

EUROPEAN UNION - LATIN AMERICA & CARIBBEAN SUMMIT

Vienna, Austria - May 2006

AMNESTY INTERNATIONAL'S CALL FOR HUMAN RIGHTS

As Heads of State and Government of Latin America and the Caribbean and of the European Union meet in Vienna, Amnesty International is making this Call for Human Rights to play a central role in all discussions and that improving human rights protection for all peoples in the Americas is an absolute priority.

The Declaration of Guadalajara in 2004¹ stressed the primary responsibility of EU, Latin America and Caribbean (EU-LAC) governments, together with civil societies, to lead processes and reforms aimed at increasing social cohesion, by fighting poverty, inequality and social exclusion. The Declaration also reiterated the need for increased cooperation between the two regions and consolidating the strategic partnership. Amnesty International welcomed other commitments which include undertaking measures to combat xenophobia and discrimination, based in particular on the grounds of gender, race, belief or ethnicity, while guaranteeing respect for cultural diversity; also the importance of combating all forms of violence, especially violence against women and domestic violence.

However, despite these commitments and their crucial importance for the people of the Americas, governments have so far failed to take necessary steps to make these promises a reality, nor have human rights to date been given an effective and central role in Summit processes. Fundamental human rights obligations enshrined in the numerous international treaties and declarations should stand at the heart of the Summit vision of EU-LAC cooperation and integration.

This Summit's theme of "creating jobs to fight poverty and strengthen democratic governance" will require clear and bold plans of action from governments, as each of the issues involved - employment, poverty and democratic governance - will only be adequately addressed if approached with the understanding that all human rights are interdependent and indivisible.

¹ III Summit Latin America and the Caribbean and the European Union, Declaration of Guadalajara, Mexico, May 2004

Link: http://europa.eu.int/comm/world/lac-guadal/declar/01_decl_polit_final_en.pdf

All human rights should be at the forefront when addressing this Summit's themes, including states' obligations to respect, protect and fulfil the right to work and to just, equitable, and satisfactory conditions of work; the rights to health, education and housing; and rights to free expression, opinion, association and assembly. The realization of all of these rights in turn relies on the respect for a range of other essential human rights if there is to be sustained success.

Human rights violations continue to be the daily reality for thousands upon thousands of people in the Americas. Women face endemic violence and discrimination. Police abuse, torture and ill-treatment, arbitrary detention or other serious abuses continue in most countries in the region. The Indigenous peoples of the hemisphere struggle to have their fundamental rights recognized and protected. Marginalized and dispossessed communities in many countries live in extreme poverty with their fundamental rights to essential health care, to a decent standard of living, to education and to adequate housing disregarded. Armed conflict, fuelled by inequities and made possible by an unregulated arms trade, imperils civilian populations. Human rights defenders face repression and threats to their lives, simply because they dare to fight for the basic human rights pledges which governments in the Americas have made.

It is crucially important that commitment to the promotion and protection of all human rights - civil, political, economic, social and cultural rights - is reiterated at all levels. Amnesty International is urging EU-LAC leaders to make human rights central to the discussions taking place at this Summit.

Real progress needs to take place in the following areas.

I. HUMAN RIGHTS DEFENDERS

The EU has stated its full commitment to provide coherent and effective support to those individuals, organisations or institutions, including human rights defenders, working for the promotion and protection of human rights, in accordance with international law; the UN Declaration on Human Rights Defenders; OAS resolutions, 'Human Rights Defenders: Support for the Individuals, Groups and Organizations of Civil Society Working to Promote and Protect Human Rights in the Americas'; and its own EU guidelines, 'Ensuring Protection: European Union Guidelines on Human Rights Defenders'.

These commitments should be reinforced at the EU-LAC Summit.

At the front-lines of armed conflict, working to improve the plight of marginalized communities, demanding that violence against women come to an end, the Americas hemisphere's human rights defenders play a crucial role in protecting human rights in the Americas. However, human rights defenders in many countries in the Americas face constant harassment, violence and threats of death on account of their efforts to support the victims of human rights violations and to expose abuses. Far too often the danger stems from governments themselves. In other cases, governments fail to take adequate steps to provide adequate protection so that human rights defenders can carry out their work in safety and without fear. Human rights defenders face persistent and serious threats and dangers in Latin America and the Caribbean. Amnesty International has documented more killings of human rights defenders in this region over the last two decades than anywhere else in the world.

All over the Americas women human rights defenders are working ceaselessly for the protection and defence of human rights. They face particular risks of harassment, and abuse and marginalization by both state and non-state actors, including their families and communities, because they may challenge and defy cultural, religious or social norms about the role and status of women and their status within the society.

While recognising that protection is important, plans to implement the principles of the UN Declaration on Human Rights Defenders should not consist solely of measures for practical protection; they should also consist of comprehensive measures aimed at preventing violations and addressing the root cause of such violations. Such plans should include:

- effective investigations to bring those responsible to justice;
- steps to implement legislation that promotes the principles of the UN Declaration on Human Rights Defenders, in particular the right to freedom of expression and freedom of association;
- reform or repeal of legislation that may impinge on these rights, for example, security legislation or criminal defamation laws that are used to harass human rights defenders through legal means;
- strategies to identify and deal with state and non-state groups hostile to human rights work and those who carry out such activities.

In order to be able to address root causes and prevent violations government plans must adopt specific measures and design strategies to tackle discrimination based on for example gender, race, religion or sexual preference.

Practical protection programmes should include judges, prosecutors and other government officials, who suffer human rights violations due to their commitment to human rights protection, as well as witnesses. Such programmes should take into account the differing needs of these different sectors.

The EU Commission's regional programme in support of ombudsmen in Latin America should incorporate advice and assistance on monitoring respect for the principles of the UN Declaration on Human Rights Defenders, as well as recognizing ombudsman as human rights defenders, who may also on occasion require protection.

There have been many fine words from governments in the Americas, promising to protect human rights defenders from harm. At the 2004 Guadalajara Summit, the Irish government indicated that the development of guidelines for the promotion and protection of the right to defend human rights would be a priority during its presidency. In July 2004, the EU adopted Guidelines on human rights defenders, (*Ensuring Protection - European Union Guidelines on Human Rights Defenders*), which acknowledge the importance of their work and the need to provide them with support, safety and security.

Amnesty International urges EU-LAC governments to fulfil these commitments by ensuring that human rights defenders can carry out their work without intimidation from the misuse of the judicial system. Amnesty International believes that the work of human rights defenders is intrinsic to the delivery of the EU's objectives of social cohesion and economic development.

It is essential that EU-LAC governments move to make commitments a reality by paying urgent attention to the security and rights of human rights defenders in the region as a critical step towards achieving social cohesion and economic development.

II. HUMAN RIGHTS AT THE HEART OF TRADE AND INVESTMENT

The Declaration of Guadalajara underlined the importance of projected agreements between the EU and the sub-regions of Latin America and the Caribbean. They include the Political Dialogue and Cooperation Agreements, Free Trade agreements, an Interregional Association Agreement, Economic Partnership Agreement.

While agreements such as the Free Trade Area of the Americas (FTAA), the North American Free Trade Agreement (NAFTA), MERCOSUR, CARICOM, Plan Puebla Panama and the Andean Regional Initiative have created new opportunities for some, they have also at times coincided with growing inequality and deteriorating social conditions undermining human rights of the poorest sectors of the population. Efforts to advance new trade deals have also been associated with use of violence and repression against those who oppose them.

Amnesty International is concerned that EU- LAC governments have not adequately ensured that proposed trade agreements are negotiated in a manner that effectively protects human rights, particularly the rights of the most vulnerable.

We therefore call on the governments at this Summit to commit to undertaking human rights impact assessments prior to concluding any new trade and investment agreements, as well as after the adoption of any such agreements. These assessments should take into account the full range of governments' human rights obligations, including those under core United Nations, Organization of American States and International Labour Organization treaties, as well as those established by international humanitarian law and the International Criminal Court Statute. We also call on governments to adequately consult with those likely to be affected by new trade rules, including women, Indigenous peoples and other vulnerable populations.

EU-LAC governments, as members of the United Nations, have pledged to take both joint and separate action to achieve universal respect for, and observance of, human rights for all without distinction. Under key international treaties, governments have obligations of international assistance and cooperation, which extend to ensuring that they respect, protect and fulfill human rights when acting outside their borders, including in negotiating international trade agreements.

Governments bear the primary obligation for ensuring that investment in the Americas is carried out with full regard for international human rights obligations. However, the responsibilities of companies and international financial institutions cannot be ignored and they should not be allowed to operate in ways that contribute to serious human rights abuses.

III. PROTECTING THE RIGHTS OF WOMEN

Women constitute at least half of the population of the Americas, but protection of their basic human rights is still far from a reality. Instead, alarming levels of violence and discrimination against women are among the most pressing human rights challenges faced in the Americas and globally. Violence and discrimination in turn are impediments to women and girls being able to enjoy the full range of their human rights.

Countless women and girls face violence on a daily basis in every corner of the Americas and cannot count on their governments to provide them with the basic level of protection and security that is their fundamental right.

It is time, well past time, for leaders in the Americas to demonstrate a genuine commitment to upholding the fundamental rights of women, by adopting effective measures that will bring this violence and discrimination to an end. Women's rights will only be protected through strong action towards resolving a number of the other concerns that are highlighted in this document, including migration, fighting poverty, ratifying applicable treaties, strengthening hemispheric human rights institutions, and ensuring that trade and investment negotiations are guided by human rights impact assessments that include consideration of the particular impacts on women.

Governments can help strengthen human rights protection for women in the Americas by ensuring that they have ratified two crucial United Nations human rights instruments: the Convention on the Elimination of Discrimination against Women, and its important Optional Protocol that provides women the opportunity to make international-level complaints of violations of their Convention rights.

The Declaration of Guadalajara recognised the need to strengthen cooperation mechanisms targeting vulnerable and excluded groups within LAC societies and prioritise the promotion of gender equality, including recognising the necessity of removing structural obstacles and of promoting the empowerment of women.

Amnesty International urges the EU-LAC Summit to address the importance of combating all forms of violence against women including domestic violence. Women of the Americas await evidence that their governments are prepared to take real steps in keeping them safe from violence and monitoring compliance with the international standards that should ensure the equal protection and enjoyment of their basic human rights.

IV. SECURITY THROUGH HUMAN RIGHTS

Amnesty International continues to have grave concerns that governments in the Americas and worldwide have adopted laws, policies and practices in the name of enhancing security, which have directly caused or facilitated a range of serious human rights violations, including torture, arbitrary detention and discrimination. Security that is truly global and truly sustainable will only be achieved through scrupulous regard for the full range of internationally protected human rights.

EU-LAC governments have previously reiterated their firm condemnation of all acts of terrorism and its financing. Through mutual cooperation, EU-LAC governments have undertaken to prevent, combat, sanction and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, strictly adhering to international law and in particular to human rights and international humanitarian law.

This Summit offers a valuable opportunity explicitly and unequivocally to commit to a security agenda that is wholly grounded in respect for international human rights obligations, including protection against torture, freedom from discrimination, and the right not to be arbitrarily arrested and detained. EU-LAC governments must speak out and condemn all instances where human rights violations such as torture and other human rights violations are allowed to take place or are even excused, in the name of security.

Latin America and Caribbean governments must demonstrate a willingness to strengthen human rights protection in ways that will improve the real security of women, men and children in the Americas. One critical means of doing so is to tackle the impunity that so often stands behind human rights abuses.

The largely unregulated trade in arms (including small arms and light weapons) has contributed to insecurity and grave human rights abuses and has exacerbated the poverty and suffering of countless people throughout the Americas. The arms trade globally is out of control, with devastating and incalculable human cost. Amnesty International has pressed the world community to take up a proposal for a new international treaty that would regulate the global trade in arms based on international law. We call on each and every government in the Americas to announce support for this effort at the very earliest date possible.

V. MIGRATION AND DISPLACEMENT

Throughout the Americas, millions of people are on the move – for many different reasons, but often in circumstances that give rise to serious human rights concerns. Many flee their homes because of war and serious human rights violations; others are uprooted by grinding poverty and violations of economic, social and cultural rights. They may remain displaced within their own country, or seek refuge, jobs or brighter economic opportunities in other countries, neighbouring or afar. Sadly, displacement often brings only further human rights abuses, and continuing insecurity. Forced to cross borders illegally and dangerously, and to live in other countries without lawful immigration status, migrants in the Americas are particularly vulnerable to exploitation and violence.

The full respect for human rights of all migrants, regardless of their status; the fight against trafficking in and smuggling of human beings; the recognition of the contribution of migrants to economic development and to social and cultural life in the countries of destination; and the prevention of violence and discrimination against migrants, in particular against women and minors, in keeping with relevant international commitments.

EU-LAC governments should commit to uphold and protect the rights of all migrants and displaced persons, and should ensure that nationally, bilaterally and multilaterally, refugee laws and practices will always fully conform to international standards.

VI. PROTECTING THE RIGHTS OF INDIGENOUS PEOPLES

Indigenous peoples remain among the most vulnerable sectors of society throughout the Americas. The determination of Indigenous peoples to maintain their distinct ways of living, and the centrality of these customs and practices to the fulfilment of their basic rights to food, healthcare, and work, is in constant tension with discriminatory attitudes and policies that disregard the interests of Indigenous peoples and exclude them from meaningful control of their own lives and futures. The result is serious and widespread violations of the fundamental human rights of Indigenous peoples.

EU-LAC leaders should affirm their unconditional support for the adoption of an American Declaration on the Rights of Indigenous Peoples that provides strong protection to the hemisphere's many Indigenous peoples. The Declaration must

include effective protection for the lands, territories and resources critical to the fulfilment of Indigenous peoples' human rights. EU-LAC governments should also respect and implement the International Labour Organization Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries.

VII. FIGHTING POVERTY - ESSENTIAL ECONOMIC, SOCIAL AND CULTURAL RIGHTS

All world leaders, at the 2005 World Summit, reaffirmed their commitment to the "timely and full realization" of those goals, which have come to be known as the Millennium Development Goals.

The challenges faced in the LAC region in reaching those goals and making demonstrable progress in protecting the basic economic, social and cultural rights of all peoples of the Americas, are immense. Deep poverty is still a debilitating reality for far too many people throughout the hemisphere and there are widespread concerns that current approaches to trade liberalization may exacerbate the situation.

There is still far to go in reaching the promises that world leaders made as the millennium began, promises of real progress in addressing extreme hunger, access to education, gender equality, lack of basic health care, and other major obstacles that stand in the way of truly equitable and rights-based development. Summit leaders should make it clear that this is a matter of utmost priority in the Americas.

This is not only a matter of political commitments, but a human rights obligation guaranteed in numerous international standards. The leaders of the Americas should demonstrate their commitment to human rights by taking concrete steps towards the full realization of economic, social and cultural rights for all. They should also desist from policies which actively impede the realization of these human rights, or which allow others to violate those rights with impunity.

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When Heads of State and Government gather in Austria for the Fourth EU-Latin America/Caribbean Summit, they must make decisions that are firmly grounded in respect for fundamental human rights.

The EU's Common Foreign and Security Policy has stated that the following four human rights issues constitute a priority for the EU :

- Eradication of the death penalty,
- Prevention of torture and other inhuman and degrading treatment,
- Children and armed conflict
- Human rights defenders.

Furthermore, on 3 October 2005, the EU adopted Council Conclusions on an international Treaty on the Arms Trade in which the Member States called for the start of a formal process at the United Nations at the earliest opportunity and stated that the EU should play an active role in this process. This Summit is an opportunity for EU leaders to put into practice their commitment regarding global principles on arms transfers.

Amnesty International is calling on both EU and LAC governments to reiterate their primary responsibility, together with civil societies, to lead processes and reforms aimed at increasing social cohesion, by fighting poverty, inequality and social exclusion. Measures should be taken to combat xenophobia and discrimination, based in particular on the grounds of gender, race, belief or ethnicity, while guaranteeing respect for cultural diversity.

Amnesty International calls on **EU-LAC governments** to:

- Recognize the crucial role human rights defenders play in upholding human rights in the Americas and provide them with the protection they require.
- Support the development of a global treaty to regulate the international arms trade.
- Demonstrate their commitment to protecting women's human rights by ratifying the United Nations Convention on the Elimination of Discrimination against Women and its Optional Protocol.
- Undertake human rights impact assessments prior to concluding any new trade and investment agreements and after the adoption of any such agreements. These

assessments should take into account the full range of governments' human rights obligations.

- Adequately consult with those likely to be affected by new trade rules, including women, Indigenous peoples and other vulnerable populations.
- Provide strong support for the development of UN-level norms regarding the responsibilities businesses carry with respect to human rights.
- Curtail impunity for human rights abuses, including by ratifying the Rome Statute of the International Criminal Court and enacting necessary implementing legislation.
- Adopt, strengthen and fully comply with laws which protect the basic human rights of refugees, migrants and persons subjected to trafficking in the Americas, including through ratification of the UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.
- Press for the early adoption of a strong American Declaration on the Rights of Indigenous Peoples
- Reaffirm their commitment to achieving the UN Millennium Development Goals.
- Recognize that economic, social and cultural rights are human rights of equal value to all other human rights, are enforceable in judicial and quasi-judicial settings and entail concrete obligations binding on governments.

The **EU Austrian Presidency** should reaffirm the primacy of human rights principles by taking the following steps:

- Assert a strong human rights dimension in the EU's policies.
- Press for more active implementation of the EU human rights guidelines, including those relating to human rights defenders.
- Make arms control a key theme for 2006.
- Initiate a comprehensive review of the overall EU human rights policies and ensure effective Council working groups to deal with human rights within and outside the EU.