



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME
الشبكة الأوروبية - المتوسطية لحقوق الإنسان

EMHRN statement

Human rights and Democracy should be at core of the ‘renewed’ European Neighbourhood Policy (ENP)

October 2011

1. Introduction

Following the Arab Spring the EU took a series of initiatives aiming at recasting its South Mediterranean Neighbourhood policy acknowledging past failures and the need to address ‘the realities on the ground’.¹

The overall policy was outlined before summer 2011 in two joint communications by the EU High Representative for Foreign Affairs and the European Commission both being subsequently endorsed by the Council.²

A series of initiatives for the implementation of this “renewed approach” are now in the making.

The EMHRN wishes to contribute to this process with the following remarks and recommendations:

2. The general approach

The EMHRN welcomes the EU’s commitment to support the changes taking place in the region including the building and consolidation of healthy democracies. It supports the Council commitment to base a new approach on “mutual accountability and shared commitment to universal values of liberty, democracy, respect for human rights, fundamental freedoms and the rule of law”.

¹ See the “Position of the EMHRN in view of the forthcoming review of the European Neighbourhood Policy, and in response to the European Union Communication on “A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean” and the following Conclusions of the European Council”, April 2011.

² Respectively a joint Communication on “a Partnership for Democracy and Shared Prosperity with the Southern Mediterranean” on 8 March which was endorsed by the European Council on 11 March and a joint Communication on “A new response to a changing Neighbourhood” on 25 May which was endorsed by the Council on 20 June.



The EMHRN furthermore supports the proposal to increase the EU's level of differentiation with each South Mediterranean partner conditioning support by progress in building and consolidating democracy and respect for the rule of law, i.e. a 'more for more approach'.

The EMHRN believes it is pertinent that the EU takes hold of the option to engage in curtailing relations with governments violating human rights and democracy standards, i.e. a 'less for less approach', while strengthening EU support to civil society.

However, the EMHRN expresses concern that – a few months after the adoption of the “new ENP approach” – tangible change of EU policies could not be observed in relation to several countries in the region. The EMHRN appeals the EU to demonstrate its political will to leave policies that are accommodating with situations of lack of respect for human rights and democratic principles and pro-actively promote these values in the context of the implementation of the “renewed ENP”. It is a question of credibility with its own citizens and those of the countries of the region.

The EU invites its Partners to establish “Partnerships for Democracy and Shared Prosperity” the entry qualification being free and fair elections and adds further democracy benchmarks against which the EU will assess progress and adapt level of support: freedom of association, expression and assembly, a free press and media; the rule of law administered by an independent judiciary and right to a fair trial; fighting against corruption; security and law enforcement sector reform (including the police) and the establishment of democratic control over armed and security forces.

The EMHRN welcomes the EU's effort to define general benchmarks on the basis of which to establish its support³.

However the EMHRN believes it is crucial to add the following benchmarks on the basis of which to assess whether the EU will increase or decrease its support:

- The ratification of the main international Human Rights conventions without reservations and their integration into national legislation
- The equal participation of women in political and public life
- Non-discrimination⁴

³ while questioning the utility of introducing qualifying these elements as 'deep democracy'

⁴ The EMHRN welcomes Commissioner Füle's commitment on 14 June in the European Parliament: “The EU will look very carefully also at another crucial and closely related element: equality and non-discrimination.”

<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/436&format=HTML&aged=0&language=EN&guiLanguage=en>



- In conflict situations, the implementation of International Humanitarian Law

These points should not be relegated to non-binding human rights dialogues.

In addition in order to give firm shape to its policy the EMHRN further urges the EU to clarify in future action plans and progress reports which concrete human rights benchmarks will be used to assess progress and setbacks in a national reform context. The EMHRN calls on the EU to put clearly emphasis, not only on democracy, but also human rights of all people without discrimination, including migrants and refugees, and gender equality in the future ENP progress reports and new generation of ENP action plans. The view of civil society should be included.

The EMHRN urges the EU to also review the ENP action plans and advanced status agreements adopted until now in order to incorporate these benchmarks in view of future cooperation⁵. Any advanced status of relations between the EU and a Mediterranean country should be linked to concrete improvements based on these same benchmarks.

With regard to the EU's commitment to conduct "reinforced human rights dialogues" the EMHRN would like to stress that they should not stand alone but that human rights and democracy issues should be raised at the highest level of political dialogues and that concrete follow-up should be an integral part of them.

Finally the EU should apply conditionality in a consistent and coherent way with all the countries of the region without double-standards.

3. Gender equality

The EMHRN is concerned that gender equality is poorly dealt with in the EU Communications and not at all in the Council Conclusions. It regrets the non- integration of a holistic and coherent approach to gender mainstreaming across the Communications.

It calls upon the EU and partner countries to redress this flaw during the implementation stage, and thus, abide to their commitments taken at the Ministerial EuroMed conference of Istanbul (2006) and Marrakesh (2009) on the role of women in society.

The EU should promote the affirmation of the principle of equality between men and women and non-discrimination based on sex in Constitutions and the combating of gender based discrimination and violence.

⁵ See joint letter of the EMHRN and Amnesty International on the "Revision of the future EU-Morocco Action Plan", 11 April 2011.



4. *Migrants and Refugees*

The EMHRN welcomes the EU's commitment to promote and respect migrants' rights as an integral part of its approach.

However, while the EU seems prepared to establish a dialogue on migration with its partners, it explicitly expects them to undertake to prevent illegal migration flows, to manage their borders and to cooperate on policies of return and readmission of illegal migrants. Only after that commitment has been demonstrated will the next step be activated, i.e. 'mobility partnerships'.

The EMHRN believes that respect for the fundamental rights of migrants, asylum-seekers and refugees by all parties, while taking into consideration gender based concerns, must be the prime concern of any dialogue on migration.

With regard to readmission agreements, the EMHRN points out that Articles 2 and 3 of the European Convention on Human Rights ban any move to turn back, return or expel, directly or indirectly, anyone to a country where that person could be executed or subjected to torture or to inhuman or degrading treatment or punishment⁶.

5. *Regional conflicts and International humanitarian Law (IHL)*

The EMHRN regrets that the EU's new approach misses the opportunity to seriously address the resolution of the Middle East conflict and other conflicts in the region. The EMHRN considers that ENP and peace efforts should be interlinked and a crucial element in any conflict resolution efforts should be the full respect for IHL.

The 'New ENP approach' should serve the EU's key foreign policy objective to promote peace including by applying a 'more for more approach' or the option to curtail bi-lateral relations. These instruments should be applied considering conflicting and occupying powers' contribution to peace, and a particular benchmark for EU increased or decreased support should be the respect for IHL. The EU should also take into account Israel's obligations under International Human Rights Law towards the Palestinians in the Occupied Palestinian Territories.

⁶ "Position of the EMHRN in anticipation of the European Council meeting of 24 June 2011
Migrant rights: the big losers in the new European strategy directed at the countries of the southern
Mediterranean in transition to democracy?"



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6. *Civil Society*

The EMHRN welcomes the EU's commitment to establish partnerships with civil society in each neighbouring country and calls upon the EU to consider independent civil society organisations as real partners in respect of their diversity. Dialogue on development of bilateral relations should not only take place with governments, but also with local civil society organisations. Concrete measures should be taken in this regard and financial support to civil society should be complemented with adequate political support by the EU.

In addition the EMHRN calls the EU to consult systematically with a large range of human rights, including women's rights, and democracy NGOs before the start of any political or technical dialogue dealing with human rights and democracy issues, such as Association Councils, Subcommittees or working groups on human rights, justice or migration. The headquarters and the EU Delegations should be instructed at the highest level that those consultations and debriefings must be viewed seriously and organized sufficiently ahead of time both at the local level and in Brussels. The same should apply to programming and the preparation of National Indicative Programs.

The EMHRN welcomes the creation of an ENP Civil Society Facility, but calls the EU to allocate appropriate resources to it, ensure flexibility and adapt it adequately to the needs of local and regional Civil Society Organisations.