



European Neighbourhood Policy: Human Rights in EU-Egypt Relations

Recommendations of Egyptian Non Governmental Organizations for the EU-Egypt Action Plan

Cairo, January 26-27, 2006

**Seminar organized by the EMHRN
in cooperation with the Cairo Institute for Human Rights Studies**

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EXECUTIVE SUMMARY

In 2003 the EU launched a new European Neighbourhood Policy (ENP) which aimed at preventing *‘the emergence of new dividing lines between the enlarged EU and its neighbours and to offer them the chance to participate in various EU activities, through greater political, security, economic and cultural co-operation [...]’*¹. The ENP offers a privileged relationship with EU neighbours based on a mutual commitment to common values in the fields of the rule of law, good governance, the respect for human rights (including minority rights), the promotion of good neighbourly relations, and the principles of a market economy and sustainable development.

The first step was made on 9th December 2004 when the EU presented Country reports and then conducted a first set of bilateral Action plans with Eastern European and Mediterranean countries. Furthermore, on 2nd February 2005 the Commission presented Country Reports on Georgia, Azerbaijan, Armenia, Lebanon and Egypt and decided to start negotiations with these countries in order to conclude an Action plan.

The Action plans cover a timeframe of 3 to 5 years. They contain a set of priorities and actions in the field of democratisation, rule of law and human rights. They build on differentiated approaches where each Plan is designed in cooperation with the country and according to the *‘degree of commitment to common values, as well as its will and capacity to implement agreed priorities’*². A cooperation and financial incentive is linked to the effective implementation of the Plans of a size that remains unknown.

The Euro-Mediterranean Human Rights Network (EMHRN) believes the new EU approach may have an important impact on human rights and democratisation policies in the region. It therefore launched a program to discuss the ENP, its Country reports and Action plans with its members and civil society in the region.

The EMHRN is a network of currently 84 human rights organizations and individuals based in 30 countries in the Euro-Mediterranean region. It aims at developing and strengthening partnerships between NGOs in the Euro-Mediterranean region and facilitating development of mechanisms for protecting and promoting human rights, for democratic reform, and for disseminating the values of human rights as well as increasing capacity in this regard.

A first EMHRN seminar on the ENP was held in Cairo on 26-27th January 2006. It aimed at providing NGOs’ inputs to ongoing negotiations between Egypt and the EU on an ENP Action plan, and to discuss the wider perspectives of the ENP in terms of its human rights and democracy agenda.

The seminar that was organised in cooperation with the Cairo Institute for Human Rights Studies gathered representatives of Egyptian civil society as well as civil society participants from the Euro-

¹Communication from the Commission “European Neighbourhood Policy-Strategy Paper”, 12 May 2004, COM(2004)373 final p.3

² Ibid p.8

Mediterranean region and Ukraine. EU Commission and Member States' representatives also attended the meeting.

This report provides a summary of the proceedings of the seminar as well as key recommendations of the participants regarding the ENP in general and the Egyptian Action plan. The first part of this report summarizes the fruitful and constructive debates that took place during the sessions. Following this the general conclusions and recommendations of the seminar concerning the ENP are given. Annex 1 presents detailed recommendations on the EU-Egypt Action plan elaborated by the organizers of the seminar on the basis of its conclusions. Finally, annex 2 contains an expert analysis of the ENP with focus on Egypt and recommendations meant to further stimulate debate.

The main general recommendations addressing the ENP Action plans are:

- 1- Political reform and human rights should be given highest priority in the Action plans and be based on identified and agreed common universal values;
- 2- An effective system for monitoring progress in implementing the Action plans should be set in place including precise timetables, benchmarks and specific procedures for reviewing and evaluating the Action plans;
- 3- Sub-committees on human rights should be established within the framework of all bilateral Association Agreements;
- 4- The European and South Mediterranean civil society should be involved in elaborating, reviewing and evaluating of the Action plans, i.e. they should systematically and regularly be invited to present their suggestions and reports on the progress of the implementation of the Plans. They should also be involved in the work of the human rights Sub-committees;
- 5- The EU institutions should strengthen support to democracy and human rights activists in the Arab world and push toward lifting legal and political restrictions placed on the work of civil society in the South-Mediterranean region. In this regard the EU Guidelines on Human Rights Defenders³ constitute a first step which should be implemented;

The main specific recommendations addressing the Action plan for Egypt concerns:

- The Lifting of the State of Emergency
- Combating Torture and the Status of Prisoners
- The Independence of the Judiciary
- Public freedoms (the right of association and assembly)
- Women's Rights
- Free and Fair Elections
- The Death Penalty
- Non-discrimination of disabled
- The rights of migrants and refugees
- Workers' rights
- Freedom of the Media
- Freedom of thought and belief

³ See <http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf>

Participants in the seminar asserted the importance of a civil society engaging positively with the ENP at regional and national levels. This can take place through, for example, the establishment of a civil society monitoring body of the Action plans, the presentation of parallel reports, and the holding of civil society meetings parallel to official meetings gathering Arab and European parties.

INTRODUCTION

The European Neighbourhood Policy

The European Union (EU) and Egypt aim at deepening their relations under the European Neighbourhood Policy (ENP). The ENP launched in 2003 is designed by the European Union “to prevent the emergence of new dividing lines between the enlarged EU and its neighbours and to offer them the chance to participate in various EU activities, through greater political, security, economic and cultural co-operation”⁴. “The ENP aims at increased stability, security and prosperity for the EU and its neighbours and it will build on mutual commitment to common values, including democracy, the rule of law, good governance and respect for human rights [...]”⁵

The first step was made on 9th December 2004 when the EU presented Country reports and then adopted a first set of bilateral Action plans with Eastern European and Mediterranean countries⁶. Furthermore, on 2nd March 2005 the Commission presented Country Reports on Georgia, Azerbaijan, Armenia, Lebanon and Egypt and decided to start negotiations with these countries in order to conclude an Action plan. The EU-Egyptian negotiations on the ENP Action plan started in September 2005 in Cairo. The second round was held in December 2005 in Brussels and the third round in February 2006 in Cairo. The fourth round will be held early April 2006.

The Action plans cover a timeframe from 3 to 5 years. They contain a set of priorities and actions, including in the field of democratisation, rule of law and human rights. Thus, the Egypt Action plan should include priorities such as political dialogue on democracy, rule of law, the administration of justice and human rights. Actions will also be planned concerning economic and social development, justice and home affairs, migration and people to people contacts.

Action plans are built on a differentiated approach: each Plan is designed by the EU in cooperation with the country concerned and according to the “degree of commitment to common values, as well as its will and capacity to implement agreed priorities”⁷. A financial incentive is linked to the effective implementation of each plan, but its size is still unclear.

This new approach which is supposed to be complementary to the Euro-Mediterranean Partnership (EMP) can be welcomed in so far as it might open new opportunities for the promotion of democracy, the rule of law and human rights in the Mediterranean region. However, the ENP should be constructed on the assessment of the successes and weaknesses of the EMP, in particular the implementation of human rights commitments included in the human rights clause of the Association Agreements. The ENP should not privilege the economic and security dimension to the detriment of human rights and democratisation. The forthcoming Action plan on Egypt should dedicate a significant chapter to actions regarding human rights and democratisation issues.

⁴Communication from the Commission “European Neighborhood Policy-Strategy Paper”, 12 May 2004, COM(2004)373 final p.3

⁵ Council of the European Union, External relations, Conclusions, Brussels, 13-14 Dec. 2004, p.9

⁶ Moldova, Ukraine, Morocco, Tunisia, Israel, Palestinian Authority and Jordan

⁷Communication from the Commission “European Neighborhood Policy-Strategy Paper”, 12 May 2004, COM(2004)373 final p.8

It is regretful that - contrary to what happened with Eastern European countries - some Action plans with Mediterranean partners have already been elaborated and negotiated secretly between the EU and Mediterranean governments without any consultation of civil society. Egyptian civil society has not been consulted during the current negotiations of the Action plan between the EU and the Egyptian government. This contradicts commitments to support and involve Mediterranean civil society in the democratisation process and improvement of the human rights situation.

It is essential that NGOs are properly informed, consulted and involved in the elaboration of the EU-Egypt Action plan as well as its future implementation, if it is to become a platform for the promotion of democracy, human rights and the rule of law. The principle of co-ownership stemming from the EMP should not only imply the involvement of governments but also the participation of civil society in this policy. No new development of the EU-Egypt relations can be efficiently implemented without the full and effective participation of the people to whom this policy applies.

The Organisation of the Seminar

Therefore, the Euro-Mediterranean Human Rights Network⁸ (EMHRN) in cooperation with the Cairo Institute for Human Rights Studies⁹ (CIHRS) organised a seminar on *European Neighbourhood Policy: Human Rights in EU-Egypt Relations* on 26th and 27th January 2006 in Cairo. Around 70 participants attended the seminar. They included a majority of representatives of civil society from Egypt, but also Jordan, Tunisia, Morocco, Lebanon, Palestine, Ukraine and France. The seminar was inaugurated by the Ambassador of Austria in Cairo, currently president of the EU. Representatives of the European Commission and the United Kingdom, Austrian, French, Dutch and Swedish Embassies in Egypt also attended and contributed positively to the debates. They welcomed comments and observations from the civil society representatives. However, participants regretted the absence of representatives of the Egyptian government although they were invited.

The objective of the seminar was primarily to raise awareness among NGOs on the ENP and to strengthen dialogue between Egyptian NGOs and representatives of the EU and Egyptian government on the human rights and democratisation aspects of the Action plan. It aimed at bringing together different actors dealing with the ENP and EU-Egypt relations in order to share best practices and express concerns and proposals for the Action plan on Egypt.

Four specific themes were discussed:

- The EU-Egypt relations as framed by the Euro-Mediterranean Partnership regarding democratisation and human rights issues

⁸ The EMHRN is a network of currently 84 human rights organizations and individuals based in 30 countries in the Euro-Mediterranean region. The EMHRN aims at developing and strengthening partnerships between NGOs in the Euro-Mediterranean region and facilitating development of mechanisms for protecting and promoting human rights, for democratic reform, and for disseminating the values of human rights as well as generating capacity in this regard.

⁹ The CIHRS is an independent non-governmental organization, established in 1994, working on promoting respect for values and principles of human rights and democracy in Egypt and the Arab region. It enjoys a consultative status with the United Nations Economic and Social Council and the African Commission on Human and Peoples' Rights. It is also a member in the Euro-Mediterranean Human Rights Network and the International Freedom of Expression Exchange.

- Experience of ENP Action plans concerning Central and Eastern European countries and other Mediterranean countries
- Human rights and democratisation in the negotiations of the EU-Egypt ENP Action plan
- Recommendations and monitoring by NGOs regarding the drafting and implementation of the ENP EU-Egypt Action plan

The first part of this report summarizes the fruitful and constructive debates that took place during the sessions. Then follow the general conclusions and recommendations of the seminar concerning the ENP. Annex 1 presents detailed recommendations for the EU-Egypt Action plan elaborated by the organizers of the seminar on the basis of its conclusions. Finally, annex 2 contains an expert analysis of the ENP with focus on Egypt and recommendations meant to further stimulate debate.

SUMMARY OF THE SEMINAR'S SESSIONS

The seminar was opened by Kamel Jendoubi, president of the EMHRN, who underlined the importance of sharing best practices in order to strengthen civil society work in the field of human rights. He then made a brief introduction on the ENP, its objectives and its obligations. He stressed that the ENP was an ambitious policy including its human rights dimension. However, he noted some negative aspects notably in the economic, migration and security areas. He emphasized that the “common values” based on respect of human rights and fundamental liberties need to be defined, and that it remains to be seen whether the EU will provide enough means to support its ambitions, including sustaining dialogue with civil society actors.

Then, Bahey El-Din Hassan, Director of CIHRS, took the floor and insisted on the fact that there is a general lack of consultation with civil society in EU-Egyptian relations.

The ambassador of Austria in Egypt, Dr. Kurt Spalinger, inaugurated the seminar. He said that he hoped the Action plan with Egypt would be adopted during the Austrian EU Presidency.

The first session was chaired by Hafez Abu Saeda, General Secretary of the Egyptian Organisation for Human Rights. Sandrine Grenier, EMHRN coordinator in Brussels, made a detailed PowerPoint presentation of the EMP, the ENP and the EU institutions. She focused on the relevant policies and mechanisms to promote human rights in the Euromed region such as the Barcelona Declaration, Association agreements and ENP Action plans. The presentation was followed by a debate and questions from the participants.

Dr. Mohamed El Sayed Said, Vice President of Al Ahram Centre for Political and Strategic Studies, chaired the discussion on the experience of the Euro-Mediterranean Partnership in EU-Egypt relations. This discussion was followed by Michael Davenport, Deputy Head of Mission in the British Embassy, who gave his views on the implementation of the Association Agreement. According to him, the EMP is an important framework, but needs to be complemented by more specific objectives. The dialogue between the government and civil society should be improved and formalised. Democratisation and human rights have to be priorities of the ENP. The role of civil society should be to hold governments accountable. He welcomed the deepening of the relations with NGOs in the Barcelona process, notably through the Anna Lindh Foundation. He also mentioned a future financial instrument of the EU, the Democracy Facility, which will give governments access to funds on the basis of progress shown in the field of democratisation and human rights.

Magdy Abdelhamid, Director of the Egyptian Association for Societal Development, deplored the lack of equality between the partners. He considered that the success of the relationship between the EU and its Southern neighbours depends on the instauration of a real partnership.

The afternoon session, chaired by Dr. Mohamed Abdel Salam, Director of the International Relations Unit of the Al Ahram Centre for Political and Strategic Studies, was dedicated to EU relations with Eastern European neighbours. Mrs Iryna Solonenko, European Program Manager in the International Renaissance Foundation, explained the experience with the ENP negotiations in Ukraine and developed several constructive viewpoints on the role of civil society in this process.

Firstly, she pointed out the differences between the Mediterranean countries and Eastern European countries especially with respect to the perspective of accession to the EU which has an important impact on the commitment to the ENP. She then listed certain similarities: Action plans on Ukraine, Moldova and Morocco for instance have a similar structure; negotiations are characterized by a lack of transparency and confined to an intergovernmental process, partly because of the way the EU Commission leads the negotiations. However, Ukrainian civil society has been privately consulted by officials during the negotiations and has played an important role since the conclusion of the negotiation. A very detailed road map has been adopted by the Ukrainian government in consultation with civil society in order to facilitate the implementation of the human rights and democracy commitments of the Action plan.

Mrs Solonenko made the following recommendations to the Egyptian NGOs:

- ❑ To put a stronger emphasis on developing civil society relations with the EU
- ❑ To ask for more direct funding to NGOs and better conditions for NGO action
- ❑ To draft a paper with recommendations which could be used as a basis for a roadmap to implement the Action plan efficiently
- ❑ To work on the chapter on "People to people" relations including exchange programmes of students
- ❑ To ask for a precise calendar of reform to be set by the government

During the debate it was emphasized that in Egypt the EU, contrary to the Ukrainian experience, was much more open to listen to NGOs than the government.

The next session was dedicated to experiences from other countries in the Mediterranean region. It was chaired by Dr. Fatma Khafagi from the Arab Women's League. Mrs Lina Al-Qurah, Executive director of the Sisterhood is Global Institute, presented the Jordanian experience. She noted that a Sub-committee on human rights had been established within the framework of the Association Agreement. This structure should enable the EU and the Jordanian government to engage in a systematic dialogue on human rights. The Sub-committee met for the first time in June 2005 and is so far the only Sub-committee on human rights between the EU and a Mediterranean country which met, in spite of similar agreements with Morocco and Tunisia. She highlighted the very large number of reform issues mentioned in the Action plan, but criticized the lack of consultation with NGOs in its drafting and implementation. However the EU Commission had consulted NGOs informally before the Sub-committee meeting.

Mr Khémais Ksila, General Secretary of the Tunisian League of Human Rights, added the Tunisian civil society's point of view on the experience of the EMP and the new ENP to the debate. He outlined the need to include civil society in the process and mentioned three priorities essential for NGOs in Tunisia: freedom of expression, freedom of association and the release of political detainees.

Finally, Mrs Rabéa Naciri, from the Democratic Association of Moroccan Women, gave a presentation on the implementation of the Morocco Action plan and related initiatives of civil society. She underlined that the Morocco Action plan gives high priority to human rights and democratisation issues and that it is quite detailed. The only weaker parts are those dealing with social and economic rights and women's rights. She stressed that it had been decided to establish two mechanisms for implementation: a Sub-committee on human rights within the framework of the EU-Morocco Association Agreement and a detailed national Action plan on human rights which

is an own initiative of the Moroccan government. She emphasized the importance of the Sub-committee on human rights agreed on by the EU and Morocco on 21 October 2003 but regretted that its terms of reference were not yet finalised. It seems that the main problems remaining are the issues of individual cases - as the Moroccan government does not want them to be raised by the Sub-committee - and deadlines for lifting reservations to international conventions. Also work on the specific national Action plan on human rights has not yet been initiated because priority has been given to the work of Instance on Equity and Reconciliation. She recommended Egyptian NGOs establish themselves as credible sources for proposals regarding the ENP which implies staying updated on the development of the ENP.

During the debates, participants noticed differences between the Action plans of the various countries and raised the possibility of setting up specific mechanisms with "more advanced" countries.

The second day of the seminar focused on the forthcoming EU-Egypt Action plan. Mrs Amal Abdelhady, board member of the New Women's Studies Centre, chaired the introductory session on the Action plan.

Jerome Bellion-Jourdan, expert on Domestic Affairs and Civil Society in the European Commission Delegation in Cairo, explained the negotiation process from the EU's point of view. In the first stage, the EU does not want to impose a reform plan but intends to share views with its Egyptian partner. He admitted the governmental nature of the negotiation process, but said that information from civil society is taken into consideration, especially in areas such as human rights and the fight against terrorism. He underlined the continuity and complementarities between the Association Agreement and Action plan. However, the Action plan will allow for more action than the Association Agreement which is too vague to measure progress. In his opinion, security and stability cannot be increased without fundamental civil rights being respected. He asked participants to make proposals and be involved in the implementation and monitoring of the Action plan once it is adopted.

Professor Erwan Lannon, University of Ghent and College of Europe in Belgium, commented on the ENP methodology and the differences between the countries concerned. He stressed the fact that the Action plan was not legally binding. He observed that Country reports are tools for benchmarking and monitoring. He underlined that in the Egypt Country report, the main issues are the high level of corruption and the emergency law.

Hossam Bahgat, Director of the Egyptian Initiative for Personal Rights, further discussed the potential of the ENP. He saw the Action plan as a tool for change but believed it is still too vague. He stressed that the ENP will probably have a much more limited impact on the human rights situation in Mediterranean countries than on Eastern European countries as the EU's accession incentive is missing. In his opinion, the EU needs to mobilize a good deal of creativity to achieve substantial changes in Egypt.

During the debate, participants deplored the lack of credibility of the Egyptian government's commitments to human rights and democratisation. This feeling is reinforced by the lack of transparency in the negotiations. They expressed the necessity to bring forward a clear instrument to monitor and institutionalise human rights issues in this context, for example, by arranging regular

meetings between the different actors concerned. In the same way, NGOs should monitor the financial instruments and identify clear benchmarks for the Action plan.

The references to “*shared values*”¹⁰ mentioned by the European Commission were also introduced in the debate: what are meant by these? International conventions such as the United Nations Charter and the Universal Declaration of Human Rights are included in the Barcelona Declaration and Association Agreements. However, the Action plans refer to “*values of the EU*” and to the EU Charter on Fundamental Rights. Hence, this aspect needs to be clarified.

In addition, participants asked for the possibility of reinforcing the legal status of the Action plans. In fact, Action plans are not legally binding because they are adopted through a recommendation of the Association Council. If they were adopted on the basis of a decision of the Association Council they might then gain legally binding value.

Another possibility to monitor the EU-Egypt Action plan, would be that NGOs write their own country ‘shadow reports’ and submit these to the EU and their government.

In the next session, participants concentrated on how to act for human rights and democratisation within the ENP framework and formulated recommendations for the Action plan and its follow up. The first panel, chaired by Fareed Zahran, Director of Dar El Mahrousa for Documentation, aimed at defining priorities for the EU-Egypt Action plan. The discussions took the recommendations in the press release signed by 25 Egyptian NGOs in September 2005 (the beginning of the negotiation of the Egyptian Action plan with the EU) as a starting point.

Magdy Abdelhamid, Director of the Egyptian Association for Societal Development, regretted the absence of representatives of the Egyptian government in the seminar and emphasized the need to consult with civil society within the framework of the ENP. His three main priorities for the Action Plan were: political reform; suppression of legal and administrative restriction targeting civil society; and how to face fundamentalist movements.

Nehad Abulkhomsan, Director of the Egyptian Center for Women Rights, asked for consultation mechanisms with benchmarks to be set up. She also reminded that women issues should not be forgotten among the priorities of the Action plan. Likewise, Rahma Refaat Director of the Centre for Workers and Trade Union Services, asked for specific mechanisms to be set in place especially concerning financial aid. Mr Zahran recommended to reinforce institutions and their relations with NGOs and to mobilize media on these issues.

During this part of the debate, participants proposed recommendations notably:

- ❑ The drafting of an alternative Action plan by civil society from Egypt and Europe which can then be compared to the governmental one
- ❑ To focus on priorities e.g. the independence of the judiciary
- ❑ To elaborate guidelines for the efficient implementation of the Action plan

The last panel, dealt with the follow up, networking, advocacy and monitoring in relation to the implementation of the Action plan. Mr Hesham El Bastawesy, Vice Chairperson of the Court of Cassation, chaired the session, and Dr. Gamal Abdel Gawad, expert at the Al Ahram Center for

¹⁰ Communication from the Commission “European Neighborhood Policy-Strategy Paper”, 12 May 2004, COM(2004)373 final

Political and Strategic Studies, recommended issuing a periodic report on the implementation of the Action plan, and encouraging the participation of young people. He also emphasised the need to: extend the debate on the ENP to broader civil society segments and not only NGOs, network with NGOs from other countries, elaborate a roadmap for the detailed implementation of the Action plan, issuing periodic reports on the implementation of the Action plan.

During the debate, participants put forward several recommendations notably :

- ❑ To create a Euromed civil society observatory of the ENP
- ❑ To create a Working Group on the ENP within the EMHRN in order to promote a regional approach to the ENP
- ❑ To ask the EMHRN to draft a regional report on the ENP and Mediterranean Action plans

Kamel Jendoubi, President of the EMHRN, then invited both rapporteurs of the seminar to give their preliminary conclusions on the discussion.

Professor Erwan Lannon and Moataz El Fegiery advised:

- ❑ lobbying the European parliament notably because it has the power to adopt the EU budget including MEDA and the EIDHR
- ❑ organizing civil society training seminars as confidence building measures
- ❑ developing a strategy towards the media
- ❑ regularly drafting an independent monitoring report with guidelines to implement the Action plan
- ❑ adopting a lobbying strategy towards the Euro-Mediterranean Parliamentary Assembly and the Anna Lindh Foundation
- ❑ asking for a civil society Sub-committee within the framework of the ENP
- ❑ exchanging information with NGOs of Eastern Europe and new member states
- ❑ writing a report establishing NGO priorities for the ENP

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS SUGGESTED BY THE PARTICIPANTS OF THE SEMINAR

Observations on the European Approach to Political Reform in the Arab Region

The EU has been pursuing a strategy of long-term and cautious promotion of democracy in the region while seeking to maintain stability in the short term. Instead of direct confrontation with ruling regimes, EU policies have been based on indirect support of democracy and human rights through the funding of NGOs, promoting dialogue, and economic and political partnerships with the governments.

Democracy and human rights are essential elements of the Euro-Mediterranean Association Agreements, and the MEDA program (the EU's main financial tool for supporting the implementation of the Euro-Mediterranean Partnership). Nevertheless, the Euro-Mediterranean Partnership, since the launch of the Barcelona Process, cannot be said to have improved the human rights situation in Southern countries of the Mediterranean or to have succeeded in consistently implementing human rights through regional or bilateral cooperation. Grave human rights violations have been on the increase in South-Mediterranean countries and were not properly debated within the framework of the Euro-Mediterranean Partnership.

Since the launch of the Barcelona Process, European countries have mainly been concerned with increased cooperation in the fields of security, the fight against terrorism, immigration and trade rather than with interacting on issues pertaining to democratisation and promoting respect for human rights. In this context, it should be mentioned that funds dedicated to political reform in the region have been inadequate compared to other programs on economic issues, immigration-control, security cooperation and the fight against terrorism.

EU member states' different interests and relations with Southern countries have also hindered the development of a coherent strategy to push political reforms forward within the framework of the Partnership. At the same time, the EU has throughout the past decade excluded the possibility of sanctioning states failing to respect principles of human rights and democracy. Rather, the EU favoured the use of "soft" policies and positive incentives. Although the EU on several occasions in recent years has adopted a more open diplomatic discourse on human rights issues in the Southern Mediterranean region, the use of such discourse has been selective and unbalanced. Although it adopted a very good Communication on "*Reinvigorating EU actions on Human rights and democratisation with Mediterranean partners*"¹¹ on 21st May 2003 with 10 concrete recommendations, very few measures have been taken with regard to its implementation.

¹¹ Communication from the Commission, 21st may 2003, COM(2003)294 final

Observations and General Recommendations on the European Neighbourhood Policy

The ENP is based on mutual commitment to common values including democracy, the rule of law, good governance and respect for human rights within the framework of bilateral action. Through the ENP, the EU provides its neighbours with opportunities to gain access to European internal markets. This is meant to be conditional on progress made with regard to the respect of democracy and human rights. The ENP Action plans include a number of obligations agreed by the parties within the fields of democracy, human rights, political and security cooperation, and social and economic reforms.

This new EU policy came into existence after the enlargement of the EU. The EU was thinking of how to share the benefits of the enlarged EU with new neighbours - and avoiding new dividing lines - based on developing strategic relations with South Mediterranean and Eastern European countries. This was to take place within the field of commercial and political relations, development and security, the fight against terrorism and the proliferation of weapons of mass destruction, knowledge, human resources and cultural exchange. At the same time, the post September 11 context meant that the Arab region became the focus of attention of the international community, and that international and local initiatives for political reform multiplied.

However, negotiations of Action plans between the EU and Mediterranean countries have been conducted in an atmosphere of secrecy and with the exclusion of civil society. No reference is made in the Plans to the role of civil society NGOs in monitoring their implementation.

The Ukrainian case sets an example to be followed in governmental interaction with civil society prior to and - to a greater extent - after the adoption of the Action plan. During negotiations with the EU, the Ukrainian government officials held informal consultations with civil society on human rights in the Action plan. Afterwards, they worked jointly on setting a roadmap to implement the obligations laid down in the Plan with regard to democracy and human rights.

The success of the EU's new ENP approach will be conditional upon the ability of the ENP to correct the failures of the Barcelona Process. This includes that:

1. Political reform and human rights are given priority both in theory and practice and that democracy and human rights are identified and agreed as the common universal values upon which to base cooperation. The notion of "cultural specificity" should not be used as a pretext to justify despotism and human rights violations;
2. An effective system for monitoring progress in implementing the Action plans should be set in place. It should also include a precise timetable, benchmarks and specific procedures for reviewing and evaluating the Action plans;
3. Sub-committees on human rights should be established within the framework of all bilateral Association Agreements;
4. The European and South Mediterranean civil society should be involved in elaborating, reviewing and evaluating the Action plans. This role should not be limited to governments

but should be carried out with continuous consultations with relevant NGOs working in different fields. These NGOs should systematically and regularly be invited to present their suggestions and reports on the progress of the implementation of the Plans. They should also be involved in the work of the human rights Sub-committees;

5. The EU institutions should strengthen support to democracy and human rights activists in the Arab world and push toward lifting legal and political restrictions placed on the work of civil society in the South-Mediterranean region. In this regard the EU Guidelines on Human Rights Defenders¹² constitute a first step which should be implemented;

Participants in the seminar asserted the importance of a civil society engaging positively with the ENP at regional and national levels. This can take place through, for example, the establishment of a civil society monitoring body of the Action plans, the presentation of parallel reports, and the holding of civil society meetings parallel to official meetings gathering Arab and European parties.

¹² See <http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf>

ANNEX 1

DETAILED RECOMMENDATIONS FOR THE ENP EGYPT ACTION PLAN ON REFORM AND HUMAN RIGHTS

These recommendations are based on the joint statement of 25 Egyptian NGOs issued in September 2005 that included recommendations to the EU and the Egyptian government on the Action plan, as well as recommendations addressing the UN Human Rights Committee and UN Committee Against Torture, the National Council on Human Rights, the Judges' Club and Egyptian NGOs.

I Respect of International Human Rights Standards

1. The government of Egypt is to abide by its obligations under the international human rights instruments which once ratified have national legislation status¹³. Consequently, human rights conventions and standards should be the reference, not Egyptian national legislations, in order to avoid any defect or shortcoming in these legislations compared to International Human Rights Law.
2. Egypt shall also accede to the additional protocols it has not acceded to, especially the Convention Establishing the International Criminal Court.

II State of Emergency

1. Improving the human rights status and enhancing the rule of law in Egypt is conditional on Egypt's expedient declaration of the termination of the state of emergency which has been in place for 25 years and is being renewed every three years. May 2006 is scheduled for the next renewal. The quasi-absolute powers granted by the law to the executive authority materialized in the severe restrictions of public freedoms and rights, in particular the stereotypical, unjustifiable and arbitrary administrative detention to which activists of the peaceful political opposition and civil society are subjected.
2. The state of emergency should not be replaced by an already proposed new anti-terrorism law. The Egyptian penalty law and the criminal procedures law include extremely arbitrary clauses which should be deleted¹⁴. These laws include legal provisions drafted in vague and loose phrases which the security bodies and the executive authority interpret in the manner that best serves their interests. Such provisions have also undermined the rights of the accused persons and guarantees of fair trial. It is noteworthy that according to the statement of the Ministry of the Interior to the National Council for Human rights: "*the new*

¹³ Article 151 of the Egyptian Constitution

¹⁴ Law number 97 of 1992 on combating terrorism

governmental proposal for the law to combat terrorism should be based on the emergency law powers".¹⁵

III Combating Torture

1. Amending the text of article 126 of the penalties law in consistency with the text of article (1) of the International Convention against Torture ratified by Egypt in 1986. This Convention defines torture as the infliction of physical or mental pain, not necessarily to obtain a confession only, as is the case in the Egyptian law.
2. Amending the texts of articles 129 & 280 of the penalties law to toughening the punishment on committing the crime of torture.
3. Amending the texts of articles 232 & 63 of the law of criminal procedures to recognize the right of the citizen to direct prosecution against any civil servant or clerk, in crimes of torture and assault on private freedom or inviolability of private life. Since this falls within the powers of the Prosecutor General solely, those who committed the crime of torture are unable to be held accountable.
4. Amending the criminal procedures law so as to give each accused person the right to seek a lawyer during interrogation in police stations.
5. Ratifying the two declarations referred to in articles (21) & (22) in the International Convention against Torture, by virtue of which, the UNCAT enjoys the right to decide on the complaints filed by states and individuals with respect to Egypt's violations to its obligations set forth in the Convention.
6. Ratifying the additional protocol to the International Convention against Torture on allowing visiting and inspection of detention places.
7. Accepting the demand of the special rapporteur at the UN to visit Egypt. No response has been given to the demand since 1996.
8. Ensuring the destruction of any equipment or devices that can be used for the purpose of torture or abuse in places of detention and arrest as well as in prisons.
9. The Ministry of the Interior and the Prosecutor General should make an official declaration determining the time span in which each of them is obliged to respond to general complaints of torture and endangering the right to live.
10. The Government should make an official declaration in which it undertakes to prohibit the detention of individuals in places not designated by law for the purpose of detention.

¹⁵ The National Council for Human Rights, the Annual Report 2004-2005, Cairo, p. 236

11. The Prosecutor General should publish a white paper in which he explains in detail the responses to and the actions taken regarding thousands of complaints on torture, within the past 15 years, in particular, the cases of death caused by torture.

IV Status of Prisoners and Detainees

1. Amending law 396 of 1965 and the executive regulations concerning prisons in accordance with international instruments on human rights and rules of minimal standards of the treatment of prisoners.
2. Applying the system which sets forth that there must be a judge to supervise the execution of punishments which deprive people of freedom. This judge shall be entrusted to oversee the execution of the sentence and how far it is in compliance with the laws and regulations, and the principles of the minimal standards of the treatment of prisoners. He shall also ensure that the sentence has achieved its objective of rehabilitating the prisoners. In doing so, the judge shall constantly follow up on the developments of rehabilitation programs and review the complaints and reports on the status of prisons and prisoners.
3. Investigating immediately the information given by organizations and individuals on assaults against detainees inside prisons and other places of detention.
4. Activating the role of the prosecution with respect to the regular inspection of prisons, and the expansion of such a role to include the places where people are detained, on top of which come the headquarters of the State Security Police, security directorates in Cairo and other governorates, and police stations, as well as places of detention defined by a ministerial decree issued by the Minister of the Interior. The power to inspect covers all members of the prosecution, and is not confined to chief prosecutors and chairmen of courts, who are limited in number. This shall only effectively be enforced when the independence of the public prosecution is ensured.
5. Revoking the power the President enjoys with respect to the construction of special prisons and decisions as to who to imprison therein, the way the prisoners are treated, and the conditions of releasing them.
6. Revoking the authority the Minister of the Interior enjoys in terms of defining certain places where detainees or arrestees shall be kept.
7. Enforcing the measures stipulated in the criminal procedures law on the prohibition of having any sort of communication between people from the general authority – save for the prison's administration – and the prisoners, detainees or those under preventive custody. The punishment, in case the prison's chief does otherwise, shall be toughened.
8. Giving permission to human rights organizations to visit prisons and places of detention to investigate them as well as the prisoners and the detainees.

9. Ensuring full commitment to the opening of prisons with no exception to the relatives of the prisoners and their lawyers when they visit, as well as extending the time designated for visits, and improving the conditions, under which such visits take place.

V Preventive Custody

1. Establishing strict controls over the justifications of preventive custody to minimize the incidents of leniency or exaggeration when issuing such judgments. It shall be explicitly stipulated in the law of criminal procedures that no order of preventive custody or renewal thereof shall be made unless it is clear that other preventive measures were improper.
2. Giving the reasons and the justifications for the preventive custody, and narrowing the scope of crimes to which preventive custody may be applied.
3. Ensuring that accused persons who are under preventive custody and who are proven innocent by final judgment enjoy the right to claim indemnity.
4. Ensuring the possibility of challenging the order of preventive custody in front of a higher judicial authority.

VI Justice and Judiciary Independence

1. Abolishing the referral of civilians to martial courts, and amending the law on martial courts number 25 of 1966 to make the jurisdiction of such courts restricted to the trial of military officers accused of committing martial crimes and crimes committed within military units and barracks only.
2. Eliminating the State security emergency courts which are constituted by presidential decree according to the emergency law, since such are deemed extraordinary courts. The judgements of such courts can be challenged only if the president repeals the judgments and calls for a retrial of the accused. Its verdicts must receive the ratification of the President of the Republic before they are put in effect.
3. Eliminating the remaining extraordinary courts, such as the court of values, set forth in law number 95 of 1980 on protecting the values from shame. The elimination of the Socialist Public Prosecutor, which the political Parties Court stipulated in the text of law number 40 of 1977, and deeming the natural judiciary satisfactory.
4. Promulgating a new law on the judicial authority, to be consistent with the international standards on the independence of judiciary authority, particularly, the main principles adopted by the UN in 1985, in a manner that the new legislation ensures the full independence of the judiciary from the executive authority, as well as the financial and administrative independence of the judicial authority and the judges. This shall also ensure that judges enjoy the freedom to establish organizations representing their professional interests and protecting their judicial independence.

5. Ensuring the independence of the Prosecution General and nullifying the text providing that the prosecution General shall be affiliated to the Ministry of Justice.
6. Amending law number 79 of 1958 on bringing ministers to trial, so that the court shall be composed of explicit judicial members, without the participation of any political elements from outside the judiciary.

VII Right to Associate

All related legislations should be adapted to ensure freedom of association in accordance with international standards. Without the elimination of the legal, administrative and security constraints limiting that right, the political reform will just be rhetoric.

1. The Right to Associate and to Establish NGOs.

- a. Confining the definition of the operation of civil society NGO's to not just those registered in accordance with the law on NGOs, until a new law is promulgated to regulate the operation of NGOs according to international standards. Moreover, the restriction in dealings therewith to the civil society registered NGOs under this law constitutes a breach of all norms and customs applicable in UN bodies with NGO's
- b. Promulgating a new legislation to replace law number 84 of 2004, since it constitutes a hindrance to the operation of NGOs. This law stipulates that the establishment of associations shall be conditional on the approval of the government, and it grants great powers and authorities to the executive and security bodies to flagrantly interfere in the activities, terms of references, structure of the board of directors and the financial affairs of the NGOs.

2. Political Parties

- a. Repeal of law number 40 of 1977 which makes the right to political participation and the formation of parties practically groundless. By virtue of this law, the formation of approximately 60 parties has been disapproved, and another number of parties have been frozen. Moreover, the current legislation is responsible for facilitating conflicts within the parties, of which al Wafd and Al-Ghad can be mentioned.
- b. Promulgation of a new law that ensures freedom to form political parties under the oversight of natural judiciary according to the provisions of the constitution. Parties are established by notification. Besides that the Political Parties Committee formed by the previous mentioned law should be dissolved as constituting an obstacle to the parties' life. Such a committee enjoys the power to approve or disapprove the establishment of any party. Most of the members of this committee are affiliates to the ruling party, thus making the party the opponent and judge at the same time. Also by considering the policies of this committee, it would be evident that it is merely a committee to disapprove of or reject the establishment of new parties.

3. The Right to Peaceful Assembly

The law on gathering number 10 of 1914 and law number 14 of 1923 should cease to be applicable, and a new law to protect the right to demonstration and peaceful gathering should be promulgated according to the international standards, and without the custodianship of the security bodies.

4. Professional Trade Unions

The abrogation of law number 100 of 1993, known as "*guarantees to the democracy of trade unions organizations*", and the application of the right of each trade union to set up the law organizing its activities, since the said law impairs the functioning of the trade unions. Moreover, the elections within the trade unions should be conducted in a democratic transparent manner, as no elections have been run since 1990, with a view to removing them from the frozen state they have been in for many years. The aforementioned law cancelled the dates previously specified in the laws of trade unions concerning regular elections.

5. Rights of Workers

- a. The abrogation of the Law on Trade Unions number 35 of 1976, since it imposes several legislative constraints on the freedom of trade unions and the rights of workers to form their unions. The trade unions should be able to exercise their right to draft their bylaws, set up their systems, freely elect their representatives, independently run their management and activities, and ensure their rights to establish and join federations
- b. Effecting amendments to the unified labour law number 12 of 2003; thus striking a balance between the interests of workers and employers, and protecting the right of farmers to strike, as specified in the international conventions on labour rights.

6. Independence of Universities and Student Unions

- a. The amendment of students' regulations regulating students' activities in public universities, issued in 1979, thus protecting against interference from the university administration and security in the activities undertaken by the students, and the elections of student unions.
- b. Ensuring the respect for academic and intellectual freedom of scholars while teaching and conducting scientific research.
- c. The amendment of the law regulating universities in order to ensure their independence from the executive authority and security bodies.

VIII Freedoms of the Media

1. The abolition of the penalty of detention in publishing crimes, as President Mubarak promised in February 2004. Imposing a fine and setting up a ceiling for such would be

sufficient. It must be ensured that the legislative amendments related to the abolition of the punishment of detention in publishing crimes shall be applicable to all laws relevant to expression, and publishing, such as the law of penalties, law of publications, law of press and journalism, law of state documents, law of civil servants, law on parties, law of intelligence, and the prohibition of publishing any news on the army and military judgments.

2. Adopting a legal mechanism to criminalize and hold accountable the concealing of information from journalists by any governmental or public agency, and prohibiting the imposition of any constraints against the freedom of flow of information.
3. Adopting the legislations required to ensure the right to issue private newspapers and own TV channels and radio stations, according to the international standards governing the freedom of opinion and expression.
4. Restructuring the state-owned media institutions to ensure that their administrations are independent from the executive authority while setting strict legal controls to ensure the neutrality of such institutions and ensure that they represent all classes and political, religious, and intellectual rostra of society.

IX The Elections

The violations experienced in the last parliamentary elections in Egypt which have been documented by Egyptian and international human rights organizations, showed that the Egyptian government should work on the following:

1. Effecting amendments to the legal framework governing the electoral process, and pursuing policies which ensure the fairness and freedom of elections in compliance with the international standards recognized in this domain.
2. Election lists are one of the key reasons behind the minimal turnover, because they have not been refined and updated for many years. Such lists include names of deceased candidates or repeated names. It has been proven that keeping the lists the way they are creates a wide space for manipulation and rigging, according to testimony of the organizations which monitored the last elections. Therefore, it is necessary to refine the lists which already exist, and finalize the Identity Documents project, besides giving the right to vote to those bearing the Identity Documents. This is to be accompanied by introducing technology in preparing the voters lists.
3. Seeking the experience of the UN and the EU in reorganizing and training the technical bodies in charge of observing the different phases of the election process.
4. Ensuring the full judicial oversight of the elections, starting from preparing the lists, and ending with declaring the results. Only panel judges should be entrusted with observing the voting process.
5. Giving more powers to the judges overseeing the polling stations, so that they cover what happens outside these stations. Judges also should be given the authority to halt the voting

process if cases of the prevention of people from voting are proven, and they should take expedient action in this regard.

6. Forming general and sub committees and selecting the judges to oversee the elections and the tellers from a standing judicial committee composed of the most senior vice chairmen of the court of cassation, the oldest members of the judges club, and the oldest deputies in the supreme administrative court. The committee shall have the terms of reference to appoint the judges (permanent or substitute), and decide on what could be considered as unacceptable conduct at the elections, both in terms of voting, and vote counting which are monitored by the judges.
7. Providing for the possibility of directly filing a law suit against public clerks who commit crimes during the course of the electoral process or related thereto with a view to influencing the integrity of the elections, and providing for the elimination of the non-prescription of criminal and civil cases with regard to these crimes.
8. Legalizing monitoring by the civil society in Egypt and the international community of the different phases of the electoral process, including accessing the polling stations and vote counting stations without any obstacles.
9. Explicitly providing in the election laws for organizing the performance of the state-owned audio, visual and printed media during the elections, in a manner consistent with a competitive political environment and based on impartiality and equal opportunity. This must be accompanied by an emphasis on the binding sense of these texts.

X Execution

1. Freezing the enforcement of capital sentences as a first step towards abolishing the punishment in principle.
2. Limiting the crimes which are sentenced to the capital sentence to those of grave legal consequences, according to the International Covenant on Civil and Political Rights ratified by Egypt, and the recommendations to the Commission on Human Rights of the government of Egypt in 1993.
3. Ensuring that all those who have been judged with a capital sentence from criminal courts enjoy the right to have their cases fully reconsidered before a higher court.

XI Women's Rights

1. Taking the measures and actions appropriate to eliminate discrimination against women. The Government shall eliminate its reservations to the International Convention against all Forms of Discrimination against Women (articles 2 &16) and acceding to the additional protocols thereto on filing complaints.

2. Protecting women from all forms of physical, psychological and sexual violence, and enacting legislations which explicitly criminalize domestic violence.
3. Allocating financial resources from the State's budget to activities related to the elimination of violence against women, and coarsening penalties in the crimes classified as violence against women, such as beating and forced abortion.
4. Annuling, from the penalties law and the unified labour law, any legal texts which discriminate between men and women in a manner inconsistent with the international standards of the rights of women.
5. Effecting amendments to the personal status law in a way that ensures the rights of women regarding the procedures of marriage, divorce, custody, gender equality, and finding practical solutions to the problems encountered by the family court.
6. Enforcing law number 154 of 2004 which grants the right to obtain Egyptian nationality to the children of an Egyptian mother married to a non-Egyptian, and stipulates an expedient decision on the cases filed to obtain the nationality for those who were born from an Egyptian mother and non Egyptian father before the date of enforcement of this law. By virtue of this law, such cases shall not be conditional on the approval of the Ministry of the Interior, since there are still many other requests met with disapproval, especially from the children of Egyptian mothers and Palestinian fathers.
7. Stressing the importance of designating seats for women in the elected councils, as a must in the light of women's current political participation, and a means to fulfil the needs of increasing such participation.

XII Discrimination

Taking all actions necessary to ensure putting an end to all forms of discrimination on the base of religion, sex, colour, race, language, or any other base.

XIII Freedom of Thought and Belief

1. Respecting the obligations of the government of Egypt under the international law concerning the promotion of and respect for the rights of citizens to the freedom of religion and belief, and the freedom of thinking as well as artistic and literary creativity.
2. Amending article 98 of the penalties law on the "*contempt against religions*" which is drafted in a very vague and loose manner, thus giving space for this article to be used in a way limiting the freedom to religion and belief.
3. Removing all legislative and non-legislative constraints to the right of building houses of worship.

XIV Children's Rights

1. Developing children's rights in accordance with the International Convention on Children's Rights.
2. Taking all measures necessary to ensure the elimination of the phenomenon of street children and implementing the mechanisms of monitoring to minimize this.

XV Rights of the Disabled

Stipulating for the protection of the rights of the disabled and the elimination of all forms of discrimination against them in the public and private domain, this is to be made in accordance with the international conventions.

XVI Rights of Migrants and Refugees

1. Enacting, as soon as possible, a legislation legalizing the status of refugees in Egypt. Notwithstanding the ratification by the Egyptian government of the International Convention on Refugees in 1981, no special legislation has been drafted in that respect.
2. In addition, the government of Egypt should withdraw all its reservations on the clauses of the Convention, in particular the reservations on the right to have access to primary education, and on legitimizing work and social security for the refugees.

XVII Establishment of a Joint Sub-Committee on Human Rights

It is necessary to establish a joint EU-Egypt Sub-committee in charge of following up the human rights file. Such a committee should regularly and systematically consult representatives of human rights non-governmental organizations in Egypt and Europe before its meetings and organize debriefing sessions afterwards. The committee shall also be open to receive all memoranda and proposals from these representatives and officially respond thereto.

XVIII Monitoring the Implementation of the Action plan

The success in the compliance with the standards and obligations to be incorporated in the Action plan is bound to the existence of an effective follow up and monitoring system, and specific criteria measuring the progress made by the government in terms of its fulfilment of the commitments in the plan. It is of great importance to involve the civil society in monitoring the implementation of the plan. This is to be achieved by conducting arduous consultations among such organizations, and giving them the chance to make proposals and submit reports on the evaluation of the progress made in the implementation of the obligations specified in the future plan. A precise calendar and deadlines for the

implementation of the Action plan actions as well as an evaluation mechanism should be established.

ANNEX 2

CONTRIBUTION OF PROF. DR. ERWAN LANNON GHENT UNIVERSITY – COLLEGE OF EUROPE¹⁶

Egypt and the European Neighbourhood Policy (ENP)

The "Democracy, Rule of Law, Human Rights and Fundamental Freedoms" dimensions

Introduction: Some key elements regarding the main characteristics, nature and methodology of the European Neighbourhood Policy

The ENP "conditionalities"

The ENP methodology is partly based on the pre-accession strategy but there is no "accession incentive or "carrot" for the Mediterranean Partners, including Egypt¹⁷.

The main incentive is therefore perceived differently by the Mediterranean Partner countries compared to Ukraine, Moldova, Belarus and even the Southern Caucasus countries. For the non-European neighbours i.e. the Mediterranean partners:

- i) there is no accession perspective;
- ii) the carrot is limited to a potential stake in the "internal market" (that is not clearly defined) and financial and technical aid;
- iii) sanctions are theoretically possible under the "essential element clauses" of bilateral agreements.

Moreover there is a strong differentiation among the Mediterranean Partners themselves. Some are more attracted by the ENP given their level of trade with the EU, their historical or (geo-)political proximity. Indeed, some partners like Tunisia, Morocco or Israel can benefit much more from this proximity policy given the fact that they implemented their Euro-Mediterranean Association Agreements before the Arab Mashrek countries (including Egypt) and given their dependence *vis à vis* the European Internal Market (which is not the case of Egypt).

The incentives for Egypt to *implement* the ENP are therefore, at first take, less attractive. Moreover, the implementation of the ENP means a reinforcement of unilateral instruments (Country and Regular Reports of the Commission for example) and this is a second element of importance to take into account as the Euro-Mediterranean Partnership is currently based on three dimensions:

¹⁶ The views expressed in this annex are those of the author writing in a personal capacity and do not necessarily reflect those of the EMHRN or any other institution with which the author is associated.

¹⁷ The only exception being Turkey (Turkey is a candidate country, a Partner of the EMP but is excluded from the ENP framework).

- i) The unilateral dimension: The MEDA regulation on which the financial, technical and economic cooperation of the EMP is based is a pure "autonomous Regulation" adopted by the Council of Ministers of the EU;
- ii) The bilateral dimension: the Euro-Mediterranean Association Agreements together with a number of technical instruments (National Indicative Programmes...) are of bilateral nature;
- iii) The multilateral dimension: The multilateral track of the Barcelona process (Foreign Affairs Ministers meetings, sectoral Ministers meetings, Euro-Mediterranean Parliamentary Assembly, the Euromed Civil Fora etc.)

The ENP is based on two dimensions¹⁸:

- i) The unilateral dimension: Communications of the Commission, Country reports and the European Neighbourhood Partnership Instrument (ENPI);
- ii) The bilateral dimension: Action plans that are:
 - elaborated on the basis of a Country report drafted unilaterally by the Commission and the High Representative for CFSP (for security aspects);
 - a first draft is adopted unilaterally by the Council of Ministers and then forwarded to the Association Council;
 - The Association Council adopts, via a **recommendation** (and not via a decision of the Association Council), the Action plan. Therefore, according to the Jurisprudence of the Court of Justice the Action plans are not legally binding. Moreover the input of the Partner is limited.

I. How are the "Democracy, rule of law, Human rights and fundamental freedoms" issues tackled within the framework of the main Communications of the European Commission on the ENP?

A. The Communication of March 2003 "Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours"¹⁹

The first mention of "democracy, respect for human rights and the rule of law" within the document is actually a footnote defining the notion of "shared values". The Commission mentioned the December 2002 Copenhagen European Council where the Heads of State or Government "*confirmed that the Union should take the opportunity offered by enlargement to enhance relations with its neighbours on the basis of shared values*"²⁰. The Commission interprets the notion of "shared values" in the above mentioned footnote as being "*Notably democracy, respect for human rights and the rule of law, as set out within the EU in the Charter of Fundamental Rights*"²¹. This Charter is common to the 25 Member States and must be taken into account in the pre-accession process.

¹⁸ One must stress that the ENP is supposed to be complementary to the EMP and therefore will use the Euromed Association agreements as well as the regional structures of the EMP for the implementation of the ENP objectives.

¹⁹ European Commission Communication " Wider Europe— Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours", Brussels, 11.3.2003, COM(2003) 104 final.

²⁰ This citation is not totally correct as point 22 of the Presidency conclusions refers to « shared political and economic values». See the presidency conclusions of the Copenhagen European Council 12-13 December 2002, 29/1/2003 Nr: 15917/02.

http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/73842.pdf

²¹ Footnote 2 page 4.

On page 5 there is a reference to the Copenhagen criteria as constitutionalised by Article 49 of the Treaty on European Union. Here again Mediterranean Partners are not to be taken into account (with the exception of Turkey).

On page 7 the European Commission states that “*Democracy, pluralism, respect for human rights, civil liberties, the rule of law and core labour standards are all essential prerequisites for political stability, as well as for peaceful and sustained social and economic development. Nearly all countries of the Mediterranean, the WNIS and Russia have a history of autocratic and non-democratic governance and poor records in protecting human rights and freedom of the individual. Generally, the countries of the WNIS and Russia have taken steps towards establishing democracy and market institutions over the past 12 years. Yet political reform in the majority of the countries of the Mediterranean has not progressed as quickly as desired*”. One of the main problems here is again a mix of different sources of Law but also of very different situations. How can we compare the situation of Israel with that of Belarus?

To add to the confusion there is also a clear link made between the “Greater EU Political Involvement in conflict Prevention and crisis management”: “*Shared values, strong democratic institutions and a common understanding of the need to institutionalise respect for human rights will open the way for closer and more open dialogue on the Union’s Common Foreign and Security Policy (CFSP) and the development of the European Security and Defence Policy (ESDP). A shared neighbourhood implies burden-sharing and joint responsibility for addressing the threats to stability created by conflict and insecurity*”²². This might generate problems with some Mediterranean Partners.

An important element, for the involvement of the civil society, is mentioned within a section entitled “Greater efforts to promote human rights, further cultural cooperation and enhance mutual understanding”: “*Shared values and mutual understanding provide the foundations for, inter alia, deeper political relations, enhanced cooperation on justice and security issues, environmental improvement and governance. (...) The EU should contribute to the development of a flourishing civil society to promote basic liberties such as freedom of expression and association. Exchanges on a regional level regarding governance and human rights training issues have proven beneficial and should be explored further. In the Mediterranean, work could take place under the auspices of the Euro-Mediterranean Foundation*”²³. This point has been taken into account for the recommendations.

A final point is to be highlighted: “*The setting of clear and public objectives and benchmarks spelling out the actions the EU expects of its partners is a means to ensure a consistent and credible approach between countries. Benchmarks also offer greater predictability and certainty for the partner countries than traditional ‘conditionality’. Political and economic benchmarks could be used to evaluate progress in key areas of reform and against agreed targets. Beyond the regulatory and administrative aspects directly linked to market integration, key benchmarks should include the ratification and implementation of international commitments which demonstrate respect for shared values, in particular the values codified in the UN Human Rights Declaration, the OSCE and Council of Europe standards. Wherever possible, these benchmarks should be developed in close cooperation with the partner countries themselves, in order to ensure national ownership and*

²² p. 12.

²³ pp. 13-14.

commitment"²⁴. We can witness here a clear evolution in the conditionality approach, the problem is that it is, of course, difficult to develop benchmarks in close cooperation with the partner countries. Furthermore as already mentioned, the Action plans are also not legally binding. Therefore the effectiveness of this system without the "pre-accession carrot" seems doubtful for countries such as Egypt. Finally we should stress that the Mediterranean Partners (with the exception of Turkey) are neither members of the OSCE, nor of the Council of Europe²⁵.

B. The Strategy Paper²⁶

This Communication is more precise and detailed compared to the first one. This time, the Commission refers to "common values" (of the Member States) which should "effectively" be "shared" by the Partners: *"the privileged relationship with neighbours will build on mutual commitment to common values principally within the fields of the rule of law, good governance, the respect for human rights, including minority rights, the promotion of good neighbourly relations, and the principles of market economy and sustainable development. Commitments will also be sought to certain essential aspects of the EU's external action, including, in particular, the fight against terrorism and the proliferation of weapons of mass destruction, as well as abidance by international law and efforts to achieve conflict resolution"* (...) *"The level of ambition of the EU's relationships with its neighbours will take into account the extent to which these values are effectively shared"*²⁷. It is also important to underline the mention of "minority rights" because this issue was neither mentioned in the Barcelona Declaration nor in the Euro-Mediterranean Association Agreements.

Regarding the inclusion of Armenia, Azerbaijan and Georgia in the European Neighbourhood Policy, the Commission stresses that *"the EU wishes to see reinforced, credible and sustained commitment towards democracy, the rule of law, respect for human rights, and progress towards the development of a market economy"*²⁸. Here there is no reference to "pluralism", "civil liberties", or to the "core labour standards". Are we facing a multiple standard approach? Well if differentiation is clearly one of the core elements of the ENP, one should not forget that differentiation might lead to discrimination.

In the section devoted to "Action plans - Commitment to shared values" it is said that *"The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights. These values are common to the Member States in a society of pluralism, tolerance, justice, solidarity and non-discrimination"*. Here again "Common values" is used in a proper manner (i.e "values common to the Member States"). The Commission then stresses that *"the Union's neighbours have pledged adherence to fundamental human rights and freedoms, through their adherence to a number of multilateral treaties as well as through their bilateral agreements with the EU"*. One can regret here that the importance of the Euro-Mediterranean Agreements and more especially the "essential element" clause is not sufficiently highlighted.

²⁴ P. 16.

²⁵ See "European Parliament Resolution on the European Neighbourhood Policy", Provisional edition A 6 0399/2005, 19 January 2006, Strasbourg, points 38-43

²⁶ Communication from the European Commission "European Neighbourhood Policy – Strategy Paper", 12 May 2004

²⁷ p. 3.

²⁸ p. 10.

Afterwards there is a problem in the same paragraph when the Commission mentions that: “*Signatories to the Barcelona declaration have accepted inter alia a declaration of principles to act in accordance with the United Nations Charter and the Universal Declaration of Human Rights, and to develop the rule of law and democracy in their political systems, respect human rights and fundamental freedoms and guarantee the effective legitimate exercise of such rights and freedoms*”. First of all the Barcelona Declaration was not signed. Second, it is a political Declaration of intent having no legal binding force as such. If the Barcelona Declaration can be considered as a reference tool, notably for the main objectives of the EMP, this "soft law" approach seems inappropriate in the field of Human Rights. That is the reason why the emphasis should be on contractual agreements as far as Human Rights conditionality is concerned. The values mentioned in the essential element clauses of the Euromed Agreements are effectively shared within a legally binding contractual framework and must be, in principle, enforced.

Then the Commission emphasises that “*the Action Plans will contain a number of priorities intended to strengthen commitment to these values. These include strengthening democracy and the rule of law, the reform of the judiciary and the fight against corruption and organised crime; respect of human rights and fundamental freedoms, including freedom of media and expression, rights of minorities and children, gender equality, trade union rights and other core labour standards, and fight against the practice of torture and prevention of ill-treatment; support for the development of civil society; and co-operation with the International Criminal Court. Commitments will also be sought to certain essential aspects of the EU’s external action, including, in particular, the fight against terrorism and the proliferation of weapons of mass destruction, as well as abidance by international law and efforts to achieve conflict resolution*”²⁹. Thanks to the annex on the “Key International Conventions: State of ratification” this accumulation of different duties, freedoms and rights has been identified more precisely:

- Page 31 United Nations Core Human Rights Conventions;
 - Page 32 Fundamental ILO Conventions on Core Labour Standards;
 - Page 33 Council of Europe “Core” Conventions on Human Rights;
 - Page 34 Rome Statute of International Criminal Court;
- UN Framework Convention on Climate Change;
Barcelona Convention for protection of the marine environment and the coastal region of the Mediterranean;

The mention of the Barcelona convention and the Convention on Climate Change together with human rights conventions is, in our opinion, not very appropriate in terms of the priorities of the incentives.

II. The Country Reports: a basis for negotiating and benchmarking the Action plans

The relevance of the Country report on Egypt³⁰ in terms of criteria and benchmarking is obvious. One chapter is relevant for the analysis: chapter "2. Political issues"³¹.

The chapter is subdivided into 5 sections:

2.1. Democracy and the rule of law;

²⁹ p. 13.

³⁰ SEC(2005) 287/3, COMMISSION STAFF WORKING PAPER, *Annex to* :“European Neighbourhood Policy” Country Report Egypt, {COM(2005) 72 final}

³¹ pp. 4-9.

- 2.2. Human rights and fundamental freedoms;
- 2.3. Foreign Relations - general;
- 2.4. Territorial disputes and other conflicts;
- 2.5. Justice and Home Affairs;

We will only take into account the first 2 items but the others should not be forgotten. Compared to draft Action plans for Morocco or Jordan the length of developments and the structure devoted to the political issues is rather similar but the content differs.

Democracy and the rule of law

After a description of the main aspects of the institutional, constitutional and political system of Egypt³² the Commission highlights a number of problems but also improvements. One can identify three main issues for the present analysis:

- i) The issue of legal **political opposition**. In this regard the Commission mentions that "*Legal opposition parties are rather weak, both financially and politically*";
- ii) The issue of the "**State of Emergency**" is mentioned several times. The Commission stresses for example that "*Military courts try cases involving armed forces, but during a state of emergency the President may transfer crimes – even political ones - to these courts. A state of emergency has been in place since 1981 and such case transfers have happened in past years. The decisions of military courts are not subject to review by the Court of Cassation*";
- iii) **Corruption**: "*In 2004 Transparency International's Corruption Perception Index ranked the country at the 77th place which indicates that there is a high perceived level of corruption. Egypt has not yet signed the 2003 African Union Convention on the prevention and combating of corruption and has signed but not yet ratified the UN Convention against Transnational organized Crime. The UN Convention against Corruption was ratified by the Parliament in November 2004. Egypt is not a signatory of the 1997 OECD Convention on Combating Bribery*".

The strategy followed is clear as there will be evaluations every 3/5 years of the progress achieved by the partners and tables listing the signed and ratified international conventions will be provided in order to compare progress achieved by the different partners. This is an incentive in itself.

Human rights and fundamental freedoms

In this section the issue of the **Emergency law** is raised again:

- "*a major obstacle to the full enjoyment of human rights and fundamental freedoms is the implementation of the **Emergency Law** (continuously applied since 1981). The State of Emergency allows for arbitrary arrests, detention without trial and restrictions on freedom of assembly. Court rulings under the Emergency Law often circumvent constitutional and international safeguards such as the guarantee of a fair and impartial trial*".
- *Administrative **detention** is provided for under the Emergency Law;*
- *The **Freedom of opinion, expression**, restricted under the State of Emergency"* (p. 7).

In other words the **Emergency Law** is a common denominator of a number of issues mentioned by the Commission in the country report.

³² pp. 5-6.

3 other major issues are also mentioned by the Commission:

i) **freedom of belief** (p. 8);

ii) freedom of **association and assembly** (p. 8);

iii) "*Civil Society organisations perform important tasks, especially with respect to the provision of social services. The number of non governmental organizations (NGOs) in the country is estimated at 16,000. In general NGOs, including human rights NGOs, have a limited operational capacity*" (p. 8).

A specific section is then devoted to **socio-economic rights**:

- "*Egypt has ratified all ILO Conventions on core labour standards (forced labour, freedom of association, collective bargaining, child labour, discrimination). The right to create a **trade union** is enshrined in the Constitution*"; but "*The 1993 Professional Syndicates Law is contested by the opposition since it foresees stringent measures for holding elections within professional organizations. All trade unions are required to belong to the Egyptian Trade Union Federation (EUTF) which, according to the ILO, infringes on freedom of association*"³³.

There is also a specific paragraph devoted to **torture**. Here the European Commission says that: "*Torture is (...) often cited by human rights organisations at international and national level as being widespread and the biggest single violation of human rights in Egypt*". But "*the existence of individual misbehaviour by security forces has been recognised by the Egyptian government and during 2002 the Government expanded efforts to hold public officers accountable for torture. In addition to prosecutions of officers involved in cases of torture and abuse of detainees, civil courts continued to review cases and awarded compensation to victims of police abuse. Within the Public Prosecutor's Office, a Human Rights Unit has recently been created*".

These are good examples illustrating that the Commission generally works as follows within a pre-established precise framework (different chapters and sections relatively similar from one country report to another):

i) Description of the legal, political, constitutional context;

ii) mention of the main problems, the main issues at stake;

iii) mention of improvements, or best practices to be taken into account.

The aim of this third point is to generate positive competition between partners.

All in all this EU Egypt country report is, in the field of human rights, nevertheless quite tough compared to the Moroccan or Jordanian country reports and must, in fact, be compared to the Tunisian Country Report.

III. What can we expect from the future EU-Egypt Action plan?

In every Action plan there is a section devoted to "priorities for Action". Thus one can expect to find a paragraph devoted to a reinforced political dialogue and human rights in the future EU-Egypt Action plan.

In the Jordan Action plan the formula is the following:

³³ p. 8.

"Take forward a national dialogue on democracy and political life within the framework of the national political development plan is the first priority for action".

In the Tunisian Action plan the wordings are different:

"La poursuite et la consolidation des réformes garantissant la démocratie et Etat de droit".

According to the content of the Egypt Country report, the Egyptian Action plan (still to be adopted) should include, as a priority area for cooperation, a mention of the political dialogue on democracy, the political and *judiciary reforms* and the protection of human rights. A similar sentence to the Tunisian Action plan can be expected.

Then there will be two or three sections devoted to listing actions of interest for this paper:

A. Democracy and rule of law

Here we can expect a reinforcement of the political dialogue on human rights, promotion of the participation of the civil society as well as elements regarding the reform of the judiciary (mentioned in the country report).

The role and participation of the civil society should normally be a priority both in the field of democracy and rule of law as well as regarding human rights and fundamental freedoms but as mentioned in the country report: *"human rights NGOs, have a limited operational capacity"*. Therefore what is more at stake here is the effective implementation of the Action plan and the adoption of effective incentives to allow NGOs to operate freely and more efficiently.

B. Human rights and fundamental freedoms

As in other Action plans the Commission should propose:

- i) a strategy aimed at the promotion of the accession of (or ratification by) Egypt to a number of conventions, protocols etc...;
- ii) the development of a dialogue with the Egyptian civil society (in this regard a detailed concrete Action plan should be welcomed);

The impact of the emergency law regarding freedom of press and association will certainly be mentioned but how?

C. Socio economic rights

The Action plans with the Maghreb countries but also with Jordan contain a real novelty compared to the EMP framework: the socio-economic dimension is much more developed. Therefore we can expect references to ILO conventions and an emphasis on women and children³⁴.

³⁴ In the Jordanian Action plan there is for example a point (7) *Promotion of fundamental social rights and core labour standards: Short term*– Develop a dialogue on the fundamental social rights and labour rules to identify potential measures in this field.

Medium Term

- Implement the relevant International Labour Conventions to which Jordan is party.
- Ensure adherence and effective implementation of relevant Jordan's commitments to the core labour standards contained in the 1998 ILO Declaration on Fundamental Principles and Rights at Work and related core ILO Conventions.

At the end the Action plan is a non legally binding document not well perceived by some partner countries given the fact that the Action plans are dealing with "internal affairs" and sensitive components of Sovereignty. As Action plans are legally speaking too unilaterally designed at the beginning, there is a *lack of ownership* of the governing bodies of the Partner country but also, as a consequence, of the civil society as the partner is put in a position where it can hardly mention that he really negotiated from the very beginning the Action plan together with the services of the Commission. Furthermore, Action plans as non legally binding instruments will remain difficult to implement if the Partner is not willing to do so. Everything will depend on the political will of the partner and the attractiveness of the incentives, including the financial ones.

IV The financial means and incentives required for the implementation of the Action plan: The ENPI

A Proposal for a Regulation of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument (ENPI) was adopted in Brussels in September 2004³⁵. It should operate in the new financial perspective 2007-2013.

A. No proper essential elements clause

Compared to the MEDA regulation the proposed ENPI is very different in terms of conditionality clauses. According to the proposed Article 1 (3) "*The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights and seeks to promote commitment to these values in partner countries through dialogue and cooperation*". This is not a proper essential element clause. It can only be considered as a "soft incentive clause". The MEDA conditionality clause is the following "*Article 3 : This Regulation is based on respect for democratic principles and the rule of law and also for human rights and fundamental freedoms, which constitute an essential element thereof, the violation of which element will justify the adoption of appropriate measures*"³⁶.

B. A new type of suspension clause

First there is a new *emergency procedure* under Article 7 (5)³⁷ "*In the event of crises or threats to democracy, the rule of law, human rights or fundamental freedoms, an emergency procedure may be used to conduct an ad hoc review of strategy papers (...)*".

Second, one can find the proper *suspension clause* in Article 28 "Suspension of assistance": "*Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements as well as association agreements with partner countries and regions, where a partner country fails to observe the principles referred to in Title I, the Council, acting by a qualified majority on a proposal from the Commission, may take appropriate steps in respect of any*

³⁵ Brussels, 29.9.2004, COM(2004) 628 final, 2004/0219 (COD).

³⁶ The procedure for adopting the appropriate measures was adopted later on. See Council Regulation (EC) No 780/98 of 7 April 1998 amending Regulation (EC) No 1488/96 as regards the procedure for adopting the appropriate measures where an essential element for the continuation of support measures for a Mediterranean Partner is lacking, OJ L 113 , 15/04/1998 P. 3.

³⁷ Entitled "Programming and allocation of funds".

assistance granted to the partner country under this Regulation".

Some conclusions can be drawn from this reading:

- i) the bilateral agreements remain the main elements regarding conditionality;
- ii) it is a new (weaker) form of soft conditionality clause compared to the MEDA programme;
- iii) as in the MEDA procedure the Council can act by a "qualified majority on a proposal from the Commission" to suspend financial aid.

C. The means: financial incentives

The proposed financial envelope of the ENPI is 15.33 billion euros over the 2007-2013 period of time. Regarding the Scope of assistance (Article 2), 4 elements are to be taken into account for the present analysis:

- (a) promoting political dialogue and reform;
- (g) supporting policies to promote social development and gender equality, employment and social protection including social dialogues, and respect for trade union rights and core labour standards;
- (i) promoting and protecting human rights and fundamental freedoms and supporting the democratisation process, including through electoral observation and assistance;
- (j) fostering the development of civil society;

The last elements to be mentioned are included in the annexes of the proposed regulation as among the ***budget lines to be merged***³⁸ together in the future ENPI we can find notably:

- 19 04 EUROPEAN INITIATIVE FOR DEMOCRACY AND HUMAN RIGHTS (EIDHR)
- i) 19 04 02 Support for the victims of human rights abuses (*partially*);
- ii) 19 04 03 consolidation of democracy, rule of law – Respect for HR and FF (*partially*);
- iii) 19 04 04 Support for the activities of international criminal tribunals (*partially*).

Whether the idea of merging these specific budget lines into such a wide framework is relevant is not obvious as the proposed regulation did not mention any financial breakdown between the different priorities. In other words, there is no guarantee that a similar financial envelope will be preserved for Democracy and Human rights actions in the future, especially for direct funding to NGOs (without involvement of governments), as in the EIDHR.. It should be also noted that the issue of human rights and rule of law is mentioned several times in the following annexes and will be taken into account regarding the “*evaluation of the implementation of the ENPI*”.

Finally, one should mention the proposed “*substantial financial Facility to support willing Mediterranean partners in carrying out their reforms*” inserted in the 5 years programme adopted in Barcelona in 2005³⁹. It is worthwhile to stress here that originally the European Commission proposed a “**Democracy Facility**”⁴⁰ as such. Further analysis is therefore required to evaluate what the real objectives of this new instrument could be.

³⁸ See also the Strategy Paper, p. 23.

³⁹ Five year Work Programme adopted in Barcelona, p. 2.

⁴⁰ Communication of the Commission “A work programme to meet the challenges of the next five years”, P. 5.

By way of conclusion

The implication of the civil society at the first stage of the implementation of the Action plan will be crucial. In order to do so, a fruitful dialogue between all the parties concerned is essential in order to design effective implementation mechanisms and new structures of cooperation.

Egyptian civil society should have been actively involved together with the governing bodies at the very beginning of the design of the strategy i.e. at the level of the drafting of the Egypt Country Report.

It is not too late to reinforce a sense of ownership. The implementation and monitoring of the Action plan (Regular reports) will provide new opportunities in this regard. These opportunities should not be missed.

The participation of the Partner and its civil society should be considered as a confidence building measure and as a priority of the ENP.

One of the key elements of the Egypt Action plan is how the central issue of the Egyptian Emergency Law will be tackled. The degree of the requirements of the Action plan in this regard will be a good indicator of European and Egyptian political will.

RECOMMENDATIONS of Prof. Dr. E. Lannon

1. Regarding the need for clarification (clear and precise information on the ENP notably)

Information

i) Creation by the European Commission's Delegation of a focal point of information for NGO's, and Human Rights associations in Egypt;

ii) Institutionalised coordination with the Delegation of the Commission;

Training

i) "Civil society Seminars" at regional level, on the model of the "Malta Diplomat Seminars" and as "confidence building measures";

ii) Seminars organised by the Commission delegation in Cairo or the A. Lindh foundation in Egypt.

2. How to involve civil society even if there is no proper institutionalised relationships with the governing authorities?

i) Creation of structures and institutions such as "Egyptian human rights NGO's platform";

ii) The idea of "independent Country Reports" has been raised by a number of participants of the seminar as an independent monitoring mechanism together with guidelines for implementing the Action plan priorities;

iii) Create "civil society" sub committees of the Association Agreements together with "Human rights" sub committees.

3. Define a comprehensive lobbying strategy in co-operation with:

- i) The Euro-Med Parliamentary Assembly;
- ii) The Anna Lindh Foundation;
- iii) The European Parliament;
- iv) The media;

On what?

- On the proposed regulation for the ENPI (conditionality clauses; more detailed provisions regarding the involvement of NGO's in the monitoring process; budgetary lines);
- On the possibility of adopting the future Action plans via a *decision* of the Association Council in order for them to become legally binding;
- On the possibility of creating "civil society" sub committees of the Association Agreements together with "Human rights" sub committees etc.

Last but not least: a system of exchange of information with civil society from eastern neighbours and especially Ukraine, Moldova and Georgia could be interesting.

ANNEX 3

PROGRAMME OF THE SEMINAR

26 January 2006 Morning Session

Opening session

Kamel Jendoubi, EMHRN, President

Bahey El-Din Hassan, CIHRS, Director

Dr. Kurt Spallinger, Ambassador of Austria, EU presidency

General context : Euro Mediterranean Partnership (EMP), European Neighbourhood Policy (ENP), European Union (EU) institutions

Chair: Hafez Abu Saeda, Egyptian organisation for Human Rights, General secretary

Presentation with power-point

Sandrine Grenier, EMHRN, Brussels Coordinator

Experience of the Euro-Mediterranean Partnership in EU-Egypt relations

Chair: Dr. Mohamed Elsayed Said, Alahram Centre for Political and Strategic Studies, Vice President

- Assessment of the implementation of the Association Agreement
 - Participation of civil Society
- Background: Association agreement, Association Council's meetings and committee, MEDA Program, Human rights analysis of the EU Country strategy paper on Egypt, EU National Indicative Programme for Egypt and assessment of their implementation

Michael Davernport, British Embassy, Deputy Head of Mission

Rahma Refaat, Center for Workers and Trade Union Services, Director

26 January 2006 Afternoon Session

European Neighbourhood Policy: Comparison with EU Eastern European Neighbours

Chair: Dr. Mohamed Abdel Salam, Alahram Centre for Political and Strategic Studies, Director of International Relations Unit

Iryna Solonenko, International Renaissance Foundation, European Programme Manager

Example from the Arab region : Morocco, Jordan, Tunisia

Chair: Dr. Fatma Khafagi, Arab Women League, Member of the Board of Trustees

Rabea Naciri, Democratic Association of Moroccan women, Desk's member

Lina Al-Qurah, Sisterhood Is Global Institute, Jordan, Executive director

Khémais Ksila, Tunisian League of Human Rights, General secretary

27 January 2006 Morning Session

EU-Egypt ENP Action Plan : presentation /expectations

Chair: Amal AbdelHady, New Women's Studies Center, Board Member

- Areas of cooperation
- Role and participation of civil society
- Place of democratisation and human rights issues
- Specific issues, eg: lifting the state of emergency, the anti-terrorism measures, elections, gender

Erwan Lannon, University of Ghent, College of Europe, Professor

Jerome Bellion-Jourdan, EC Delegation, Domestic Affairs and Civil Society Expert

Hossam Bahgat, Egyptian Initiative for Personal Rights, Director

27 January 2006 Afternoon Session

How to act for Human rights in the ENP framework : Recommendations and Follow up

Formulating recommendations: Which priorities for the EU-Egypt Action plan ?

Chair: Fareed Zahran, Dar Elmahrousa for Documentation, Director

Magdy AbdelHamid, Egyptian Association for Societal Development, Director

Nehad Abu Elkomsan, Egyptian Center for Women Rights, Director

Mahmoud Mortada, Center of Studies and Program of alternative Development, Director

Background paper: "Euro-Egyptian Negotiations Must be Transparent and Accessible to Civil Society NGOs", press release signed by 25 NGOs

**Follow up, networking, advocacy and monitoring of the implementation of the
Action Plan: How to ensure participation of civil society in the ENP ?**

Chair: Hesham ElBastawesy, Court of Cassation, Vice Chairperson

Dr. Gamal Abdel Gawad, Alahram Center for Political and Strategic Studies, Expert

Conclusions

Kamel Jendoubi, EMHRN, President

Erwan Lannon, professor, co-rapporteur

Moataz Elfegiery, CIHRS, co-rapporteur

ANNEX 4

LIST OF PARTICIPANTS

Organisation	Name
Al Ahrar Newspaper	Mohi El Din Said
Alahram Center for Political and Strategic Studies	Gamal Abdel Gawad Mohammed Elsayed Said Ahmed El Nagar Mohamed Abd El Salam
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Arab press Agency	Ebrahim Gnada
Arab Women League	Fatma Khafagi
Arabic Network for Human Rights Information	Gamal Eid
Association for Human Rights Legal Aid	Tarek Khater
Austrian Embassy	Kurt Spallinger Peter Elsner
British Embassy	Michael Davernport
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Egyptian Association For Community Participation Enhancement	Afaf Marey
Egyptian Association for Societal Development	Magdy AbdelHamid
Egyptian Center for Women Rights	Nehad Abulkomsan
Egyptian Initiative for Personal Rights	Hossam Bahgat Diana Eltahawy
Egyptian Organization for Human Rights	Hafez Abu Saeda
El Hayat Newspaper	Haitham Sathy Mostafa Ahmed
El Masry El Yom Newspaper	Ali Wael
Elosboa Neswpaper	Yasser Nassy
Euro-Mediterranean Human Rights Network	Kamel Jendoubi Sandrine Grenier Emilie Dromzée
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Faculty of Economic and Political Science, Professor	John Marco
Ford Foundation	Yousri Mostafa
French Embassy	Amera Souilem Brigitte Curmi
Group of Democratic Development	Ayman Hantish
Habi Center For Environmental Rights, Director	Mohamed Nagy
Human Rights Association for the Assistance of Prisoners	Mohamed Zarea

Human Rights Association in Assiut	Nasser Abou Eloyoun
Institute for Public Policy Research	David Mepham Leni Wild
International Renaissance Foundation, Ukraine	Iryna Solonenko
Journalist	Mona Salem
Lawyer	Ahmed Abdullah Khalil
Mediterranean Master's Programme	Wafaa El Sherbiny Amr Ismail
Moroccan Association for Human Rights (AMDH)	Mohammed Elboukili
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Nahdetmasr Newspaper	Mahmod Basuony
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Netherlands Embassy	Carel Richter
New Women's Studies Center	Amal AbdelHady
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Solida, Lebanon	Wadih Ange Al-Asmar
Swedish Embassy	Asa Pousard
Swedish Institute in Alexandria	Louise Komung
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