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**Position of the
Euro-Mediterranean Human Rights Network (EMHRN),
the International Federation for Human Rights (FIDH)
and the World Organisation against Torture (OMCT)**

**on the implementation of the European Commission's Communications on Human Rights in the
Mediterranean region
and on "Wider Europe"**

Paper published in view of the current discussions at various levels within the EU institutions and with the Mediterranean Partners on their implementation

On 21st May 2003, the EU Commission issued a Communication to the Council and the European Parliament: Strategic guidelines for reinvigorating European Union (EU) actions on Human Rights and democratization with Mediterranean Partners (Com (2003) 294 final). The document deals with human rights in bi-lateral and regional contexts within the framework of the Barcelona process and proposes 10 concrete recommendations on EU actions to improve the situation.

The Communication came soon after the Commission's Communication: Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours (11 March 2003 (COM (2003) 104 final), which proposes ways of strengthening relations with neighbours that are not part of future enlargement plans, including the Southern Mediterranean Countries. The Council adopted Conclusions on the Wider Europe Communication on 16th June and the Commission then issued a follow-up Communication: Paving the way for a new Neighbourhood Instrument (COM(2003) 393 final) on 1st July, which proposes the creation of a new financial instrument for cross-border co-operation.

The Communication on the Mediterranean builds on previous Euro-Mediterranean (EuroMed) and Human Rights Communications and is the first to deal extensively and in-depth with human rights in one particular region. As such, policies implemented within this framework may set a precedence for EU human rights policies in other regional contexts.

The Euro-Mediterranean Human Rights Network (EMHRN), the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) welcome the Communication on the Mediterranean and its 10 proposals and look forward to its implementation. In view of forthcoming discussions about its implementation by the Council of the European Union as well as in the framework of the Euro-Mediterranean Partnership (EMP) at multilateral and bilateral levels, the undersigned NGOs would like to comment on the documents.

In general we are worried that this Communication is not sufficiently linked to the Wider Europe policy. We welcome the human rights elements of the latter, but we are particularly concerned that these are not reflected in the Council's Conclusions of 16 June on Wider Europe nor in the Commission's Communication on the new financial instrument, which lack clear human rights objectives.

We therefore urge the EU to refer to the Communication on the Mediterranean and to take it extensively into account in the implementation and follow-up initiatives of the Wider Europe Communication.

Main recommendations of the Communication on the Mediterranean

The document is introduced by a short analysis of the human rights situation in the region. Thereafter follows a description of the institutional set-up and development in EU thinking with regard to human rights, leading to ten points on promoting human rights in EU relations with Mediterranean Partners. These points include:

- The systematic inclusion by the EU of human rights and democracy issues in all dialogues taking place on an institutionalized basis. In particular, this should be carried out through the establishment of working groups on human rights within the framework of the association agreements, with legal reforms and legal frameworks governing the operation of NGOs and other non-State actors as an integrated part of the association agreements;
- The drawing up by the Commission Delegations in close co-ordination with Member States' embassies of an 'état des lieux' in each country on the basis of a standard grid of analysis. Regular up-dates should be provided through periodical reports for further integration into 'EU Human Rights fact sheets' and for translation into concrete proposals within the framework of the various formats of the dialogue;
- A more coherent and consistent approach and the strengthening of co-ordination between the Commission and the Council, including at the level of the Commission's delegations and Member States' embassies. In particular, this should imply a more active role for the EU in the implementation of UN resolutions and recommendations in the area of human rights;
 - Consultation with civil society at national level through the organization of regular workshops;
 - The establishment of national human rights action plans, including the reform of legal and regulatory frameworks, implementation of Human Rights Treaties, implementation of international standards and adherence to international instruments, and the strengthening of NGO participation and capacity. These plans should include specific action points accompanied by measurable benchmarks of performance, a clear calendar and identification of what is required financially;
 - The establishment of regional or sub-regional actions plans whenever two or more partners want to develop further co-operation, for instance on women's rights and justice;
 - Further mainstreaming of the promotion of good governance, human rights and democracy into the MEDA programmes. A financial incentive (not necessarily directly directed towards human rights) could be given to those partners who are implementing these programmes;
 - Support for human rights promotion on a regional level and the involvement of civil society and support for the wider impact of the EuroMed Civil Forums;
 - Strengthening the EIDHR's strategy for the region with the view to enhancing the capacity of civil society on a regional basis and improving the complementarity between MEDA and the European Initiative for Democracy and Human Rights (EIDHR);
 - More co-ordinated and efficient electoral support.

Main relevant points in the Communication on Wider Europe

The Wider Europe Communication places emphasis on:

- Democracy, pluralism, respect for human rights, civil liberties, the rule of law and core labour standards as essential pre-requisites for political stability, as well as for peaceful and sustained social and economic development.
- The need to reduce poverty and create an area of shared prosperity and values based on deeper economic integration, intensified political and cultural relations, enhanced cross-border co-operation and shared responsibility for conflict prevention between the EU and its partners.
- Anchoring the EU's offer of concrete benefits and preferential relations within a differentiated framework which responds to progress made by the partner countries in political and economic reform.

- A conditional, differentiated and progressive approach to reforms on the basis of country and regional action plans with clear and public objectives and benchmarks spelling out the actions which the EU expects of its partners. These include the ratification and implementation of international commitments that demonstrate respect for shared values, in particular values codified in the UN Human Rights Declaration, the OSCE and Council of Europe Standards. These action plans can be complemented by more detailed sector-specific plans.
- The need to develop a flourishing civil society to promote basic liberties such as freedom of expression and association
- The fight against corruption, strengthening of the rule of law and the independence of the judiciary
- The long-term objective of the free movement of people; the need to examine wider application of visa free regimes.

Comments and recommendations

The undersigned organizations broadly welcome the human rights approach in the Communications.

With regard to the Communication on the Mediterranean:

In general, we believe that the Communication on the Mediterranean is constructive and forward-looking and we recommend its urgent implementation.

1. Role of civil society in the Euro-Mediterranean Partnership

We welcome the fact that the document includes and reflects the debates and recommendations of civil society over the past years and that the dialogue with civil society is being taken seriously.

The undersigned organizations also welcome the proposal to organize regular workshops with civil society at the national level.

We strongly recommend that the independence of civil society representatives vis-à-vis the authorities is chosen as the main criteria for identifying civil society interlocutors. Recognition by the authorities should not be a criteria for selection.

In addition, we recommend systematic consultation with NGOs at all levels, from the political dialogue to the elaboration, implementation and evaluation of the programmes, also in view of improving synergies and complementarity between the political level (dialogues), the MEDA programmes and the EIDHR.

This recommendation has consistently been put forward by civil society since the inception of the Barcelona process but it has not yet been implemented in a systematic manner, although steps forward were taken last year with the organization by the Commission of two significant regional workshops in Amman and Casablanca.

Furthermore, the undersigned organizations welcome the proposal to support human rights promotion on a regional level and the involvement of civil society. It welcomes support for the EuroMed Civil Forums and the current process of restructuring undertaken by the NGO Platform for the EuroMed Civil Forum in order to have a greater impact on the activities and policies of the EuroMed Partnership.

2. Implementation of human rights commitments

We agree with the Commission's analysis that the region regrettably falls considerably below acceptable standards apart from a few positive steps being taken in some Mediterranean countries. In this sense, the EU is urgently required to take a more pro-active role as proposed in the document. No human rights instrument is stronger than the political will behind its implementation.

The human rights situation in the region in general has not improved since the Barcelona process was initiated in November 1995, despite the conspicuous human rights commitments of the Partner States expressed in the Barcelona Declaration and the bi-lateral association agreements with the EU.

The greatest challenge of the EU institutions is still to put human rights commitments into practice in a systematic, consistent and coherent manner, and be more effective. This includes a whole range of appropriate measures, backed up by strong political will.

We welcome the positive incentives approach to human rights, but point out that EU credibility also necessitates the possibility of taking negative measures in the case of gross human rights violations, as the EU has done in the past vis-à-vis countries in other regions of the world; such an instrument is absent in the Communication.

3. Systematic inclusion of human rights in all dialogues and the creation of Working Groups on Human Rights

We welcome the proposal that the Union should ensure the systematic inclusion of human rights and democracy issues in all dialogues taking place on an institutionalized basis. In this regard, we particularly welcome the proposal to establish working groups on human rights within the framework of the association agreements. We ask the EU to consult with and regularly involve experts and civil society in the work of these future Working Groups.

In addition, the undersigned organizations agree that the EU should play a more active role in the implementation of UN resolutions and recommendations, thus protecting the legitimacy of the UN at a time when it is particularly under attack. We strongly recommend that a group of regional human rights experts be established under the EuroMed Committee of High Officials for the Barcelona process to advise on human rights matters and to facilitate the establishment of policies and strategies in continuity with the resolutions and reports of the UN treaty body system, regional human rights bodies, as well as relevant reports by the academic community and NGOs.

4. National Action Plans

The undersigned organizations welcome the proposal to create national human rights action plans (as recommended by the UN Vienna World Conference in 1993), including the reform of legal and regulatory frameworks, implementation of Human Rights Treaties, implementation of international standards and adherence to international instruments, and the strengthening of NGO participation and capacity.

In this regard, we support the drawing-up of a list of specific action points accompanied by measurable benchmarks of performance with clear timelines, together with the necessary human and financial resources.

5. Transparency and accountability

The implementation of human rights commitments can only be accounted for through increased transparency of the EU institutions. Accountability and transparency are closely dependent on the regular publication of human rights reports, including an assessment of the human rights situation in the Mediterranean countries and of the impact of EU policies, strategies, actions and projects on human rights.

The undersigned organizations therefore welcome the proposal that Commission Delegations, in close co-ordination with Member States' embassies, should draw up an 'état des lieux' in each country on the basis of a standard grid of analysis and provide regular up-dates through periodical reports for further integration into 'EU Human Rights fact sheets' for translation into concrete proposals.

We presume that the standard grid will be built on the highest human rights standards and prevent lowest common denominators prevailing in the final joint EU assessments. We strongly recommend that the reports are made public and are thus available for public scrutiny. If they are not, EU human rights policies will remain non-

transparent and progress or setbacks in EU policies towards third countries will be impossible to evaluate .

6. Mainstreaming and pilot studies

Mainstreaming of human rights into EU policies, programmes and projects is a key element in a pro-active human rights policy and implies an effective integration of evaluation of EU actions.

The undersigned organizations welcome the recommendation to mainstream further the promotion of good governance, human rights and democracy into the MEDA programmes. This now needs to be implemented in a systematic, effective, consistent and coherent manner. To this end, the EU should establish pilot studies with regard to the human rights implications of EU actions in various sectors as a matter of priority.

We also welcome the proposal to introduce a positive conditionality for countries moving towards democratization and respect for human rights.

7. Developing complementarity and synergies between the MEDA programmes and the EIDHR

The undersigned NGOs would like to emphasize the need to develop more systematic complementarity and synergies between the MEDA programmes and the EIDHR at both the national and regional level.

In addition, we welcome the proposal to strengthen the EIDHR's strategy for the region. We would like to emphasize that increased support for regional initiatives should not be at the expense of support lent at the national level. In this regard, EIDHR support for national NGOs will remain inefficient as long as the minimum amount for projects remains above 300.000 Euros and as long as application procedures and management requirements remain cumbersome.

8. Women's rights

There are no human rights without women's rights. Regrettably, the gender mainstreaming aspect of democracy and human rights promotion and proposals for necessary parallel positive actions on women's rights are barely present in the Communication on the Mediterranean document.

We recommend adding a strong and effective gender dimension to the implementation of the Communication.

With regard to the Communication on Wider Europe:

- The undersigned NGOs welcome the (above listed) human rights aspects of the Wider Europe Communication. However, we are concerned that these human rights considerations are not reflected in the Council's Conclusions and the follow-up Communication on the financial instrument. We therefore urge the EU to correct this omission and bring human rights to the fore in the implementation phase and in all future follow-up initiatives.
- Regarding the March Communication on Wider Europe, we particularly welcome the proposal to set clear and public objectives and benchmarks which include respect for international human rights instruments for the action plans. We urge the EU to consider human rights as a priority when drafting, implementing and evaluating the action plans and to clearly link these more general plans to the specific action plans on human rights proposed under the Communication on the Mediterranean.
- The undersigned NGOs welcome the long-term objective of the free movement of persons and hope that this will not turn out to be just words. We urge the EU to start adopting policies towards achieving this goal and to take the first steps in this direction immediately, including adopting a more open visa policy.
- We are however worried about the way in which provisions in this document on the fight against illegal immigration, return policies and readmission agreements will be implemented. We urge the EU to fully

respect in practice the international instruments on human rights and the protection of migrants and refugees.

- Women's rights are almost absent in this Communication. The undersigned NGOs strongly recommend that the EU integrates the promotion and protection of women's rights through effective mainstreaming as well as through positive actions as a priority in the follow-up and implementation phases.
- In this document, the promotion of justice and independence of the judiciary are included only in the chapter on investment promotion. We recommend that the EU tackles this issue not only from the economic perspective but also within the framework of human rights promotion and protection and democratisation.

Finally, the undersigned NGOs question the way this Communication will be implemented, as it is stated that it will not be implemented before the full implementation of existing Association Agreements. All Association Agreements contain an Article 2 on respect for human rights which, regrettably, is not being successfully implemented. We therefore have great hopes that the implementation of both Communications will have a stronger impact in reality on human rights promotion.
