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Open letter to the 12 North African and Middle Eastern and to the 15 European Union Foreign Affairs Ministers who will meet in Malta on 15 and 16 April 1997 for the second Euro-Mediterranean Conference

*"Just as peace is necessary for human rights, the protection of human rights is necessary for peace."*¹

Dear Ministers,

On the eve of the second meeting of the Euro-Mediterranean Partnership Amnesty International recalls the priority accorded to human rights protection and promotion in the Barcelona Declaration of November 1995, and urges that concrete measures now be taken to translate the solemn principles contained in the declaration into effective action.

Amnesty International welcomed the Barcelona Declaration, which affirmed the collective responsibility to:

"respect human rights and fundamental freedoms and guarantee the effective legitimate exercise of such rights and freedoms, including freedom of expression, freedom of association for peaceful purposes and freedom of thought, conscience and religion, both individually and together with other members of the same group, without any discrimination on grounds of race, nationality, language, religion or sex."

Yet nearly 18 months after the adoption of the Declaration, few substantive measures have followed, particularly in the areas covered by the Memorandum issued by Amnesty International on the eve of the Barcelona Conference. Amnesty International's findings regarding the continuing serious violations of human rights in many of the countries who are members of the Euro-Mediterranean Partnership have continued to be placed on the public record and deserve to be addressed by your meeting.

We call on you now to fulfil the expectations of the peoples of 27 countries and of the international community at large to identify and implement the necessary measures to give substance to your stated commitment to human rights. In the spirit of contributing to a fruitful

¹ *Founding declaration of the International Helsinki Federation for Human Rights 1982*

debate, Amnesty International submits the following proposals:

1. In the framework of the political dialogue, the 27 partners should renew their commitment to ratifying and implementing, without delay and without limiting reservations, all international human rights treaties to which they are not yet party. Partners should publicly commit themselves to incorporating those international obligations into their national legislation and practice, and to amend or repeal all laws which are incompatible with these standards.

2. The Work Programme should include the establishment of a Working Group aimed at eliminating torture and ill-treatment through practical steps: this Working Group should facilitate the exchange of views about law enforcement practices and human rights training which could be effective in ending torture and ill-treatment. Such training should ensure that all law enforcement officers, including military and security forces, comply with international standards.

3. In the framework of the Partnership in Social, Cultural and Human Affairs, the role of human rights defenders should be acknowledged and safeguarded. Amnesty International welcomes the proposal of the European Commission to set up a committee to reinforce the dialogue on human rights, but urges partnership governments to commit themselves publicly and to take steps to ensure that human rights defenders enjoy all fundamental rights and freedoms to carry out their work without hindrance or fear of reprisal. Amnesty International considers this to be all the more important in light of growing trends in some countries to arrest and imprison human rights activists or otherwise obstruct their work. Furthermore, at the January summit in Tunis Arab Interior Ministers discussed the “Arab strategy for combatting terrorism” in the course of which media reports state that Ministers accused human rights organizations of undermining Arab security, and called on western governments to cease funding them. Amnesty International trusts that the final draft of the Arab Agreement on Combatting Terrorism which will be finalized towards the end of the year will make clear that fundamental human rights must be respected and that human rights organizations will be free to carry out their work unhindered. The Euro-Mediterranean Partnership should express support for the speedy conclusion of a strong UN Declaration on Human Rights Defenders and commit themselves to implementing its provisions.

4. Amnesty International notes with great concern that law and practice with regard to the treatment of asylum seekers and refugees in a number of member states in the Euro-Mediterranean Partnership do not meet internationally agreed standards. Partners should set up a Working Group to undertake the negotiation of a multilateral agreement which clearly establishes minimum procedural standards in asylum determination procedures. Such an agreement should aim to ensure that the principle of

non-refoulement (as set out in Article 33 of the 1951 Convention relating to the status of Refugees) is respected at all times, that refugees and asylum seekers are not returned to a country where they would be at risk of serious human rights violations, and that they have access to a fair and satisfactory determination procedure.

5. One of the main objectives of the Euro-Mediterranean Partnership being to ensure peace and security in the region, Partnership states committed themselves to establishing a set of confidence-building measures: a draft document on this issue will be discussed in Malta. Amnesty International would remind Partner states that human rights must not be sacrificed in the name of peace, and that sustained peace and security can only be established with respect for human rights. In addition, in the interests of promoting security and human rights, Amnesty International calls on the states of the region to establish international mechanisms which ensure that all military, security and police transfers are made transparent. Amnesty International is pleased to note that the dialogue on national control practices on exports of sensitive products is part of the proposed confidence-building measures, and urges all concerned states to ensure that no transfers are effected which may contribute to the violation of human rights.

As far as bilateral relations are concerned, Amnesty International would make two further proposals:

1. Amnesty International welcomes the inclusion of human rights clauses in all Association Agreements negotiated between the European Union and each Mediterranean partner. But, if this clause is to produce concrete effects on the human rights situation, it needs to be monitored regularly by both parties. Amnesty International strongly recommends that a provision regarding procedures for monitoring implementation, including the possibility of fact-finding visits, is adopted in Malta. Furthermore, in order not to have to use the suspension clause included in the Association Agreements in cases of grave violations of an essential element of those agreements, partnership states should adopt a comprehensive programme for enhancement of human rights protection, including steps to eradicate racism and xenophobia which lead to violations of human rights, addressing all sectors concerned with protection of human rights (technical assistance and training for police forces, the judiciary, freedom of media, minority rights, etc).

2. The Barcelona Declaration invites the Member States of the European Union and Mediterranean countries to conclude bilateral readmission agreements in order to readmit their nationals who are in another country in the Euro-Mediterranean Partnership illegally. Amnesty International notes with great concern that the Partners did not include, in this context, provisions for the protection of asylum seekers and refugees. When they conclude or implement readmission agreements, European Union and Mediterranean countries should take into account the specific needs of protection for asylum seekers and refugees and guarantee that these persons are not sent back, directly or indirectly, to a country where they are exposed to serious human rights violations.

Dear Ministers, Amnesty International sincerely hopes that the examination of these crucial issues in a spirit of cooperation and exchange of experience will ensure a better protection of human rights on both sides of the Mediterranean.

Amnesty International