EU member states committing in 2014 to "intensify... political and material support to HRDs"<sup>iv</sup> in third countries. At the same time, civil society in Hungary<sup>v</sup>, an EU member state, finds itself under attack; EU leaders must urgently address this assault on those speaking out against human rights abuses, corruption and homophobia there. HRDs continued to face attacks and abuses in reprisal for their legitimate human rights work in many Latin American countries including Brazil, Colombia, Cuba, the Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Peru and Venezuela<sup>vi</sup>. Very worryingly, in some countries, such as Colombia, Honduras and Guatemala, local human rights organisations reported an increase in attacks against HRDs and journalists, with perpetrators of these abuses almost never brought to justice. HRDs fighting against impunity, those working on women's rights and those focusing on human rights issues related to land, territory and natural resources remained at particular risk. Even in countries where mechanisms to protect HRDs at risk have been established, such as Brazil, Colombia and Mexico, in many cases protection measures were not granted or were not granted effectively and promptly. CELAC states must ensure an enabling environment for the important work of HRDs, including full political backing and resources to national protection mechanisms and a differentiated approach including a gender perspective in protection measures. In summit discussions and any future cooperation, EU and CELAC leaders must commit to fully support and establish regular, meaningful exchanges with HRDs and civil society, to reinforce the human rights dimensions of the regions' relations.

Today, the EU and the CELAC are challenged to **uphold the human rights of refugees, migrants and their descendants**. A lack of economic opportunities, widespread violence and insecurity are driving many Latin Americans away from their countries of origin. The increase in unaccompanied migrant children, travelling in the region to reach the United States (USA) is a major cause for alarm. Between October 2013 and October 2014, 67,639 unaccompanied migrant children (from Mexico, El Salvador, Guatemala and Honduras) were apprehended in the USA, nearly twice as many as during the previous 12-month period. Migrants crossing Mexico are often victims of serious human rights violations, including kidnapping, sexual violence and torture. CELAC governments must use this summit to agree on measures to ensure that migration is safe and respectful of the rights of migrants, asylum-seekers and refugees, including through a

regional system of protection. Of particular concern is the risk of arbitrary expulsions from the Dominican Republic to which Dominicans of Haitian descent have been exposed, since a 2013 Constitutional Court effectively led to a retroactive deprivation of their Dominican nationality<sup>vii</sup>. Some cases of arbitrary expulsions have already occurred, as documented by Amnesty International. However, they remain sporadic so far.<sup>viii</sup> As the authorities have announced that deportations of migrants with no regular migration status will resume from 1 August 2015, those who were made stateless by the 2013 ruling are now at imminent risk of mass expulsions from their own country. CELAC and EU leaders must advocate toward the Dominican authorities to set up adequate mechanisms to prevent such expulsions, to respect international human rights standards during the process of deportations of migrants and to ensure the prompt return to the Dominican Republic of any Dominicans of Haitian descent who may be expelled.

So far, EU countries have failed to respond to migratory flows to Europe in a holistic, meaningful manner that would protect rights and lives. As of mid-April 2015, 1,700 people have perished in the Mediterranean, 100 times more than in the same period in 2014. In late 2014, many EU member states put political pressure on Italy to end its search and rescue operation, Mare Nostrum, due to what they saw as its 'pull factor' role for migrants and refugees to Europe. Operation Triton, governed by the EU's border surveillance agency Frontex, was hailed as a replacement by many in the EU. However, unlike Mare Nostrum, it was not focused on search and rescue, had considerably less funding, and doesn't patrol the areas where most of the search and rescue activities are needed. Amnesty International welcomes the commitments made at the extraordinary European Council of 23 April 2015 to provide more assets in terms of boats and aircraft towards rescue efforts in the Mediterranean and to triple the operation's financial resources. However, the organisation remains concerned that the operational area of the increased Triton operation has not been extended, as our research has documented the majority of fatal incidents take place near Libyan borders, far from the official area currently patrolled by Triton. As a welcome step, the European Commission recently proposed an expansion of the geographical scope of Operation Triton in its European Agenda on Migration. However, there is still no clarity on whether the actual geographical scope of the operation will be extended sufficiently to fully patrol those areas on the high seas where most refugees' and migrants' boats get into difficulties. The EU and its member states must also engage in a broader review of migratory policies and practices. More safe, legal routes into Europe are desperately needed including increased resettlement and humanitarian admissions for refugees, issuing of humanitarian visas and a more liberal approach to family reunification. As of 11 February 2015, only 79,778 resettlement and other admission places have been offered for Syrian refugees globally since the start of the Syria crisis - a mere 2 per cent of the total population of Syrian refugees in the region. Since 2013 EU countries have offered only 40,137 resettlement and humanitarian admission places as of 12 March 2015. Of this 30,000 humanitarian admission and individual sponsorship places were offered by Germany alone, and 2,700 resettlement places were pledged by Sweden. At the same time, 2014 set a grim record with nearly 3500 deaths, the highest number of refugee and migrant deaths ever recorded in the Mediterranean in one year. Half of those heading to Europe by boat in 2014 were from Syria and Eritrea, with the vast majority of them being refugees fleeing conflict and persecution. Today, the creation of safe and legal routes and a fully-fledged search and rescue operation remain urgently needed.<sup>ix</sup> The proposals made by the European Commission for an EU-wide resettlement scheme can also prove a step in the right direction if this mechanism - in addition to national efforts - contributes to a general increase in the number of people resettled in the EU.

Finally, **EU and CELAC member states must ensure all business fully respects human rights when conducting operations in both regions and worldwide.** Amnesty International has raised key concerns about EU and member state engagement in places like Colombia, where the EU and member states provide support to key national processes such as land restitution and protection of HRDs. At the same time, the EU and member states are challenged to ensure that aid programmes do not support agro-industrial or other economic projects situated on land illegally acquired through human rights abuses and violations. In addition, the EU and its member states must provide pro-active guidance to EU-based companies to prevent their operations from contributing to human rights abuses. In Latin America, extractive industries and megaprojects have become major actors in the region, yet these multinationals often contribute to the displacement of communities. Communities, especially indigenous people, all over the continent are struggling to preserve access to basic natural resources in Mexico, Guatemala, El Salvador, Nicaragua and Peru<sup>x</sup>. In Latin America, governments must guarantee access to free, prior and informed consent before these operations start and ensure respect for human rights once companies start their operations.

Thank you for ensuring that human rights concerns shared by people in the Americas and in Europe remain at the centre of the forthcoming EU-CELAC summit and all future collaboration. We stand ready to provide any further information you may require.

Yours sincerely,



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- <sup>i</sup> See e.g. “Spain: New counter-terrorism proposals would infringe basic human rights,” 10 February 2015. <http://www.amnesty.eu/en/news/press-releases/all/spain-new-counter-terrorism-proposals-would-infringe-basic-human-rights-0851/>; “Davos/France: Newly announced anti-terror measures put human rights at risk,” 23 January 2015. <http://www.amnesty.eu/en/news/press-releases/all/davos-france-newly-announced-anti-terror-measures-put-human-rights-at-risk-0843/>; “France faces ‘litmus test’ for freedom of expression as dozens arrested in wake of attacks,” 16 January 2015. <http://www.amnesty.eu/en/news/press-releases/all/france-faces-litmus-test-for-freedom-of-expression-as-dozens-arrested-in-wake-of-attacks-0840/>.
- <sup>ii</sup> “Breaking the conspiracy of silence: USA’s European ‘partners in crime’ must act after Senate torture report,” 20 January 2015. [http://www.amnesty.eu/content/assets/Reports/CIA\\_report.pdf](http://www.amnesty.eu/content/assets/Reports/CIA_report.pdf)
- <sup>iii</sup> Report, “Mexico: Out of control: Torture and other ill-treatment in Mexico,” 4 September 2014. <https://www.amnesty.org/en/documents/amr41/020/2014/en/>
- <sup>iv</sup> “EU Council conclusions on 10th anniversary of EU Guidelines on Human Rights Defenders,” 23 June 2014. [http://europa.eu/articles/en/article\\_15216\\_en.htm](http://europa.eu/articles/en/article_15216_en.htm)
- <sup>v</sup> Briefing, “Their backs to the wall: civil society under pressure in Hungary,” 2 February 2015. [http://www.amnesty.eu/content/assets/Reports/2015/FINAL\\_NGO\\_Briefing\\_Hungary\\_Feb\\_2015.pdf](http://www.amnesty.eu/content/assets/Reports/2015/FINAL_NGO_Briefing_Hungary_Feb_2015.pdf), cf. also the letter to the EU at [http://www.amnesty.eu/content/assets/Letters2015/B\\_1652\\_Timmermans\\_Al\\_briefing\\_on\\_Hungary\\_020215.pdf](http://www.amnesty.eu/content/assets/Letters2015/B_1652_Timmermans_Al_briefing_on_Hungary_020215.pdf).
- <sup>vi</sup> “Defending human rights in the Americas: necessary, legitimate and dangerous,” 9 December 2014. <https://www.amnesty.org/en/documents/amr01/0003/2014/en/>
- <sup>vii</sup> “Dominican Republic: Mass statelessness crisis continues,” 30 January 2015. <https://www.amnesty.org/en/documents/amr27/0003/2015/en/>
- <sup>viii</sup> Urgent Action, “Dominican Republic: Mass deportation in the Dominican Republic”, 28 January 2015. <https://www.amnesty.org/en/documents/amr27/0002/2015/en/>; Urgent Action, “Dominican Republic: Dominican man deported to Haiti: Wilson Sentimo,” 20 February 2015. <https://www.amnesty.org/en/documents/amr27/0005/2015/en/>
- <sup>ix</sup> “Amnesty International’s ‘Blueprint for Action’ to end refugee and migrant deaths in the Med,” 22 April 2015. <http://www.amnesty.eu/en/news/press-releases/all/amnesty-international-s-blueprint-for-action-to-end-refugee-and-migrant-deaths-in-the-med-0884/#.VUzgavmqpHw>; “Europe’s Sinking Shame: The failure to save refugees and migrants at sea,” 22 April 2015. [http://www.amnesty.eu/content/assets/Reports\\_and\\_Briefings\\_2015/Europes\\_Sinking\\_Shame.pdf](http://www.amnesty.eu/content/assets/Reports_and_Briefings_2015/Europes_Sinking_Shame.pdf); “JHA Ministers must brave the waters and commit to a meaningful search and rescue operation in the Mediterranean,” 12 March 2015. [http://www.amnesty.eu/en/news/press-releases/all/jha-ministers-must-brave-the-waters-and-commit-to-a-meaningful-search-and-rescue-operation-in-t-0865/#.VQbuao7F\\_7Y](http://www.amnesty.eu/en/news/press-releases/all/jha-ministers-must-brave-the-waters-and-commit-to-a-meaningful-search-and-rescue-operation-in-t-0865/#.VQbuao7F_7Y); “Commission’s European Agenda on Migration remains dangerously incomplete,” 4 March 2015. <http://www.amnesty.eu/en/news/press-releases/all/commission-s-european-agenda-on-migration-remains-dangerously-incomplete-0864/>; “European Commission’s announcement on migration: Right words but no solutions,” 19 February 2015. <http://www.amnesty.eu/en/news/press-releases/all/european-commission-s-announcement-on-migration-right-words-but-no-solutions-0857/>; “Italy: Lampedusa survivors’ tales of despair should shock EU into action,” 16 February 2015. <http://www.amnesty.eu/en/news/press-releases/all/italy-lampedusa-survivors-tales-of-despair-should-shock-eu-into-action-0853/>
- <sup>x</sup> See e.g. “Guatemala stokes conflict around mining by failing to consult communities,” 19 September 2014. <https://www.amnesty.org/en/articles/news/2014/09/guatemala-stokes-conflict-around-mining-failing-consult-communities/>