

# RECOMMENDATIONS TO THE LITHUANIAN EU PRESIDENCY

JULY - DECEMBER 2013

**AMNESTY**  
INTERNATIONAL



## THREATS TO HUMAN RIGHTS STANDARDS IN THE EU

EU countries are home to widespread human rights violations. These range from European border policies putting migrants, asylum-seekers and refugees at risk to persistent discrimination against certain groups in society, and threats to the European human rights framework. The EU must take human rights violations inside its borders seriously, and find ways to address them effectively at EU level ending prolonged neglect.

### RECOMMENDATION

#### *The Lithuanian presidency should:*

- Follow its predecessor's momentum by holding substantive Council-level talks on tackling human rights and rule of law challenges in EU countries. This should continue to figure on the Justice & Home Affairs agenda and go hand-in-hand with consolidating the role of the Council's fundamental rights working group (FREMP)

## EU ACCESSION TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Amnesty International welcomes the draft agreement on EU accession to the ECHR and calls on the EU to commit itself to ensuring the process is successfully completed without undue delay.

### RECOMMENDATIONS

#### *The Lithuanian presidency should:*

- Build on momentum and ensure the EU develops, transparently, consulting civil society stakeholders, the necessary internal rules for accession that ensure the exercise of rights to an effective remedy and of individual application by those who claim violations of rights expressed in the Convention
- Reiterate the EU's commitment to the ECHR and its support to the European Court of Human Rights

## ACCOUNTABILITY FOR EUROPEAN INVOLVEMENT IN CIA RENDITION AND SECRET DETENTION PROGRAMMES

To coincide with the review of the European Parliament's report (September 2013) on EU countries' complicity in the CIA programmes, the EU should press member states to ensure accountability for having violated international and human rights law.

### RECOMMENDATIONS

#### *The Lithuanian presidency should:*

- Urge the Council to acknowledge collective responsibility for EU-level accountability and encourage fresh investigations in EU countries
- Ask the Council to press all EU countries to implement fully recommendations in the European Parliament's report
- Call for effective investigation of alleged involvement of Lithuania, Poland and Romania in secret detention programmes to continue or start afresh, building on all available credible evidence, respecting victims' rights and leading to prosecutions of anyone responsible for human rights violations

## FIGHTING DISCRIMINATION

The Council should take all measures in its power to tackle persistent discrimination, growing intolerance and hate-motivated violent attacks in EU countries. Discrimination and violence against lesbian, gay, bisexual, trans and intersex (LGBTI) people remain a Europe-wide concern. The Council should use the Commission's reports on implementation of the Race and Employment Directives, and the Framework Decision on Racism & Xenophobia to examine gaps in EU anti-discrimination laws. The new Anti-Discrimination Directive (ADD), blocked at Council level since 2009, should be adopted, ensuring that discrimination on grounds of age, disability, religion or belief and sexual orientation is prohibited in all walks of life. This should happen during the European Parliament's and Commission's current term and without diluting the original draft.

### RECOMMENDATIONS

#### *The Lithuanian presidency should:*

- Press for adoption of the new ADD, ensuring negotiations are transparent and involve civil society stakeholders
- Take advantage of the report of the Framework Decision on Racism & Xenophobia to develop comprehensive new EU standards on hate crimes, including those perpetrated on grounds of sexual orientation and gender identity, building on commitments made under the Irish presidency

## RESPECTING ROMA RIGHTS

More than a decade after the EU adopted the Race Equality Directive that bans racial or ethnic-based discrimination, Roma people throughout Europe still face widespread discrimination in all walks of life including access to housing, health care, employment and education. The EU must fully commit itself to combating and preventing discrimination in any form and ensure Roma people can fully enjoy their rights and play a full part in society.

### RECOMMENDATIONS

#### *The Lithuanian presidency should:*

- Lead the Council to take a clear stand on discrimination against Roma people, support member states in fighting racism and challenge peers to tackle discriminatory rhetoric by public officials that incites hostility and violence
- Encourage EU countries to comply with the Race Equality Directive and ask the Commission to trigger infringement procedures in cases of non-compliance
- Lead member states to further review and improve their National Roma Integration Strategies, mindful of recommendations by the Commission and civil society organisations. Member states should make Roma participation an integral part of the implementation process

## PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN

The EU's credibility on human rights relies on it ensuring that women's rights are protected as robustly within the Union as they are by its policy with non-EU countries. During its presidency Lithuania should press member states to deliver on promises to make EU territory totally free from violence against women.

### RECOMMENDATIONS

#### *The Lithuanian presidency should:*

- Ensure women's rights remain a core EU priority and that a comprehensive set of EU instruments is developed as part of its work on institutional mechanisms
- Send a strong signal by ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence, and encourage the EU and member states to also sign and ratify it
- Press the EU to keep its promise to create a strategic framework on violence against women, including an action plan on female genital mutilation (FGM)
- Include FGM on the European Council for Social & Health Affairs' agenda and subsequently encourage the Commission and member states to produce action plans on FGM in line with the 2012 UN General Assembly resolution, sponsored by Lithuania, on eliminating FGM

## CORPORATE ACCOUNTABILITY

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

### RECOMMENDATIONS

#### *The Lithuanian presidency should:*

- Set an example by developing its own national action plan to put into effect the UN Guiding Principles for Business and Human Rights (UNGPs), while encouraging EU countries also to do so. The duty to protect human rights and access to remedy (pillars 1 and 3) should be emphasised
- In the legislative process on disclosure of non-financial information, lead the Council to ensure human rights protection is adequately reflected in newly-established measures. Press for a robust framework which includes mandatory disclosure of key data and strong enforcement procedures
- Discuss improving access to effective remedy for corporate human rights abuse victims. This should identify existing obstacles and their removal, eg access to state-based judicial/non-judicial remedies
- Urge EU countries to ensure their export credit agencies (ECAs) do not support projects or transactions that cause or contribute to human rights abuse. During the second ECA monitoring period, member states must include more detailed information on how ECAs ensure human rights are respected

## TREATING MIGRANTS AND ASYLUM-SEEKERS FAIRLY

Across the EU, and on its borders, migration control policies and practices continue to put migrants, asylum-seekers and refugees at risk. All border control measures must conform to human rights standards. Widespread detention of migrants who irregularly enter EU territory should cease and alternatives should urgently be found. Migrants and asylum-seekers need to be treated fairly, and the EU and its member states must support each other more effectively. Mutual support between EU countries must extend beyond practical cooperation and capacity-building measures and the EU must be more generous to other regions which host the bulk of the world's refugees and displaced persons.

### RECOMMENDATIONS

#### *The Lithuanian presidency should:*

- With the EU and other member states, seek fully accountable border-management policies and practices. This includes ensuring agreements with non-EU countries on border control and readmission:
  - » Are transparent and publicly available
  - » Are based on assessment of the potential human rights impact
  - » Include adequate human rights safeguards with appropriate implementation mechanisms
- Press member states and Frontex to renew their commitment to rescuing people in distress at sea, and their prompt and safe disembarkation in the context of renegotiation of the Guidelines for Frontex Operations at Sea
- Ensure member states fully respect fundamental rights when applying the Dublin system
- Ensure the early-warning, preparedness and crisis management system, introduced by the amended Dublin Regulation, is an effective and transparent tool to improve national asylum systems
- In seeking to transpose and implement the new asylum package, identify and promote best practice, focusing on alternatives to detention
- Promote member states' participation in the Joint EU Resettlement Programme and the incremental increase of resettlement space in Europe to 20,000 resettlement places annually by 2020

# IMPLEMENTING THE EUROPEAN UNION'S HUMAN RIGHTS PACKAGE

Over a year has passed since the EU adopted the EU Strategic Framework & Action Plan on Human Rights and Democracy (the EU human rights package). If this new human rights strategy is to meet its full potential all stakeholders will need to be constantly involved in carrying it out effectively. These include the European External Action Service (EEAS), Parliament, Commission and member states. The Lithuanian presidency offers a key opportunity for Lithuania to take the lead on human rights issues.

## RECOMMENDATIONS

### *The Lithuanian presidency should:*

- By chairing the Committee of Permanent Representatives (COREPER) and various EU Council working groups, work with EEAS to ensure deadlines in the EU human rights package are met and actions delivered. This includes holding regular discussions on human rights issues
- Guide the EU (this includes chairing the Council Working Group on Public International Law (COJUR)) to improve implementation of EU Guidelines on International Humanitarian Law (IHL), especially by ensuring all relevant country situations are discussed in the context of IHL and non-EU country IHL obligations are accurately reflected in all EU statements, conclusions and policy initiatives
- As chair of the Working Group on Enlargement (COELA), ensure that current and future membership negotiations deliver real human rights change. This includes opening chapter 23 with Turkey. Following Croatia's EU accession, extra effort is needed to ensure the enlargement process prioritises tackling impunity for war crimes across the Balkans, and helps victims and their families access truth, justice and reparations for human rights violations during the 1991-5 war
- As chair of the Council Working Party on fundamental rights (FREMP), ensure EU countries' progress on ratifying and implementing key human rights treaties. Lithuania should lead by example, identifying a clear process for signing and ratifying the Optional Protocol to the International Covenant on Economic, Social & Cultural Rights, and urging other countries to sign and ratify it. Promoting the signature, ratification and implementation of the Arms Trade Treaty, agreed by the UN General Assembly in April 2013, must also become an integral part of bilateral dialogues with non-EU countries
- Help the EEAS deliver on its key human rights goals at the United Nations, promoting more effective burden-sharing between EU countries. The presidency has special responsibility for helping deliver an agreement on Treaty Body strengthening. This must:
  - » Respect the independence of the treaty bodies to determine their rules of procedure and working methods
  - » Encourage state parties to nominate and elect only independent and expert members to the committees, and provide their reports according to their treaty obligations
  - » Provide for additional resources to the treaty body budget
  - » Enable NGOs and individuals to engage with the treaty bodies effectively and ensure all measures are taken to address reprisals against those who seek to do so
- Help achieve effective action, coordination and burden-sharing between EU delegations and member state embassies in non-EU countries to ensure the human rights package, all EU Guidelines and the new human rights country strategies are implemented. This includes genuine on-the-ground partnership on policy initiatives with civil society
- Ensure the Eastern Partnership summit, in Vilnius in November 2013, has a clear agenda point on human rights and provides an opportunity to tackle the region's most pressing human rights concerns, including torture and other ill-treatment in Azerbaijan and Ukraine

# NINE CASES OF PEOPLE UNDER THREAT



Around the world people are suffering the consequences of having their human rights violated. Amnesty International asks the Lithuanian presidency to ensure the EU's active engagement in these cases by:

- Raising the plight of those concerned at every opportunity and pressing for tangible progress
- Working with all EU embassies and delegations in each country to achieve positive change
- Acting locally and in national capitals under all the EU human rights guidelines
- Ensuring that action is taken not only on cases abroad but also those within the EU



© Amnesty International

## **AZZA HILAL AHMAD SULEIMAN HUMAN RIGHTS DEFENDER, VIOLENCE AGAINST WOMEN, EGYPT**

Azza Hilal Ahmad Suleiman, 49, is fighting for justice after Egyptian soldiers attacked her at a large protest near Tahrir Square in December 2011.

The attack occurred after Azza and other protestors tried to help a woman who was being beaten and stripped by soldiers. Azza was knocked down and severely beaten. The assault continued even after she lost consciousness. The attack left her with a fractured skull and memory problems. Azza has lodged an official complaint but the authorities have yet to hold anyone to account. She is still awaiting justice.

**In accordance with the EU Guidelines on Violence against Women, the presidency should ensure that the EU and its member states press the Egyptian authorities to combat impunity for perpetrators of violence against women by ensuring an independent and impartial investigation into the attack by soldiers on Azza Hilal Ahmad, and ensure all those who attacked her are brought to justice under fair trials.**



© Private

## **FAMILIES IN CLUJ-NAPOCA FORCED EVICTION, ROMANIA**

On 17 December 2010, 76 families (356 people), most of whom were Roma, were forcibly evicted by local authorities

from central Cluj-Napoca in violation of Romania's international human rights obligations.

The affected families were not consulted and no feasible alternative to eviction explored. Those evicted were given neither written nor detailed notification, nor did they receive sufficient notice, and the community had no opportunity to challenge the eviction. Forty families were re-housed in sub-standard units on the city outskirts, close to a landfill site and chemical waste dump. The housing units do not comply with international or Romanian standards on adequate housing, particularly regarding location, habitability and availability of services, facilities and infrastructure. Thirty-six families were left without alternative housing. Some were allowed to build shelters, but those with no money for construction materials were left homeless. All the families seek justice, as they were given no remedy.

**The presidency alongside the Commission should press the Romanian authorities to ensure that victims of forced eviction have access to effective remedy, including access to justice and reparation. Romania should amend its housing laws to ban forced eviction, include safeguards which must be observed before any eviction is carried out, and bring housing laws into line with international and regional standards on the right to adequate housing.**



© Amnesty International

## **NARGES MOHAMMADI CENTRE FOR HUMAN RIGHTS DEFENDERS, IRAN**

The office of the Centre for Human Rights Defenders (CHRD), a Tehran-based NGO led by Nobel peace laureate Shirin Ebadi, and other prominent human rights defenders, was forcibly closed in December 2008. Although officials said it was closed because it had no operating permit, the centre has sought legal registration since its formation in 2001 but this has been constantly denied. Its members have continued to support human rights but have faced repeated harassment, intimidation, arrest and imprisonment. Several are serving prison sentences, including the CHRD Executive Chair, Narges Mohammadi, who is serving a six-year

sentence. She was released on bail for medical treatment in July 2012. She suffers from muscular paralysis owing to psychological pressure. Returning to prison would seriously jeopardise her health. Amnesty International considers her and her imprisoned colleagues to be prisoners of conscience, imprisoned for peacefully expressing conscientiously-held beliefs, including exercising their rights to freedom of expression and association.

**In line with the EU Guidelines for Human Rights Defenders, the Lithuanian presidency should ensure that the EU and its member states press the Iranian Government to:**

- **Ensure human rights defenders are protected from harassment and intimidation and are able to freely exercise their rights to freedom of expression and association, including promoting and protecting human rights nationally and internationally**
- **Immediately and unconditionally release members of the Iranian Centre for Human Rights Defenders who have been imprisoned solely for peacefully exercising their rights to freedom of expression and association**



© Amnesty International

## **ALES BIALIATSKI HUMAN RIGHTS DEFENDER AND PRISONER OF CONSCIENCE, BELARUS**

Ales Bialiatski, a prominent Belarusian human rights defender, was arrested in central Minsk on 4 August 2011. On 24 November 2011, he was imprisoned for four-and-a-half years on charges of “concealment of income on a large scale” (article 243.2 of the Belarusian criminal code). Ales has since been deprived of all visits for six months. Amnesty International considers him a prisoner of conscience whose detention is politically motivated and intended to obstruct his legitimate work as a human rights defender. The trial also violated international fair trial standards. The European Parliament (resolution of 15 September 2011), the Council of Europe’s Parliamentary Assembly (PACE) and

OSCE Parliamentary Assembly leaders expressed concern about his sentence and have demanded his immediate and unconditional release.

**In line with the EU Guidelines for Human Rights Defenders, the presidency should press the EU and its member states to use all diplomatic channels with Belarus to ensure the immediate and unconditional release of Ales Bialiatski.**



© UNHCR/E. Hockstein

## **SOMALI REFUGEES RESETTLEMENT, KENYA**

Somalis form one of the world’s largest refugee populations. With no end in sight to the armed conflict in south and central Somalia, compounded by a human rights crisis and humanitarian emergency, many Somalis have fled across international borders since 1991, seeking protection and safety. According to the Office of the UN High Commission for Refugees (UNHCR), over 1m Somalis live as refugees in neighbouring countries. Kenya hosts the most Somali refugees in the region, most of whom live in the Dadaab refugee complex. Somali refugees in Kenya face various human rights violations, principally:

- Humanitarian concerns, including overcrowding and lack of access to essential services and registration, restrictions on protection and humanitarian operations caused by increasing insecurity in Dadaab
- Abuse by police and security forces, including arbitrary arrest, torture, ill-treatment, harassment and extortion
- Threats to close the Dadaab camps arbitrarily and forcibly return all people to Somalia, where they would face a real risk of persecution or serious human rights abuse, in violation of the ‘non-refoulement’ principle

**The presidency should place Somali refugees’ protection needs on the Council meetings’ agenda and ensure they remain an EU resettlement priority.**



© Private

## **GIRIFNA, HUMAN RIGHTS DEFENDERS FREEDOM OF EXPRESSION, SUDAN**

Girifna, “we’re fed up”, is a Sudanese youth group calling for non-violent resistance to the Sudanese Government. The movement, mainly comprising university students, was established in October 2009 in the lead-up to Sudan’s 2010 presidential and parliamentary (general) elections, to campaign against President Omar al-Bashir and the ruling National Congress Party (NCP). Members of the movement have since been targeted by the authorities as a result of their activism, which has included being arbitrarily arrested, tortured in detention and sexually assaulted.

**In line with the EU Guidelines for Human Rights Defenders, the Lithuanian presidency should ensure that the EU and its member states press the Sudanese Government to:**

- **Ensure human rights defenders are protected from harassment and intimidation and can freely exercise their rights to freedom of expression and association, which includes promoting and protecting human rights nationally and internationally**



## **JEAN-CLAUDE ROGER MBEDE LGBT, CAMEROON**

Jean-Claude Roger Mbede is a 31-year-old Cameroonian student imprisoned for “homosexuality and attempted homosexuality”, which are crimes in Cameroon. He was

arrested in 2011 while meeting a male acquaintance. Before the meeting, his acquaintance had shown the police text messages from Jean-Claude and revealed they were due to meet. He was then detained at Kondengui central prison where conditions are harsh, with inmates suffering from overcrowding, poor sanitation and inadequate food. He has been provisionally released pending his appeal. However, if he returned to prison, he would again be at risk of homophobic attacks and ill-treatment by fellow inmates or prison authorities. On 17 December, the Court of Appeal in Yaounde upheld the three-year prison term. On 15 December, four unknown men assaulted Mbede outside Yaounde university, where he had resumed his studies after being provisionally released. Mbede has gone into hiding fearing re-arrest to complete his three-year prison sentence.

Mbede’s case highlights a long-standing pattern of arrest, detention and trial of gay men and lesbians in Cameroon.

**Bearing in mind the EU Toolkit to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual and transgender people, we ask the presidency to ensure that the EU and its member states press the Cameroonian authorities to:**

- **Quash Jean-Claude Roger Mbede’s sentence and call for him not to be redetained**
- **Protect Jean-Claude Roger Mbede from physical or psychological attack by government or security officials or members of the public, and ensure he suffers no further judicial or other harassment**



© Private

## **ILHOM ISMONOV TORTURE , TAJIKISTAN**

Ilhom Ismonov was detained on 3 November 2010 in Khujand, Tajikistan and is believed to have been tortured while being held in incommunicado detention. He was tried

with 53 other men on charges of extremism in conditions that fell short of international standards of fairness.

The supreme court has since reduced Ilhom's sentence from eight to six-and-a-half years. He has also been transferred to a different prison.

Their cases heightened Amnesty International's concerns that the Tajikistani authorities use the pretext of national security to commit human rights abuses with impunity. Allegations of torture and procedural irregularities surrounding his detention have not been investigated effectively.

**In line with the EU Guidelines on Torture, we ask the presidency to ensure that the EU and member states press the Tajikistani authorities to:**

- **Conduct prompt, impartial and effective investigation of all torture allegations**
- **Take immediate steps to ensure fair proceedings or retrial for all those currently detained or imprisoned following unfair trials**
- **Place greater emphasis on torture in political dialogues with all Central Asian countries**



### **'ABD AL RAHIM HUSSAYN MUHAMMED AL-NASHIRI DEATH PENALTY, UNITED STATES OF AMERICA**

Abd al Rahim Hussayn Muhammed al-Nashiri was arrested in 2002 in Dubai and handed over to US custody where he was held in secret detention by the Central Intelligence Agency for almost four-and-a-half years. He was subjected to torture and other ill-treatment, including "waterboarding" (mock drowning), shackling, hooding, forced nudity, and other unauthorised techniques. He also alleges he was detained in secret CIA prisons in Poland between 2002 and 2003 and in Romania between 2003 and 2006. In 2006 he was transferred to Guantánamo Bay, where he remains in detention. In April 2011, the US Department of Defense announced that al-Nashiri had been charged under the Military Commissions Act of 2009 with, inter alia, "murder in violation of the law of war", and "terrorism". The prosecution has recommended that the death penalty be an option at the trial, which was approved by the "convening authority" (an official appointed by the Secretary of Defense) of the military commissions, in September 2011. The US

authorities have yet to acknowledge that the Guantánamo detention regime contravenes international human rights law.

**The presidency should robustly reject impunity and support all attempts to hold full, independent, and effective investigations into all allegations of European complicity in the US-led rendition and secret detention programmes as outlined in the European Parliament Report 2012 (Flautre Report).**

**Amnesty International is concerned that the military commission trials do not meet international fair trial standards. In line with the EU Death Penalty Guidelines, the Lithuanian presidency should urge the US Government to:**

- **Abandon military commissions in favour of trials in US federal courts**
- **Abolish the death penalty at federal level**

In this document, Amnesty International presents specific recommendations on human rights policy for the Lithuanian presidency to deliver during its six-month term as President of the Council of the European Union (July-December 2013). Amnesty International will then assess the presidency's progress after three months. We also invite the Lithuanian 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 Lithuanian presidency to intervene on behalf of nine 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.

**AMNESTY  
INTERNATIONAL**



**Amnesty International  
European Institutions Office**  
Rue de Trèves, 35, Bte 3  
1040 Brussels  
Belgium  
[www.amnesty.eu](http://www.amnesty.eu)

**Amnesty International  
International Secretariat**  
Peter Benenson House  
1, Easton Street  
London WC1X 0DW  
United Kingdom  
[www.amnesty.org](http://www.amnesty.org)

**Amnesty International 2013** © All rights reserved. This publication is copyrighted but may be reproduced by any method without fee for advocacy campaigning and teaching purposes, but not for resale. The copyright holders request that all such use be registered with them for impact assessment purposes. For copying in any other circumstances or for re-use in other publications or for translation or adaptation prior written permission must be obtained from the publishers and a fee may be payable.

**Cover picture:** Demonstration in Vilnius: *Let's celebrate freedom*. © Human Rights Monitoring Institute, Lithuania

**Page 7 picture:** *Marathon des signatures 2012*, Letter writing marathon, LWM 2012, Amnesty International, France. © Amnesty International