

Euro-Mediterranean Human Rights Network's recommendations regarding the 'Regional Program within the field of Justice and Home Affairs', 5.3.2002

On the occasion of the Ministerial Meeting of the Euro-Mediterranean Partnership in Valencia 23-24 April 2002, the Euro-Mediterranean Human Rights Network (EMHRN) has the pleasure to forward its suggestions regarding the 'Regional Program within the field of Justice and Home Affairs' (JHA).

The program, which supposedly will be adopted at the Ministerial meeting, is born out of the Barcelona process and was given particular impetus by the Common Strategy of the European Union on the Mediterranean Region [1], which introduced a chapter on Justice and Home Affairs.

Since then the EU Commission and the Euro-Mediterranean Committee for the Barcelona Process have worked to develop the program building on inputs from regional meetings [2].

The EMHRN is pleased to notice that the overall objective of the JHA Program is to 1) promote the effective implementation of the international acquis within its field; 2) the promotion of fundamental values to which the partners are committed such as human rights, democracy, good governance, transparency and the rule of law and; 3) the creation of a stable and transparent judicial environment.

The EMHRN supports the program's general objective and strongly believes that:

Prosperity in the region is related to a strengthening of the judiciary, the respect for human rights and of the rule of law, and as such the mainstreaming of human rights into all fields of Justice and Home Affairs.

As such, the legitimate concern for security (including the combat against terrorism) must not prejudice respect for human rights of migrants, refugees and asylum seekers both in the EU and within the Mediterranean Partner countries, the latter being main receivers of migrants, refugees and asylum seekers.

The independence, impartiality, transparency and effectiveness of the courts as well as the independence, mandates and powers of national human rights institutions are key issues; including giving these bodies the sufficient human, technical and financial resources to fulfil their role.

The active participation of civil society is crucial to the development of the region and is closely linked to the promotion and protection of fundamental freedoms, including freedom of expression and of association.

As a consequence, the EMHRN urges the Euro-Mediterranean Partners to:

Clearly differentiate between legislation and programs aimed at combating criminality (including terrorism) and legislation aimed at addressing the specific situation of migrants and refugees.

Translate the Barcelona Declaration into a plan of action for the protection of the rights of refugees and migrants both in the North and the South of the Mediterranean.

Develop concrete programs on training, law reform and capacity building that focus on the promotion of the independence and transparency of justice sector institutions, in particular, courts and national human rights institutions.

Finally, the EMHRN suggests that a fruitful way to promote the human rights dimension of the JHA Program would be to establish a standing working group on human rights to advise the Euro-Mediterranean Committee for the Barcelona Process and to develop activities in close dialogue with relevant representatives of civil society.

[1] Adopted by the European Council at Santa Maria da Feira (Portugal) on 19-20 June 2001.

[2] The EMHRN was happy to take a proactive part in the Conference on Access to Justice, Uppsala, April 2001. In addition, the EMHRN took the initiative to organise a regional Conference on migrants, refugees and human rights, in Trieste, 18-19 January 2002.