

AMNESTY INTERNATIONAL OPEN LETTER

7 July 2023 TIGO IOR 10/2023.4273

“NATURAL PARTNERS”ⁱ AT A CROSSROADS: EU-CELAC SUMMIT MUST PRIORITIZE HUMAN RIGHTS

Dear Latin American, Caribbean and European Union leaders,

At the forthcoming summit between the European Union (EU) and the Community of Latin American and Caribbean States (CELAC) on 17-18 July in Brussels, Amnesty International urges both sides to prioritize human rights across all areas of their relations at a critical time for the two regions. After an eight-year hiatus since [the last CELAC-EU summit in 2015](#), many human rights concerns persist as new challenges emerge – decision-makers must now urgently act to promote and protect human rights in both regions and worldwide.

Any outcomes and commitments from the EU-CELAC summit must at the very minimum:

- Urgently address the most pressing human rights issues facing both continents todayⁱⁱ – including:
 - Human rights defenders (HRDs) and civil society space
 - The rights to freedom of peaceful assembly and to peaceful protest
 - The human rights of refugees and migrants
 - Violence and discrimination against women and girls
 - Defence of human rights gains and the international human rights system
- Publicly outline strategic and concrete steps to ensure that human rights remain at the heart of LAC-EU relations and are mainstreamed throughout all areas of relations, from trade to digital and climate change, up to highest level.
- Affirm the importance of HRDs and civil society – including the right to peaceful protest – in EU-LAC relations, in policy and practice, starting with the summit itself.ⁱⁱⁱ

HRDs AND CIVIL SOCIETY SPACE

The Americas continue to be the most dangerous region in the world for the defence of human rights, as human rights and environmental defenders face serious violence, from killings to criminalization and persecution by their own states.^{iv} Despite the EU and member state commitments to protect HRDs and promote their work in EU foreign policy, HRDs (in particular those assisting refugees and migrants) are criminalized in EU member states while civil society space is actively being closed by their policy and practice.^v This inconsistency stands in glaring contradiction to the EU’s human rights commitments and undermines the credibility and legitimacy of its external action on human rights. The current negotiation of EU legislation on strategic lawsuits against public participation (SLAPPs) will be one crucial opportunity to achieve the highest possible level of protection for those defending rights within the EU.^{vi}

At a time when the defence of human rights and civil society space are ever more under attack worldwide, the EU and LAC must join efforts in expanding civil society space, promoting and protecting HRDs and the important work they do.^{vii}

LAC and EU states should act to:

- Guarantee the right to defend human rights, including ensuring that people engaged in journalism, human rights defenders and those considered political opponents can carry out their work and exercise their rights in a safe and enabling environment without harassment, violence or unlawful targeted surveillance.
- Take robust measures to uphold civil society space, repealing and/or amending any restrictive legislation and instead acting to ensure the rights to freedom of expression, peaceful assembly and association in policy and practice.
- Immediately put in place a moratorium on the sale, transfer, and use of spyware technologies, as well as imposing an immediate ban on the most highly invasive types of spyware. Given the breadth and scale of the findings which emerged from the Pegasus Project, there is an urgent need for states on both continents to halt surveillance technology enabled activities of all states and companies, until there is a human rights-compliant regulatory framework in place.^{viii}

THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND TO PEACEFUL PROTEST

In the EU and in the LAC region, recent years have seen thousands of people taking to the streets and exercising their right to peaceful protest to demand accountability from their states and the protection of their rights.^{ix} However, in many cases, state responses have been repressive in an attempt to silence legitimate demands. The right to freedom of peaceful assembly remains at risk in both regions, including by the increasing criminalization of the right to protest as well as intimidation, harassment, violence, the excessive use of force and the unlawful use of lethal and less-lethal weapons by law enforcement against those who protest.^x Racialised and/or marginalised groups and individuals have seen their right to protest severely impacted by disproportionate and discriminatory policing of protests by law enforcement across both regions.

LAC and EU states should act to:

- End all violations of the rights to life, physical integrity, personal freedom and fair trial of people who express their dissatisfaction with government policies.
- Ensure that everyone can exercise the right to peaceful assembly and protest and that any force deployed by law enforcement or security officials when policing demonstrations is necessary, legitimate and strictly proportionate.
- Find ways to engage in dialogue with those on their territory so that their legitimate demands can be addressed.

THE HUMAN RIGHTS OF REFUGEES AND MIGRANTS

Humanitarian and human rights crises worldwide have forced ever more people to flee their home countries in search of protection in EU and LAC countries. Restrictive migration and asylum policies predominate in both regions along with recurring militarization of borders in the LAC region and inhuman pushbacks^{xi}, use of prolonged and excessive force^{xii}, deterrence and externalisation policies in the EU and around its borders. As a consequence, people in need of protection are exposed to high rates of violence, discrimination and racism.^{xiii} At the same time, the continuing enactment of measures aimed at criminalizing search and rescue NGOs trying to fill the gap left by EU member states, compounded by the striking lack of safe and legal pathways to access protection, only makes migratory routes more dangerous and has a chilling effect on civil society.^{xiv}

Authorities in EU and LAC regions must act to:

- Ensure that people in need of international protection have access to safe and legal pathways to enter their territory and to exercise their right to asylum.
- Cease all unlawful, summary forced returns and other abuses inside countries in both regions and at their borders, granting the right to effective remedy to people who have been exposed to these and other violations.
- Create conditions for independent monitoring of the situation at the borders to prevent abuses and ensure accountability^{xv} for refugees and migrants who have been victims of violations.
- Refrain from detaining refugees and migrants, and from abusively invoking emergency measures and derogations from national and international protection standards which would pose severe human rights concerns, undermine the right to asylum and potentially cause a dangerous weakening of international standards. Instead, states should focus on increasing compliance with standards that are already in force with a view to building functioning and humane asylum and reception systems.
- Pro-actively make space for civil society in policymaking on asylum and migration, support migrant rights defenders and repeal, amend and refrain from adopting measures which hinder and criminalise rescue operations and humanitarian assistance by civil society actors.^{xvi}
- Jointly and publicly affirm their commitment to the human rights of refugees and migrants within and at the borders of the LAC and EU regions.

VIOLENCE AND DISCRIMINATION AGAINST WOMEN AND GIRLS

Gender-based violence remains one of the major human rights challenges on both continents. States in both regions continue to fail to adequately address very high levels of gender-based violence. The EU and its member states stand at a crossroads with a Directive to combat violence against women and domestic violence currently under negotiation that could strengthen protection and guarantee the existing obligations under the Istanbul Convention as a minimum standard - an unprecedented opportunity to take effective action against violence against women across the EU.^{xvii} As the EU and its member states move forward with the ratification and implementation of the Istanbul Convention, the EU and its member states should complement these efforts by ensuring the strongest possible protection against gender-based and domestic

violence in this new Directive. In the Americas, rates of sexual violence against women and girls continue to rise, with Indigenous women being disproportionately affected^{xviii}; at the same time, hundreds of feminicides and femicides continue to be recorded in the region.^{xix}

In both regions, legal restrictions to abortion^{xx} violate women's sexual and reproductive rights, their right to health and their very right to life, even as women's rights and human rights defenders acting for safe and legal abortions are coming under attack in EU member states.^{xxi}

EU and LAC states should act to:

- Urgently address all forms of gender-based violence, and conduct meaningful, thorough and impartial investigations into feminicides and femicides, in order to bring those responsible for these crimes to justice and ensure that guarantees of non-repetition are put in place.

DEFENCE OF HUMAN RIGHTS GAINS AND THE INTERNATIONAL HUMAN RIGHTS SYSTEM

Recent years have seen a sustained pushback on human rights and a widening crackdown on those who defend them, both in individual states and regions as well as at multi-lateral fora.

As "natural partners", LAC and EU states have the potential to jointly champion universal human rights across the globe and should act to:

- Step up collaboration in defence of the international human rights system and the universality of human rights by forging truly global partnerships, at multilateral fora and worldwide.
- Build on the well-established cooperation between the EU and the UN Group of Latin America and Caribbean Countries (GRULAC) to make the most of opportunities for ambitious exchanges and partnerships on key human rights issues at multilateral level, in particular at UN human rights fora.^{xxii}
- Provide full political backing and full funding for the Inter-American Human Rights System, encompassing both the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights, ensuring the election of commissioners and judges with the highest credentials.

At this crucial time for human rights and rights defenders, we welcome your concerted action for human rights in your cooperation, across both regions, and worldwide.

Yours sincerely,



Erika Guevara Rosas
Director for the Americas
Amnesty International



Eve Geddie
Head of Office and Advocacy Director
European Institutions Office
Amnesty International

ⁱ See European Commission, *Joint Communication to the European Parliament and the Council, A New Agenda for Relations between the EU and Latin America and the Caribbean*, 7 June 2023, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023JC0017>. The Joint Communication refers to EU and LAC as “natural partners... united by unique historical and cultural links, deep economic and social ties and a joint commitment to peace and multilateralism... [an] enduring partnership is built on shared values and mutual interests” (p. 1) and asserts that “[d]emocracy and human rights are at the heart of the EU-LAC partnership” (p. 15). Yet the European Council Conclusions of 30 June (<https://www.consilium.europa.eu/media/65398/2930-06-23-euco-conclusions-en.pdf>) make absolutely no mention of human rights ahead of the EU-CELAC summit, referring solely to “a partnership based on shared values, history and culture” and goals of “ensur[ing] the follow-up and implementation of concrete actions in areas of common interest... addressing together the global climate and environmental crises, rising inequalities, the opportunities of digital transformation... as well as unprecedented threats to global security and the rules-based order.”

ⁱⁱ For LAC states, see Amnesty International, *Americas: Open Letter to the Heads of State of American States on the Occasion of the 53rd Regular Session of the General Assembly of the OAS*, 19 June 2023, <https://www.amnesty.org/en/documents/amr01/6809/2023/en/>. For the EU, see *Amnesty International recommendations to the Spanish Presidency of the Council of the European Union*, 29 June 2023, <https://www.amnesty.eu/news/amnesty-international-recommendations-to-the-spanish-presidency-of-the-council-of-the-european-union/>.

ⁱⁱⁱ See various joint submissions from civil society ahead of the summit including: *Recomendaciones de organizaciones de la sociedad civil latinoamericana y del caribe para la presidencia española del consejo de la unión europea (julio-diciembre 2023)*, 3 July 2023, <https://www.business-humanrights.org/es/latest-news/am%C3%A9rica-latina-m%C3%A1s-de-100-organizaciones-de-la-sociedad-civil-solicitan-al-gobierno-espa%C3%B1ol-que-ejerza-un-rol-activo-para-impulsar-la-aprobaci%C3%B3n-de-la-directiva-europea-de-diligencia-debida/>; EU-LAT Advocacy Network, *Latin America and the Caribbean and the European Union: Towards a Real Renewed Political Partnership – Civil society proposals to strengthen the bi-regional relationship*, 30 June 2023, <https://eulatnetwork.org/latin-america-and-the-caribbean-and-the-european-union-civil-society-proposals-to-strengthen-the-bi-regional-relationship/>. See also concerns raised around civil society inclusion and consultation at the summit: *Selection and participation criteria for the EU-LAC Days CSO/LA Forum: Priority question for written answer (P-002020/2023) to the Commission (María Soraya Rodríguez Ramos)*, 23 June 2023, https://www.europarl.europa.eu/doceo/document/P-9-2023-002020_EN.html.

^{iv} Amnesty International, *Report 2022/23: The State of the World's Human Rights. Americas Regional Overview: Repression of dissent and freedom of expression*, 27 March 2023, <https://www.amnesty.org/en/wp-content/uploads/2023/04/WEBPOL1056702023ENGLISH-2.pdf>, p 30ff.

^v See: Joint public statement, *Impact Assessment and structured dialogue of Civil Society on the Defence of Democracy Package*, 26 June 2023, <https://www.amnesty.eu/wp-content/uploads/2023/06/Letter-on-Impact-assessment-and-CSOs-dialogue-on-Defence-of-Democracy-Package.docx-2.pdf>; Amnesty International, *Greece: Prosecution appeal prolongs ordeal of rescue workers Seán Binder and Sarah Mardini*, 16 May 2023, <https://www.amnesty.org/en/latest/news/2023/05/greece-prosecution-appeal-prolongs-ordeal-of-rescue-workers/>; Joint public statement, *EU Foreign Interference Law: Is Civil Society at Risk?*, 3 May 2023, <https://www.amnesty.eu/news/the-eu-must-not-adopt-foreign-interference-legislation/>; Amnesty International, *Poland: Conviction of activist prosecuted for aiding an abortion offers “chilling snapshot” of future*, 15 March 2023, <https://www.amnesty.org/en/latest/news/2023/03/poland-conviction-of-activist-prosecuted-for-aiding-an-abortion-offers-chilling-snapshot-of-future/>; Amnesty International, *Hungary repeals controversial laws restricting the right to association but concerns remain*, 29 July 2021, <https://www.amnesty.org/en/documents/eur27/4526/2021/en/>; Amnesty International, *Europe: Punishing compassion: Solidarity on trial in Fortress Europe*, 3 March 2020, <https://www.amnesty.org/en/documents/eur01/1828/2020/en/>; Campaign, *Guilty of Solidarity: the Iuventa Case*, 3 August 2021, <https://www.amnesty.org/en/latest/campaigns/2021/08/iuventa/>.

^{vi} For the Anti-SLAPP Directive to be truly effective, it is crucial that this legislation:

- provides a broad personal scope encompassing the full, diverse range of SLAPP victims
- includes strong mechanisms to obtain the early dismissal of SLAPPs
- provides security for costs, award of costs and damages on the defendant's side, and
- imposes penalties against those initiating SLAPPs.

See: CASE, *Governments' agreed stance on EU anti-SLAPP directive – a disappointing failure to support the adoption of robust safeguards for public watchdogs*, 12 June 2023, <https://www.amnesty.eu/news/%ef%bf%bcgovernments-agreed-stance-on-eu-anti-slapp-directive-a-disappointing-failure-to-support-the-adoption-of-robust-safeguards-for-public-watchdogs/>.

^{vii} For the EU, see recommendations to the EU and its member states in Amnesty International, *Defending Defenders? An Assessment of EU Action on HRDs*, 24 September 2019, <https://www.amnesty.eu/news/defending-defenders-an-assessment-of-eu-action-on-hrds/>.

^{viii} See Amnesty International, *Costa Rica: All states must immediately ban highly invasive spyware*, 5 June 2023, <https://www.amnesty.org/en/latest/news/2023/06/costa-rica-all-states-must-immediately-ban-highly-invasive-spyware/>. For the EU, see Amnesty International, *Briefing on Recommendations to the European Union to end unlawful targeted surveillance*, 7 October 2021, <https://www.amnesty.org/en/documents/eur01/4850/2021/en/>; EU: *'Greater steps' needed to protect rights after EU Parliament suggests regulating spyware*, 9 May 2023, <https://www.amnesty.org/en/latest/news/2023/05/eu-greater-steps-needed-to-protect-rights-after-eu-parliament-suggests-regulating-spyware/>; Spain: *European Union must act to end spyware abuse after prominent Catalans targeted with Pegasus*, 26 May 2022,

<https://www.amnesty.org/en/latest/news/2022/04/spain-pegasus-spyware-catalans-targeted/>; Poland: Use of Pegasus spyware to hack politicians highlights threat to civil society, 7 January 2022, <https://www.amnesty.org/en/latest/news/2022/01/poland-use-of-pegasus-spyware-to-hack-politicians-highlights-threat-to-civil-society/>. For LAC, see Amnesty International, *Dominican Republic: Pegasus spyware discovered on prominent journalist's phone*, 2 May 2023, <https://www.amnesty.org/en/latest/news/2023/05/dominican-republic-pegasus-spyware-journalists-phone/>, *El Salvador: Hearing on abuse of Pegasus spyware to be held by Inter-American Commission on Human Rights*, 15 March 2022, <https://www.amnesty.org/en/latest/news/2022/03/elsalvador-pegasus-iachr/>, *El Salvador: Amnesty International verifies use of Pegasus spyware for surveillance of journalists*, 13 January 2022, <https://www.amnesty.org/en/latest/news/2022/01/el-salvador-pegasus-spyware-surveillance-journalists/>.

^{ix} Amnesty International, *Protect the Protest! Why we must save our right to protest*, 19 July 2022, <https://www.amnesty.org/en/documents/ACT30/5856/2022/en/>.

^x For LAC: Amnesty International, *Report 2022/23: The State of the World's human rights. Americas ional Overview Repression of dissent and freedom of expression*, <https://www.amnesty.org/en/wp-content/uploads/2023/04/WEBPOL1056702023ENGLISH-2.pdf>. For the EU, see Amnesty International, *Netherlands: Unchecked Power: ID Checks and Collection of Data from Peaceful Protesters in the Netherlands*, 31 May 2023, <https://www.amnesty.org/en/documents/eur35/6650/2023/en/> and *France: Rights under pressure: Amnesty International Submission to the 43rd Session of the UPR Working Group*, 1 May 2023, <https://www.amnesty.org/en/documents/eur21/6095/2022/en/>, pp. 4 and 6.

^{xi} For the EU, see Amnesty International, *Poland: Cruelty Not Compassion, at Europe's Other Borders*, 11 April 2022, <https://www.amnesty.org/en/documents/eur37/5460/2022/en/>; *Lithuania: Forced out or locked up: refugees and migrants abused and abandoned*, 27 June 2022, <https://www.amnesty.org/en/documents/eur53/5735/2022/en/>; *Latvia: Return home or never leave the woods": Refugees and migrants arbitrarily detained, beaten and coerced into "voluntary" returns*, 12 October 2022, <https://www.amnesty.org/en/documents/eur52/5913/2022/en/> and *Greece: Violence, lies, and pushbacks – Refugees and migrants still denied safety and asylum at Europe's borders*, 23 June 2021, <https://www.amnesty.org/en/documents/eur25/4307/2021/en/>.

^{xii} For the EU, see Amnesty International, *Morocco: They beat him in the head, to check if he was dead": Evidence of crimes under international law by Morocco and Spain at the Melilla border*, 13 December 2022, <https://www.amnesty.org/en/documents/mde29/6249/2022/en/>.

^{xiii} For LAC, see Amnesty International, *Mexico: Fatal fire in migrant detention center is result of inhumane policies*, 29 March 2023, <https://www.amnesty.org/en/latest/news/2023/03/mexico-fatal-fire-immigration-detention-cinhumane-policies/>; Amnesty International, *Peru/Chile: Authorities must end militarization of borders in response to arrival of people in need of protection*, 27 April 2023, <https://www.amnesty.org/en/latest/news/2023/04/peru-chile-must-end-militarization-borders/>. For the EU, see endnotes 11-16 as well as the joint NGO statement, *The EU must not be complicit in the loss of lives at sea and in rights violations at Europe's borders*, 16 June 2023, <https://www.amnesty.eu/wp-content/uploads/2023/06/Joint-NGO-statement-The-EU-must-not-be-complicit-16-June.pdf>.

^{xiv} For the EU, see Amnesty International, *Europe: Punishing compassion: Solidarity on trial in Fortress Europe*, 3 March 2020, <https://www.amnesty.org/en/documents/eur01/1828/2020/en/> and *Italy: Withdraw measures that hinder the work of search and rescue NGOs and increase the risk of drownings*, 1 February 2023, <https://www.amnesty.org/en/documents/eur30/6407/2023/en/>.

^{xv} See: Joint NGO statement, *Turning rhetoric into reality: New monitoring mechanism at European borders should ensure fundamental rights and accountability*, 10 November 2020, <https://www.amnesty.org/en/documents/eur01/3320/2020/en/> and EU Fundamental Rights Agency, *Establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders*, 14 October 2022, <https://fra.europa.eu/en/publication/2022/border-rights-monitoring>.

^{xvi} Amnesty International, European Council on Refugees and Exiles (ECRE) and Human Rights Watch, *Plan of action: Twenty steps to protect people on the move along the central Mediterranean route*, 16 June 2021, <https://www.amnesty.org/en/documents/eur01/4289/2021/en/>.

^{xvii} For the EU, see Amnesty International, *Recommendations from Amnesty International on the proposed Directive on Combating Violence against Women and Domestic Violence*, May 2023, https://www.amnesty.eu/wp-content/uploads/2023/06/TIGO_IOR_10_2023_4160_AI-Position-Paper-VAW-Directive.pdf.

^{xviii} Amnesty International, *Report 2022/23: The State of the World's human rights. Americas Regional Overview: Violence and Discrimination against women, girls and LGBTI people*, 27 March 2023, <https://www.amnesty.org/en/location/americas/report-americas/>, p 32ff.

^{xix} In 2022, the Venezuelan NGO [CEPAZ](https://www.cepaz.org/) documented 282 femicides and 120 attempted femicides in the country, amounting to one femicide or attempted every 26 hours (CEPAZ, *Observatorio Digital de Femicidios de Cepaz: En el 2022 hubo 37 femicidios de niñas en Venezuela*, 6 April 2023, <https://cepaz.org/noticias/observatorio-digital-de-femicidios-de-cepaz-en-el-2022-hubo-37-femicidios-de-ninas-en-venezuela/>). According to the National Registry of Femicides of the Argentinian Justice (*Registro Nacional de Femicidios de la Justicia Argentina*), a femicide occurred every 35 hours in the country in 2022, <https://om.csjn.gob.ar/consultaTalleresWeb/public/documentoConsulta/verDocumentoById?idDocumento=170>. According to the [Center of Women's Rights](https://www.derechosdelamujer.org/proiect/2022/) (*Centro de Derechos de las Mujeres*), 297 feminicides took place in Honduras in 2022 (<https://derechosdelamujer.org/proiect/2022/>). In Mexico, official data from the Executive Secretariat of the National System of Public Security (*Secretariado Ejecutivo del Sistema Nacional de Seguridad*

Pública), there were 3755 killings of women in 2022, of which 954 were investigated as femicides (https://drive.google.com/file/d/12dXPiIFVXe65xsZ1rmhm4H-Tdf_bGTIK/view?pli=1).

^{xx} For the EU, see Amnesty International, *Poland: A Year On, Abortion Ruling Harms Women*, 19 October 2021, <https://www.amnesty.org/en/latest/news/2021/10/poland-a-year-on-abortion-ruling-harms-women/>; Joint NGO press release, *Poland: Regression on abortion access harms women*, 26 January 2022, <https://www.amnesty.org/en/latest/news/2022/01/poland-regression-on-abortion-access-harms-women/#:~:text=One%20year%20after%20the%20ruling,need%20of%20abortion%20care%20continues>. In the LAC region, abortion continues to be criminalized in El Salvador, Honduras, Dominican Republic and Haiti. See Amnesty International, *Report 2022/23: The State of the World's Human Rights. Americas Regional Overview: Violence and Discrimination against women, girls and LGBTI people*, 27 March 2023, <https://www.amnesty.org/en/location/americas/report-americas/>, p 32 ff.

^{xxi} Amnesty International, *Poland: Conviction of activist prosecuted for aiding an abortion offers "chilling snapshot" of future*, 14 March 2023, <https://www.amnesty.org/en/latest/news/2023/03/poland-conviction-of-activist-prosecuted-for-aiding-an-abortion-offers-chilling-snapshot-of-future/>.

^{xxii} See European Commission, *A New Agenda for Relations between the EU and Latin America and the Caribbean*, 2-4.