

**Promotion and Protection  
of Human Rights in  
the Euro-Mediterranean Region**

---

**at the 10<sup>th</sup> Anniversary  
of the Barcelona Declaration**



**Promotion et Protection  
des Droits de l'Homme dans  
la Région Euro-Méditerranéenne**

---

**à l'occasion du 10<sup>ème</sup> anniversaire  
de la Déclaration de Barcelone**



**EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK  
RESEAU EURO-MEDITERRANEEN DES DROITS DES L'HOMME**

# PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE EURO-MEDITERRANEAN REGION

**Statement by the Euro-Mediterranean Human Rights Network  
to the Head of States of the Euro-Mediterranean Partnership  
on the Occasion of the 10<sup>th</sup> Anniversary of the Barcelona Declaration**

## **A. Introduction**

Ten years ago the governments of 27 countries (the Partners), and the European Union, in establishing the Euro-Mediterranean Partnership initiative, committed themselves to act in accordance with the United Nations Charter and the Universal Declaration of Human Rights. They committed themselves to develop the rule of law and democracy in their political systems and to respect human rights and fundamental freedoms including freedom of expression and freedom of association, and to combat racism, xenophobia and intolerance. Furthermore, they recognized the important role civil society should play in contributing to the Euro-Mediterranean development process by promoting better mutual understanding and closer co-operation between peoples.

These intentions of the Barcelona Declaration have since then been formally confirmed in bilateral Association Agreements between the EU and 8 South Mediterranean partners, article two of which states that the respect for human rights and democratic principles underlies their policies and is an essential element in the agreements. They have also been confirmed by the start of accession negotiations between the EU and Turkey based on the commitment to guarantee democracy, the rule of law, human rights and respect for and protection of minorities. Furthermore, Cyprus and Malta have achieved full membership of the EU.

The EMHRN was established in January 1997 upon the initiative of northern and southern human rights organisations in response to the Barcelona Declaration and the establishment of the Euro-Mediterranean partnership. Today, it has eighty-three members representing human rights organisations and

institutions, as well as individuals, from thirty countries. Its overall objective is to contribute to the protection and promotion of human rights principles embodied in the Barcelona Declaration and by all international human rights instruments, to support the development of democratic institutions, the promotion of the rule of law, human rights, the equality of men and women, and human rights education; and thus the promotion of peace, stability and the dignity and worth of the human person in the Euro-Mediterranean region.

In this spirit the EMHRN and its members have worked to promote the principles of the Barcelona Declaration in the field of human rights as a civil society partner to the EMP. It has welcomed the opportunity provided by the Barcelona process to increase and intensify civil society cooperation in the region and notes with satisfaction that since 1995 a number of human rights instruments are now in place such as the human rights clause in the concluded and ratified association agreements; EU support to human rights programmes and projects in the region; the efforts to establish sub committees on human rights within the framework of the Association agreements; the chapters on human rights and democratisation in the action plans under the EU New Neighbourhood Policy, as well as a range of operational proposal by the European Commission included in its Communication on Reinforcing EU Actions on Human Rights and Democratisation with Mediterranean Partners from May 2003 approved by the Council.

## **B. Opinion**

However, it also notes with regret that the Barcelona process during the past ten years

did not significantly help improve the human rights situation in the region.

Only few examples of improvements in the human rights field can be attributed to a proactive relation between the Partners to the Barcelona Declaration. Rather the region saw a rise in both the North and the South of restraints and violations of civil liberties in the aftermath of the September 11, 2001. Human rights remained marginalised in Middle East Peace talks and in negotiations on Western Sahara and Cyprus.

Also migrants and asylum seekers rights have been under constant attack in both the North and the South while regional and internal economic, social and cultural disparities did not diminish.

The question of the disappeared in several countries, of widespread use of torture and the curbing of political freedoms, freedom of expression and of association, as well as the generally discrimination and violence against women remained characteristic features in the region. At the same time grave and structural human rights issues relating to the judiciary persisted in several Partner countries, the exceptional jurisdiction in several states being the most evident expression of the subordination of justice and the judiciary to political power.

In this context the EMHRN, deeply regrets that only few concrete measures and activities are taken by the Partners aimed at promoting a pro-active human rights agenda within the Euro-Mediterranean Partnership and that joint statements and declarations in general do not move beyond a declarative level avoiding reference to binding obligations of Partners to respect international human rights standards.

The EMHRN urges the Partner States at the occasion of the Barcelona +10 Summit to enhance and make operational the commitments in the field of human rights made ten years ago, and put the necessary political will behind. It wishes to convey the recommendations agreed by its membership that are based on the following positions:

### **C. Positions**

*First*, thirty-five governments in the Euro-Mediterranean region have clearly committed themselves to work for the respect of universal human rights values, to develop rule of law and democracy in their political systems, and to strengthen civil society. Today a number of human rights instruments are now in place that did not exist ten years ago, despite this fact the human rights situation remains critical. Time has come for the main actors within the field of human rights - NGOs, national human rights institutions, parliaments and governments - to move beyond rhetoric and start implementing these instruments and to up-grade human rights as a matter of priority in domestic and foreign relations.

*Second*, all human rights, economic and social as well as political and civil rights, are universal, indivisible and interdependent and interrelated, as expressed in the Vienna Declaration. Full enjoyment of political and civil rights in the Euro-Mediterranean region requires that economic and social rights be addressed with equal seriousness – both at regional and national level. Broad participation in decision making on the allocation of economic and financial resources, an independent and impartial judiciary, and good governance are prerequisites for enhancing development and social cohesion.

*Third*, integrity, equality and freedom of the human person lie at the heart of the Universal Declaration of Human Rights. All societies in the Euro-Mediterranean region have deeply ingrained values as regards social justice and human dignity. The significance of national and regional particularities and various historical, cultural and religious backgrounds must be born in mind. All cultures are complex and dynamic, and can be used to oppress and exploit or to promote the quality of the lives of individuals and social groups. Universal human rights are essential to protect human beings from oppression and exploitation and to promote their well-being. Vague references to the principle of non-intervention, directly

or indirectly, in the internal affairs of another partner and recognising the specificity of each society – as stated in the Ministers Declaration from Luxembourg - should not be used as an excuse to disrespect commitments to universal human rights values and key elements of international human rights standards to which the Partners have subscribed.

*Fourth*, respect for human rights implies full enjoyment by women of their rights.

*Fifth*, shared responsibility to protect and promote human exchanges, freedom of opinion, the respect of the rights of minorities, and of persecuted and vulnerable individuals and groups are crucial to the development of a culture of dialogue and mutual understanding.

*Sixth*, peace, stability, prosperity and democracy require the strengthening of the respect for human rights, the most basic right being the right to life, as well as the protection of human rights defenders. It requires the application of the same criteria to similar human rights issues in different countries. Double standards are detrimental to the development of a genuine human rights culture.

*Seventh*, democracy cannot be developed through war or armed violence. Human rights violations constitute a breeding ground for acts of terrorism whether committed by individuals, groups or states.

Hence, the EMHRN proposes the following initiatives as essential steps in order to meet the human rights commitments of the Partner States to the Barcelona Declaration. We urge the Partnership governments to take steps in the following areas.

## **D. Recommendations**

### **1. Human rights and civil society**

1.1 Review existing legislation and practices to ensure that they are in accordance with

international human rights standards with emphasis on the freedom of expression, association and assembly, and the enjoyment by women of full and equal human rights. Guarantee that legislation and practice is in conformity with the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (The UN Human Rights Defenders Declaration from 1999). This implies abolition of all legislation contradicting the Declaration and abolition of all legislative, administrative and security constraints that prevent the enjoyment of freedom to establish and run political parties, professional syndicates, trade unions, NGOs and media.

1.2 Grant independent, non governmental human rights organisations clear legal status in all Euro-Mediterranean countries, with guarantees of freedom of speech and association, and possibility of receiving the public and private, local and foreign funding that they need to operate publicly and authoritatively.

## **2. Human rights elements of education and training**

2.1 Give high priority to human rights education within the Euro-Mediterranean region and give high priority to youth. A comparative review of best practice within the region could offer valuable insights into methodologies for strengthening human rights education and future work.

2.2 Provide effective training programmes on international law and human rights standards for judicial, law-enforcement and military personnel at all levels.

## **3. Human rights and conflict resolution**

3.1 Set human rights respect at the heart of Peace promotion. Facilitate implementation of the right to self-determination on the basis of international humanitarian law and

international human rights standards.

3.2 Ensure that prevention of terrorism and political violence is based on respect for human rights, including fair trial and asylum procedures, and freedom from torture and collective punishment.

3.3 Allow independent, credible investigations into human rights abuses and incidents of violence against civilians. Initiate independent, international fact-finding missions when gross human rights violations are reported, and take appropriate measures on the basis of mission reports.

#### **4. Human rights elements of economic development**

4.1 Expand the human rights aspects of the MEDA programs and in the future Neighbourhood Financial Facility and make details of those programs more transparent including concrete human rights aims, outputs and timelines, identifying benchmarks and indicators based on the partner country's international commitments. All appraisals and evaluations of MEDA programs and the future Neighbourhood Financial Facility should regularly include an assessment of their impact on human rights.

4.2 Regularly assess and monitor the impact of the establishment of the free trade area on people's economic, social and cultural rights.

4.3 Review European Investment Bank statutes to ensure that its work is based on and actively promotes the implementation of international human rights standards.

4.4 Formulate, promote and monitor a code of conduct for business in the Euro-Mediterranean region to ensure not only that business practices do not exacerbate human rights problems but rather contribute actively to the social progress and the combat of corruption.

#### **5. The rights of refugees and migrants, and human exchange**

5.1 The reality imposed by migration flows should be taken into account in economic and human terms. This implies that applied policies must be framed not only in a law enforcement framework and that these policies should be subject to a broad dialogue between governments, and also with civil society.

5.2 Ensure respect for all human rights of non-nationals, including undocumented residents, in particular access to work, housing, education and basic social benefits, based on a non-discriminatory, anti-racist approach. All Partner states should ratify and implement the International Convention for Protection of All Migrant Workers and Members of Their Families.

5.3 Develop regional approaches to issues of political asylum and human rights based approaches to the management of migratory fluxes that are based on principles of solidarity and shared responsibility among Euro-Mediterranean states, as well as strict adherence to the principle of non-refoulement. South Mediterranean states, which have not done it so far, should ratify and implement the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol on the Status of Refugees.

5.4 Ensure that readmission agreements are implemented in full respect of international human rights standards and humanitarian law and that the rights of repatriates are not violated.

5.5 Establish an inclusive definition of EU citizenship in which permanent residence in the EU serves as the basis for the right to vote and of eligibility to the EU parliament and local councils.

5.6 Ensure the free movement of persons to go from one country to another. Visas for short stays should be abolished.

## **6. Women's rights**

6.1 Cease to treat women's rights as an issue of primarily 'religious norms and cultural traditions' and respect the universality of human rights.

6.2 Define an overall programme for encouraging and supporting revision of the existing political and legal framework to sensitise it to gender issues and to take into account the principle of gender equality.

6.3 Lift of reservations to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and ratify the CEDAW Optional Protocol.

6.4 Mainstream gender into all three baskets of the EMP to include women's rights and equal opportunity issues in all areas of activity, not merely those traditionally deemed to concern women.

6.5 Designing affirmative action programmes within the EMP aimed at increasing the participation of women in all main areas of activities and supporting them with appropriate financial and technical resources.

6.6 Using reduced gender disparities as an indicator to the success of legal reform and practice in the countries' development of policies and strategies.

## **7. The Judiciary**

7.1 Set human rights at the heart of regional and bi-lateral judicial cooperation in particular the question of the independence and impartiality of the judiciary, fair trial and equal access to justice

7.2 Promote the monitoring of domestic legislation by an appropriate national court, whose members' independence must be guaranteed with effect from their appointment or election.

7.3 Sign and ratify all international conventions relating to civil and political rights and other relevant conventions in the field of Justice.

7.4 Ensure, in their constitutions, that international conventions ratified by states take precedence over domestic law and also that domestic law complies with the norms laid down by those conventions.

7.5 Abolish courts with exceptional jurisdiction, including military courts with jurisdiction over civilians and state security courts, drawing upon statements of UN bodies which have found that they tend to violate the right to a fair hearing.

## **8. The institutionalizing of human rights in the Barcelona process**

8.1 Establish a task force within the framework of the EMP composed by representatives of governments and NGOs as well as independent experts with the mandate to work for reinvigorating the implementation of existing instruments at the regional level and draft an action plan in this regard, including the proposal to establish a democracy facility as well as mechanisms for structural and systematic thematic dialogue with the most significant regional civil society human rights structures. The Commission Communication on Reinvigorating EU Actions on Human Rights and Democratisation with Mediterranean Partners (May 2003) could constitute a good starting point in this regard.

8.2. Association Council meetings, inter-parliamentary fora and Parliamentary Assemblies should include as an explicit point on their agendas the assessment of the progress and setbacks for human rights enforcement and implementation, including individual cases.

8.3 The Partners of the Barcelona Declaration should publish an annual report on the human rights situation in each country of the Partnership and whether Partners' human rights obligations are respected including issues of refugee protection, the rights of migrants, steps to eradicate racism and xenophobia, as well as gender equality. This should be coordinated with the establishment of an annual review mechanism of the Euro-Mediterranean Association Agreements

and Neighbourhood Action Plans and be carried out in close collaboration with NGOs with knowledge and experience in the field.

8.4 Draw up national human rights action plans in all countries, as recommended at the 1993 World Conference on Human Rights in Vienna, based on an open and informed consultation between NGOs, national human rights institutions, parliaments and governments. These plans should include benchmarks for assessing progress.

8.5 Develop, with assistance from NGOs as well as governments, criteria, bench marks and indicators for implementing the human rights articles of the Association Agreements and human rights commitments of the Action Plans under the Neighbourhood Policy. Establish an independent body in charge of evaluating developments in the area of human rights and the exercising of democracy.

8.6. Develop regular consultation at regional and local level with non-governmental human rights organisations by the various institutions of the Partnership, including the bi-lateral mechanisms, the European Parliament, and the Euro-Mediterranean Parliamentary Assembly and the Anna Lind Foundation for Dialogue between Cultures and Civilisations.

8.7 Improve human rights transparency, enhancement and efficiency in the selection of projects. This requires, among other things,

funding for necessary staff resources for the European Commission in this area, improved cooperation with NGOs, and simplified application procedures that are accessible for a broad range of potential beneficiaries on the ground – and not only for a few large, mainly North-based structures.

8.8 Maintain an independent budget line for a European Initiative for Democracy and Human Rights in the new Neighbourhood Financial Instrument aimed at funding independent NGOs' human rights projects without prior government approval.



*The EMHRN believes that the implementation of these recommendations will contribute to the general objective of the Barcelona Declaration of turning the Mediterranean basin into an area of dialogue, exchange and cooperation guaranteeing peace, stability and prosperity.*

*We look forward to the Barcelona + 10 Summit and to the initiation of new comprehensive initiatives by the Partner governments in the field of human rights.*