



EuroMed Rights
EuroMed Droits
الأورو-متوسطية للحقوق

25 years of the Barcelona process

Where are economic and social rights?

EuroMed Rights

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1. About this report and the development of the European Neighbourhood Policy

This report aims to provide a brief assessment of the integration of economic and social rights in the European (Southern) Neighbourhood Policy on the occasion of the 25th anniversary of the Barcelona Declaration. The Southern Neighbourhood is made up of ten countries/partners: Morocco, Algeria, Tunisia, Libya, Egypt, Israel, the Occupied Palestinian Territory (OPT), Syria, Jordan and Lebanon. This report covers only the seven countries EuroMed Rights actively works on.

The 1995 Barcelona Declaration was the starting point of an important process (the ‘Barcelona process’) at state level to collaborate more closely in the Euro-Mediterranean region with the stated objectives to:

- a) strengthen peace and stability by political and security dialogue,
- b) build a zone of shared prosperity through an economic and financial partnership, and
- c) reinforce a social, cultural and human partnership between civil societies.

This led to the inception of the European Neighbourhood Policy (ENP), inspired by the EU enlargement in 2004, which has been built on existing bilateral Association Agreements between the EU and most Southern Mediterranean countries (except Libya and Syria). In 2011, the EU adopted a ‘more for more’ principle, which aimed to offer a closer partnership to countries showing progress on democracy and human rights. Following the mass protests in the Arab world, the ENP also put an emphasis on the promotion of ‘deep democracy’.¹ For the first time, the rights to freedom of association, assembly and expression were included in the ENP as core elements for fostering sustainable economic growth. Moreover, an emphasis was put on a close partnership with civil society as a pivotal actor for advancing social justice and development. However, this approach prevailed only for a short period. In 2015, the ENP underwent a major review, as a result of which the emphasis shifted further towards stability, security, economic development and migration management. Human rights were relegated to the background.

Civil society has kept a close eye on the evolution of the ENP and has come together across the Euro-Mediterranean region, for example through EuroMed Rights, to monitor the integration of human rights in the ENP, as well as the partnership’s impacts on human rights.

2. What is the role of economic and social rights in the European Neighbourhood Policy?

The COVID-19 pandemic and impacts of the lockdowns have clearly shown that economic and social rights and universal social protection systems lie at the heart of people’s wellbeing, societies’ resilience and states’ stability.² The spread of the virus has hit the region in the midst of a period of increasing socio-economic inequality and mass protests demanding for social justice across the EuroMed region. The uprisings in the Arab world since 2010 had already exposed the widespread disregard of human rights not only by national governments, but also in the ENP – even though human rights are proclaimed as one of its ‘common values’. General human rights references feature in most ENP Actions Plans, and later in most Partnership Priorities,

¹ For more information: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_11_342
And https://www.ab.gov.tr/files/ardb/evt/1_avrupa_birligi/1_9_konsuluk_politikalari/A_review_of_European_Neighbourhood_Policy.pdf.

² See, for example, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25858&LangID=E>;
<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26222&LangID=E>;
and https://ec.europa.eu/knowledge4policy/publication/social-protection-jobs-responses-covid-19-real-time-review-country-measures_en.

but these have only rarely been translated into identifiable steps towards that priority.³ Likewise, the Treaty on European Union sets out that the EU's external action shall be guided by human rights principles (art. 21), and the Strategic Framework on Human Rights and Democracy (2012) states: "The EU will promote human rights in all areas of its external action without exception. In particular, it will integrate the promotion of human rights into trade, investment, [...] corporate social responsibility and development policy [...]"

Economic and social rights (ESR) have been pushed to the margins of the EuroMed partnership and the ENP. The Barcelona Declaration contains but a very short paragraph on social development, while the focus lies very much on economic development and trade liberalisation. The ENP's general human rights references are often understood as entailing mostly civil and political rights only. ESR are rarely mentioned; instead, references are made to 'sustainable development'. While sustainable development might, broadly speaking, aim towards similar objectives as ESR,⁴ it provides a much softer (non-binding) framework and does not acknowledge citizens as rights-holders. Moreover, a recent study⁵ shows how the EU intends to support democratic transitions in South Mediterranean countries, though without including the elements that made European democracies sustainable and resilient: the development of social welfare states, comprising the progressive implementation of ESR (albeit these have been eroded in many European countries in recent decades). Without strong socio-economic rights protections, inequality rates rise, poverty rates multiply – in contravention with states' human rights obligations and commitments under the Sustainable Development Goals (SDGs), in particular Goals 1 and 10 – and, in many cases, people are left with no choice but to rely on inadequate and inaccessible basic services and family support networks. It is well evidenced that the latter rely heavily on women's unpaid labour and constitutes an additional barrier to women's economic independence and gender equality more broadly.⁶

Yet, the paradigm and primacy of the market economy has become the dominant feature in the ENP. This is also reflected in the experiences in partner countries, which are summarised in the following chapters.

3. Overarching concerns

3.1. Contradictory aims of the European Neighbourhood Policy

EuroMed Rights notes a stark contradiction between the neoliberal narrative and model that is being promoted through the ENP and the stated aim to tackle the economic, political and societal fragility, promote sustainable development, and improve respect for human rights in general. The neoliberal narrative focuses on trade facilitation in view of enhancing investments and exports, as well as on private sector development and job creation – without adequate attention to the quality and sustainability of, and equal access to the jobs created.⁷ The observations in the country chapters below show that, in most incidences, economic growth has not trickled down and benefitted those living in, or at risk of poverty, and has not led to any significant improvements in people's enjoyment of their economic and social rights. This Janus-headed approach hampers the ability of Southern Mediterranean partner countries to put in place laws, regulatory frameworks and public policies aimed to strengthen ESR.

³ See our 2018 briefing assessing the implementation of human rights generally in the ENP:

<https://euomedrights.org/publication/european-neighbourhood-policy-quo-vadis/>.

⁴ See table developed by OHCHR: https://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf.

⁵ Andrea Teti, Pamela Abbott, Valeria Talbot, Paolo Maggiolini, *Democratisation against Democracy. How EU Foreign Policy Fails the Middle East*, The European Union in International Affairs, Palgrave Macmillan, 2020.

⁶ <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/620811/rr-counting-womens-work-unpaid-care-mena-region-030619-en.pdf?sequence=1&isAllowed=y>.

⁷ See evidence provided in country chapters below.

Human rights impact assessments may help prevent detrimental effects of the ENP on human rights. However, the sustainability impact assessments that have been carried out by the European Commission namely in the context of trade agreements, and that (supposedly) feature human rights as one out of four assessment criteria,⁸ tend to address human rights only marginally and are not properly followed through.⁹ Where potential negative effects are found, no measures to prevent, or at least mitigate the effect are taken. By way of example, the EU's ex-ante sustainability impact assessment of the EuroMed Free Trade Area (2007) projected negative effects on employment, poverty, a loss in government revenues, reduced expenditure on health, education and social support programmes in partner countries.¹⁰ This does, however, not appear to have been taken up by neither the EU nor the partner governments.

3.2. Avoidance of sensitive policy areas

Further, in reality, there has been a certain convergence between the EU and the Southern Mediterranean partners so as not to address the more sensitive political and economic issues and interests on both sides. In order to respect partners' sovereignty and sensitivities, none of the parties to the partnership tends to take a firm stand, for example against authoritarian regimes suppressing human rights, dubious practices and decisions. This prevents a genuine and holistic promotion of human rights through the ENP.

3.3. Civil society participation

The ENP remains rather vague on any meaningful participation of civil society, for example in the negotiations of the strategic priorities with each partner country. In fact, no references are made neither to the EU guidelines on human rights dialogues with third countries nor to the 2012 European Commission Communication on engagement with civil society in external relations. The EU thus does not take a clear stance on the importance of a consistent and meaningful involvement of civil society.

In some instances, non-Europe-based civil society organisations are excluded from EU consultations.¹¹ What's more, consultations on trade evaluations have appeared to be primarily directed to the private sector, not to civil society and affected communities.¹² Other times, civil society dialogues and consultations are not public, but take place 'by invitation only' (for example, ahead of EU sub-committee meetings), at times on very short notice, which makes the consultations appear opaque and much more difficult to access for small, local organisations in partner countries. Invitations sometimes seem to be made in a rather symbolic and instrumental way. The EU generally turns to actors it knows and does not make enough efforts to reach other relevant civil society actors – be it within the EU or in partner countries. Also, there is an evident lack of involvement of ESR and social justice experts, such as trade unions, which reflects the very narrow and inconsistent approach the ENP takes to human rights, as outlined above.

⁸http://ec.europa.eu/trade/policy/policy-making/analysis/policy-evaluation/sustainability-impact-assessments/index_en.htm.

⁹ See, for example, <https://ftdes.net/en/civil-society-declaration-euro-mediterranean-association-agreements-the-mirage-of-the-evaluation-study/>.

In this context, it is important to note that within the ENP framework, the EU is currently preparing 'Deep and Comprehensive Free Trade Agreements' (DCFTAs) with Jordan, Morocco and Tunisia.

¹⁰ http://trade.ec.europa.eu/doclib/docs/2006/november/tradoc_131340.pdf.

¹¹ This was the case, for example, in the virtual civil society dialogue on the interim report of the evaluation of the EuroMed Association Agreements on 30 April 2020 (<https://trade.ec.europa.eu/civilsoc/meetdetails.cfm?meet=11564>).

¹² See EuroMed civil society statement: <https://ftdes.net/en/civil-society-declaration-euro-mediterranean-association-agreements-the-mirage-of-the-evaluation-study/>.

Lastly, the meaningfulness and frequency of consultations with civil society depend on the level of democracy in the respective country. For example, we have noted a difference between consultations on a new free trade agreement with civil society in Tunisia and those with Morocco as in the type, transparency and intensity of consultations conducted. The EU may need to develop a framework for civil society consultations with criteria that allow a broad participation of civil society while ensuring the inclusion of independent civil society organisations in order to ensure the democratic legitimacy of the agreements it concludes with its partners. A second concern regarding the meaningfulness of consultations relates to the due attention given to the points of critique or questions raised by civil society. Oftentimes, we cannot find any evidence that these concerns have been duly taken into account and actually influence the outcome of a consultation process (such as a trade agreement).

4. Looking at Europe's partnership with the Southern Neighbourhood – where are economic and social rights?

4.1. Algeria

The EU-Algerian Partnership Priorities¹³ focus on:

1. Political dialogue, rule of law and the promotion of fundamental rights, including “the role of women in society”;
2. Cooperation, inclusive socio-economic development and trade;
3. Energy, environment and sustainable development;
4. Security; and
5. Migration and mobility.

With the longest and most detailed list of priorities of all the ENP countries, Algeria has reportedly implemented many of them: security along the fractious Libyan border has been increased, trade integration is slowly progressing, an ambitious renewable energy programme is being developed, efforts are made by government to diversify the economy, and the private sector is growing.¹⁴ Also, reforms of the education and training system are intended to boost economic growth in the medium-term.¹⁵ What is striking in these ‘success stories’: the focus is entirely on economic stability and growth. ‘Socio-economic development’ is understood in a very narrow sense and equated with GDP and private sector growth. Trade between the EU and Algeria is worth around 50 billion dollars, the largest figure in North Africa.^{16 17}

Elections were held in December 2019, following months of anti-government protests which led to the resignation of the long-serving Algerian President and, in a political first in Algeria, two former Prime Ministers were jailed pursuant to intense corruption investigations.¹⁸ The new President’s voiced

¹³ https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/algeria_en.

¹⁴ <https://ec.europa.eu/trade/policy/countries-and-regions/countries/algeria/>.

¹⁵ Ibid.

¹⁶ <https://www.mei.edu/publications/algeria-europe-economic-integration-where-are-we-now-and-where-do-we-go>.

¹⁷ In this context, it is important to note that the Algerian Government requested the EU in September 2020 to postpone the entry into force of the free trade area provided for in the Association Agreement (signed in 2002). This happened due to major concerns about the terms of the agreement, which Algeria intends to review (https://www.lepoint.fr/afrique/zone-de-libre-echange-avec-l-ue-alger-a-reculons-29-09-2020-2394175_3826.php#).

¹⁸ <https://www.bbc.com/news/world-africa-50728562>.

commitment to opening a dialogue with demonstrators suggested a sea-change in the political climate and a move towards more democratic openness.¹⁹

However, looking just below the surface reveals a very different reality. The 2019 elections were immediately contested for lack of transparency, nepotism and election rigging, launching renewed protests across the country.²⁰ Labour unionists, activists, journalists and human rights defenders have stated that February 2019, when the Hirak protest movement began, marked the beginning of a new and ongoing chapter of repression against them. Violations of the rights to assemble, to protest and to free speech were consolidated in the April 2020 amendment to the Algerian Criminal Code.²¹ Arbitrary arrests and detentions are devastatingly commonplace²² and CSOs are routinely prevented from operating on spurious administrative grounds.²³ The already restrictive environment for CSOs set up by law no. 12/06²⁴ paired with recent amendments to the Criminal Code²⁵ are hampering the participation of independent CSOs in public debate and the dialogue with international institutions.

Underlying these protests is civil society's frustration with decades of illegitimate and misguided governance and economic policy. Officially reported at 11%, the unemployment rate has been climbing steadily over the past five years and may currently, in reality, be closer to 35%.²⁶ Unemployment is particularly high in the under 30 demographic (which represents over 50% of the Algerian population) and amongst women.²⁷ An estimated 4 million Algerians are employed in the informal sector which deprives them of their right to social protection.²⁸ Concurrently, inequality has been growing, the average income has been falling,²⁹ and the cost of living has surged.³⁰ "[Added to all these problems that make everyday life difficult is the decrepit state of Algeria's public services, especially health and education", with equipment shortages in the public healthcare sector increasingly noticeable.³¹

In short, political dialogue has not materialised, democracy does not look to be advancing in a participatory way, socio-economic development is far from inclusive, and basic needs are becoming harder to fulfil for a growing proportion of the population, while civil society is being stifled rather than seeing its role enhanced. Amid all this, the ENP does not seem to respond in any effective way. If these human rights issues are raised behind closed doors, they have not led to any notable outcomes. We can only conclude that the EU cooperation's affirmed priorities of governance, rule of law, human rights promotion and socio-economic development is mere window-dressing.

¹⁹ <https://www.ndi.org/middle-east-and-north-africa/algeria>.

²⁰ <https://www.dw.com/en/algerian-elections-rejected-in-the-name-of-democracy/a-51507403>.

²¹ <https://menarights.org/en/articles/algeria-penal-code-amendments-restrict-freedoms-expression-and-association>.

²² <https://freedomhouse.org/article/algeria-end-arbitrary-detention-and-prosecution-journalist-drareni-peaceful-activists>.

²³ <https://www.hrw.org/world-report/2019/country-chapters/algeria>.

²⁴ Namely arts. 7-12,

https://www.europarl.europa.eu/meetdocs/2009_2014/documents/dmag/dv/dmag20120125_09_/dmag20120125_09_fr.pdf.

²⁵ Notably art. 95 bis, <https://www.joradp.dz/FTP/JO/2020/F2020025.pdf> (page 10).

²⁶ <https://www.equaltimes.org/social-and-economic-woes-weigh?lang=en#.X4liy9AzZPY>.

²⁷ <https://www.equaltimes.org/social-and-economic-woes-weigh?lang=en#.X4gFdtAzZPY>.

²⁸ <https://www.equaltimes.org/social-and-economic-woes-weigh?lang=en#.X4gFdtAzZPY>.

²⁹ <https://wid.world/country/algeria/>.

³⁰ <https://www.equaltimes.org/social-and-economic-woes-weigh?lang=en#.X4gFdtAzZPY>.

³¹ Nassira Ghazlane, general secretary of the public workers' union, SNAPAP, sourced from: <https://www.equaltimes.org/social-and-economic-woes-weigh?lang=en#.X4gFdtAzZPY>.

4.2. Egypt

Adopted in 2017 and reflected in the 'Egypt Vision 2030'³², the main Partnership Priorities³³ in Egypt are:

1. A sustainable modern economy, including private sector growth and job creation, and social development (which specifically mentions the protection of marginalised groups from potential negative impacts of economic reforms through social safety nets and social protection; and the support of the delivery of basic services, such as education and healthcare);
2. Cooperation in foreign policy, crisis management and humanitarian assistance; and
3. Stability and democracy (reaffirming that civil, political, economic, social and cultural rights are a common value and "constitute the cornerstone of a democratic modern state"), security, counterterrorism and migration management.

These stated priorities seem mainly positive and commendable. Moreover, the promotion of gender equality is a cross-cutting concern.

Looking at current developments in Egypt, economic reform, enacted with conditional IMF loans (requiring structural adjustments such as the alleviation of food and energy subsidies), has promoted the growth of the private sector. The EU also advocates for foreign direct investments; it is important to note, however, that a large bulk of the investments has occurred in low value-added sectors with poor, exploitative working conditions (e.g. in the oil industry).³⁴ There is a stark imbalance in the trade relations between Egypt and the EU with mainly low value-added exports (i.e. raw materials) from Egypt to the EU.³⁵ At the same time, a Deep and Comprehensive Free Trade Agreement between the two parties is being envisaged.³⁶

In parallel to growth in the private sector, there has been an important expansion of the informal sector, which is now estimated to account for the employment of 8 to 10 million Egyptian workers and, if quantified, would represent the equivalent of between 50-60% of the Egyptian GDP.³⁷ While the percentage of Egyptian men and women informally employed is similar, women's earnings represent, on average, half of those of informally employed men, despite working longer hours. Informality results in a lack of social protection and precarious working conditions which render women particularly vulnerable to poverty and exploitation, but also and specifically to harassment, sexual violence and assault.³⁸ This is clearly in contradiction with the social protection priority of the EU's cooperation, which has hardly triggered any structural improvements.

Cuts in public spending in recent years have contributed to a sharp rise in relative and absolute poverty: 2018 estimates suggest that 32% of the Egyptian population were living below the poverty line, an increase from 27.5% in 2015, with 6% living in extreme poverty.³⁹ In addition, very strong concerns have been raised as to

³² 'Egypt Vision 2030' is the government's national sustainable development strategy which, as the title suggests, sets out the developmental and societal goals which Egypt intends to reach before 2030. For more information see; https://cabinet.gov.eg/e371_8e49/GovernmentStrategy/pages/egypt%E2%80%99svision2030.aspx.

³³ https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/egypt_en.

³⁴ Amr Adly (2020), 'Cleft Capitalism: The Social Origins of Failed Market Making in Egypt', <https://www.sup.org/books/title/?id=27411>.

³⁵ <https://documents.worldbank.org/curated/en/539431554812683933/pdf/From-Currency-Depreciation-to-Trade-Reform-How-to-Take-Egyptian-Exports-to-New-Levels.pdf>.

³⁶ <https://ec.europa.eu/trade/policy/countries-and-regions/countries/egypt/>.

³⁷ http://assafirarabi.com/en/26858/2019/08/28/informal-economy-in-egypt-a-problem-of-governance-or-an-economic-crisis/?fbclid=IwAR2KToqSPe2hc8jtPO8n3pM6Lzp6Mye1Sgudik5p0xNdo0uUON_Pzt2ttQs

³⁸ https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Working_paper_-_Addressing_informality_in_Egypt.pdf.

³⁹ <https://enterprise.press/stories/2019/07/30/egypt-poverty-rate-stands-at-32-5-according-to-latest-capmas-income-report/>.

the insufficient protection of workers' rights, overt repression against trade unionists, and crackdowns on the rights to organise and protest.⁴⁰ This appears to be at odds with the stated aims and priorities of the European cooperation listed above. It is not clear to what extent the programmes supported in the context of the ENP might have mitigated the negative developments in relation to social security, living standards and workers' rights. What's more, other external actors, such as the European Investment Bank and the French Development Agency, have acted contrary to human rights: the construction of a metro line, co-funded by these institutions,⁴¹ led to Egyptian authorities evicting the occupants of Al-Bouhey Market in Cairo without proper reallocation or compensation, and demolishing the market in 2017.^{42 43}

Furthermore, worryingly, the commitment to "a smooth transition towards democracy" seems rather overambitious given the increasing militarisation of society and the economy, the wide-ranging human rights abuses which routinely occur, and the strategic and sustained persecution of human rights defenders.⁴⁴

Social development, justice and protection receives an indicative 40% of the EU's 'Single Support Framework' (SSF).⁴⁵ However, it is difficult to see where the budget is concretely being spent. A further 10% of the budget is allocated to CSOs but it is unclear whether this money actually goes to independent organisations, especially in light of the disproportionate restrictions on foreign funding designed to stifle independent civil society and the "drastic restriction placed on NGOs".⁴⁶ This lack of transparency is compounded by a lack of independent evaluation and infrequent public reporting on the ENP's implementation.

Although the promotion of gender equality and women's rights are said to underpin all dimensions of economic and social policy, and the SSF states that "the preliminary findings of the Gender Action Plan II (GAP II) for Egypt for the period 2016-2020, have been taken into due account and a rights-based approach will be pursued in all interventions, in line with the new European Consensus on Development", we have not seen any response to the regression on women's rights, for example in the policing of online liberties and expression, in recent months. Several women have been arrested and prosecuted because of content posted on the social media platform TikTok. They have been charged for 'immorality' and the 'promotion of prostitution',⁴⁷ thus making the arrests warranted in order to protect 'Egyptian values' and 'the family'. This policing poses a very direct threat to women's rights and signals a clear move towards anti-feminism in government and state narratives. It is important to add that the Egyptian Government is showing or pretending a more 'progressive' position on the international stage. Women's rights are used as a diplomatic tool to appease key external actors, including the EU, regarding the rule of law and human rights in the country.

⁴⁰ https://www.frontlinedefenders.org/sites/default/files/frontline_defenders_egypt_english_online.pdf.

⁴¹ <http://www.eib.org/attachments/registers/47052553.pdf>.

⁴² https://www.progressegypt.org/files/al-bouhey_market.pdf.

⁴³ The independent CSO Egyptian Center for Economic and Social Rights has intervened legally since. Residents are now undergoing a three-way mediation with the EIB and local authorities to negotiate compensation and reallocation.

⁴⁴ <https://www.hrw.org/world-report/2020/country-chapters/egypt>.

⁴⁵ <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/single-support-framework-2017-2020-decision-and-annex-egypt.pdf>.

⁴⁶ <https://www.hrw.org/world-report/2020/country-chapters/egypt>. The EU funds, for example, the National Council for Women, which is a GONGO and has negatively influenced a number of recent high-profile cases of gender-based violence.

⁴⁷ <https://www.majalat.org/news/egypt-two-years-prison-five-female-tiktokers>.

4.3. Jordan

The EU's current 'Partnership Priorities' with Jordan and its assistance framework focus on:⁴⁸

1. Cooperation on regional stability and security, including counterterrorism;
2. Social and economic development: economic stability, sustainable growth, quality education and job creation (including also an (albeit minor) angle on social protection policies); and
3. Democratic governance, the rule of law and human rights (notably freedom of expression; freedom of association, women's rights and women's empowerment in political and public life, including targeted support to the implementation of the EU Gender Action Plan).

These priority areas of cooperation reflect well the challenges Jordan is experiencing regarding unemployment and employment conditions, gender inequality as well as the increasing crackdown on fundamental freedoms of, for example, labour rights activists, human rights defenders and journalists. The Office of the UN High Commissioner for Human Rights recently drew again attention to the severe restrictions of the rights to freedom of expression and association in Jordan following the closure of an independent teachers trade union in July 2020. The union had previously criticised government policies. There are also worrying reports that security forces used unnecessary or excessive force against hundreds of demonstrators who were protesting the arrest and suspension of the union's leaders. Moreover, the country's Attorney General banned any news coverage about the closure and the arrest of its board members.⁴⁹

However, other structural human rights issues, in particular on social rights, are not afforded sufficient attention. While it is important to note that Jordan adopted, for example, a national social protection policy and has a relatively high pension coverage in the region (a bit over 50%), public social protection expenditure remains very low (app. 0.7% of GDP excluding health care expenses⁵⁰). Yet, these challenges are addressed only very marginally in the assistance framework. Quite the contrary, the overriding narrative reads: "development of the private sector with the view of creating the conditions to enhance its growth, attract investment [...] promote job creation and facilitate access to the European markets." Further embedding this approach, negotiations for a 'Deep and Comprehensive Free Trade Agreement' between the EU and Jordan are ongoing.

The financial assistance provided to Jordan is primarily directed to social and economic development (60% of total budget), the rule of law and human rights (20%), and border management and the prevention of violent extremism (10%). Against the background of the dominant neoliberal narrative outlined above, the large work field "social and economic development" does however not seem to put the economic and social *rights* of Jordan's population at its centre. For example, an increased focus should be put on resource mobilisation and public social protection spending in order to increase the rate of social security coverage and guarantee an adequate standard of living for everyone.

⁴⁸ https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/jordan_en.

⁴⁹ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26154&LangID=E>;
<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26174&LangID=E>.

⁵⁰ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_604882.pdf, p. 26.

4.4. Lebanon

The current Partnership Priorities⁵¹ between the EU and Lebanon focus on the following four themes:

1. Security and counterterrorism “in full respect of human rights and democratic norms”;
2. Governance and the rule of law: institutional capacity building, effectiveness and the independence of the justice system, fight against corruption, reform of the electoral law, promotion of human rights including protection of marginalised groups;
3. Economic growth and job opportunities; and
4. Migration and mobility.⁵²

The lack of commitment and action by the consecutive Lebanese governments over the last years to tackle political and administrative corruption as well as untenable financial management and deficient socio-economic policies have further aggravated the country’s political, social justice and economic crisis. Unemployment has risen steadily and as inflation has soared since 2018, more than 55% of the population are now “trapped in poverty and struggling for bare necessities” – almost double the rate of 2019.⁵³ As a country classed as having a low-level social security coverage system⁵⁴ and in which 82%⁵⁵ of healthcare is provided in the private sector due to lack of public funding, because of rising government debt and non-disbursement of payments to healthcare facilities, the entire social system looked to be in a precarious state by 2019,⁵⁶ leaving important sections of the population without adequate access to basic healthcare or social security nets.⁵⁷ Income inequality has drastically risen since 2006.⁵⁸

Yet, the EU does neither seem to recognise the underlying causes of the increase in poverty and socio-economic inequality, nor provide any direct support for the establishment of adequate universal social security, unemployment support and healthcare systems. The EU cooperation has been largely ineffective in redressing the main economic and social rights concerns of the Lebanese population. Though some noticeable progress has been made to introduce a gender perspective into legislative and policy frameworks and 10% of the EU’s cooperation has been accorded to supporting capacity development in civil society,⁵⁹ these would appear to be a silver lining on an otherwise somewhat bleak outlook.

⁵¹ https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/lebanon_en.

⁵² Since 2011, in the context of the Syrian refugee crisis, the EU has provided separate economic and logistical assistance to Lebanon and neighbouring countries to manage the ongoing humanitarian crisis. Up to 1.5 million Syrians, about a quarter of the Lebanese population, have taken refuge in Lebanon since the conflict erupted in March 2011. An additional 250,000 to 300,000 Lebanese citizens are estimated to have become unemployed, most of them unskilled youth (<https://www.worldbank.org/en/country/lebanon/overview>).

⁵³ <https://www.unescwa.org/news/Lebanon-poverty-2020>;
<https://www.worldbank.org/en/news/press-release/2019/11/06/world-bank-lebanon-is-in-the-midst-of-economic-financial-and-social-hardship-situation-could-get-worse>.

⁵⁴ https://www.ilo.org/beirut/projects/WCMS_710814/lang--en/index.htm.

⁵⁵ <https://borgenproject.org/covid-and-healthcare-in-lebanon/>.

⁵⁶ <https://www.hrw.org/news/2019/12/10/lebanon-hospital-crisis-endangering-health>.

⁵⁷ 95% of legally-employed and tax-paying Palestinian refugees, for example, benefit from no form of health care provision (https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_236500.pdf).

⁵⁸ <https://wid.world/country/lebanon/>.

⁵⁹ In particular through the EU-Lebanon Roadmap for Engagement with Civil Society, though this expired in 2017: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/eu-lebanon_roadmap_for_engagement_with_civil_society.pdf.

In October 2019, in response to proposed tax reforms to counterbalance the growing budget deficit – which had reached 151% of GDP at the end of 2018⁶⁰ – and to give in to pressure exerted by international financial institutions, tens of thousands of peaceful protesters took to the streets calling for their social and economic rights, for accountability, an end to corruption, and the resignation of all political representatives.⁶¹ The police responded with disproportionate violence. The protests culminated in the resignation of the government, but not much has improved since.⁶²

It is difficult to say what role, if any, the ENP has played in improving or harming the development of the social and economic situation in Lebanon, but it is clear that there has not been any progress on several of the defined Partnership Priorities, most importantly in relation to governance and the rule of law, including the promotion of human rights, and economic growth. The Priorities are due for re-negotiation in 2020. After the near-collapse of the healthcare system engendered by the COVID-19 crisis and the devastating consequences of the August explosion in Beirut, following through on long-term strategies will be determinant in countering the regression across all economic and social rights which has occurred in Lebanon. There is an important caveat though: The EU encourages and supports the reception of currently up to 1.5 million Syrian refugees in Lebanon (rather than in Europe). This has further strained Lebanon's public finances and service delivery. The crisis aggravates poverty incidence among Lebanese citizens.⁶³

4.5. Morocco

Morocco gradually became a 'privileged partner' of the EU in the field of political and economic cooperation as well as trade, technical and development cooperation.⁶⁴ It receives more EU development support than any other North-African country, except Tunisia,⁶⁵ with a focus on:

1. Equitable access to social services (30%), including improved access for vulnerable people to education and vocational training; support for the health sector; the better performance by the public administration to improve transparency and the efficiency of public services provision; and the promotion of human rights;
2. Democratic governance, the rule of law and mobility (25%);
3. Employment and sustainable and inclusive growth (25%); and
4. Enhanced capacity of civil society (20%).

Reducing gender inequality, for example, in access to services, is incorporated in the partnership. It also encourages the equal participation of women and strengthening of women's rights in the law.

While these priorities seem commendable, in reality, a new significant focus has emerged within the framework of the 'Euro-Moroccan partnership for shared prosperity' adopted in December 2019: border management – with the stated aim to fight human trafficking and to improve the protection of migrant victims of criminal networks.⁶⁶ This means that priority has shifted towards cooperation on security, counterterrorism and irregular migration, to the detriment of human rights. This is despite recognition on both parts that poverty, insufficient public service provision, the shrinking space for civil society and the

⁶⁰ <https://carnegie-mec.org/diwan/79598>.

⁶¹ <https://www.amnesty.org/en/latest/news/2019/11/lebanon-protests-explained/>.

⁶² <https://www.hrw.org/news/2020/01/17/lebanon-police-violence-against-protesters>.

⁶³ <https://www.worldbank.org/en/country/lebanon/overview>.

⁶⁴ https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/morocco_en.

⁶⁵ https://www.eca.europa.eu/Lists/ECADocuments/SR19_09/SR_Morocco_EN.pdf.

⁶⁶ https://ec.europa.eu/commission/presscorner/detail/en/IP_19_6810.

absence of democracy are at the root of radicalisation and instability. The poverty rate had reached 17.1% in 2019. Data from 2018 showed that 60% of the working population did not benefit from the public pension system, 46% had no health coverage, the overwhelming majority of private sector workers had no social insurance, and 67% of disabled persons did not benefit from any social protection system.⁶⁷ A factor that may have important ramifications for the social protection system (as most social insurance schemes cater only to workers with regular contracts), but that has not at all been addressed by the EU cooperation, is the high level of informality: Informal work contributes about 20% to Morocco's GDP and employs about 2.4 million workers, in particular in agriculture.⁶⁸ In this rural economy, women represent two-thirds of the workforce and young women in particular seek out this type of informal employment.⁶⁹

Within the ENP framework, building on the 2000 EU-Morocco Association Agreement, negotiations for a 'Deep and Comprehensive Free Trade Area' (DCFTA) were launched in 2013, but have been at a standstill after the first four negotiating rounds⁷⁰ due to concerns about economic and social impacts on the Moroccan side,⁷¹ in particular on the impacts on the right to health and access to medicines.⁷²

4.6 Occupied Palestinian Territory

The EU's cooperation with Palestine is currently focused on the following priority sectors:⁷³

1. Governance reform, fiscal consolidation and policy;
2. Rule of law, justice, citizen safety and human rights;
3. Sustainable service delivery;
4. Access to water and energy services; and
5. Sustainable economic development.

The socio-economic conditions in the OPT have been extremely challenging throughout this period; the Palestinian economy effectively stagnated, poverty has deepened, and income inequality remains at a high level.⁷⁴ The most heavily affected region is the Gaza Strip where the unemployment rate crept up to 50% and the percentage of the population deemed to be living in poverty reached 53%.⁷⁵ The private sector pay cuts and additional restrictions on movement imposed amid the COVID-19 crisis are likely to further aggravate the socio-economic situation.⁷⁶ The causes underlying the economic crisis are multifaceted; among them exclusion from international markets and overall cuts to funding earmarked for the OPT⁷⁷, but most importantly the blockade imposed on the Gaza Strip by Israel for more than 13 years now.⁷⁸ Yet, in the face of what many observers call "collective punishment",⁷⁹ the EU remains silent and too often compensates for

⁶⁷ <http://www.ces.ma/Documents/PDF/Rapports%20annuels/2018/RA-VF-18.pdf>.

⁶⁸ <https://www.cgem.ma/upload/687807921.pdf>.

⁶⁹ https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_622767.pdf.

⁷⁰ <https://ec.europa.eu/trade/policy/countries-and-regions/countries/morocco/>.

⁷¹ https://www.europarl.europa.eu/doceo/document/E-8-2014-009180_FR.html.

⁷² <https://itpcmena.org/creation-dun-collectif-pour-la-preservation-du-droit-a-la-sante-des-marocains-dans-le-cadre-des-negociations-de-laleca-accord-de-libre-echange-complet-et-approfondi-entre-le-maroc/>.

⁷³ https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/palestine_en.

⁷⁴ <https://unctad.org/news/palestinian-socioeconomic-crisis-now-breaking-point;>
<https://wid.world/country/palestine/>.

⁷⁵ https://unctad.org/system/files/official-document/tdb67_d5_en.pdf.

⁷⁶ <https://www.worldbank.org/en/country/westbankandgaza/publication/economic-update-april-2020>.

⁷⁷ <http://pubdocs.worldbank.org/en/394981554825501362/mpo-pse.pdf>.

⁷⁸ <https://www.aljazeera.com/opinions/2020/1/27/money-cant-fix-palestines-occupied-economy/>.

⁷⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26201&LangID=E>.

its political inaction with humanitarian efforts. Apart from that, the EU cooperation, albeit appearing to reflect well the main concerns and needs of the Palestinian population, has been unsuccessful in averting further deterioration, and to date has not begun to foster anything resembling sustainable economic development. A renewed effort to sustainable and quality job creation will be crucial in the coming years, with particular regional and demographic attention to youth: in Gaza, for example, youth unemployment soared to 64% in early 2020, with a high unemployment rate among young women, reaching 92%⁸⁰

We note however some progress in relation to the provision of water and electricity, in particular in Gaza and the West Bank – even if the extent to which the EU has contributed to this is not entirely clear.^{81 82} While there has also been some improvement in the quality of piped water in the OPT, thanks to, amongst others, EU cooperation, access to safe drinking water in Gaza is still among the lowest in the world, compromising the health and safety of its two million residents.⁸³

However, jarringly absent from the partnership priorities is access to healthcare. There are enormous disparities in the provision of healthcare between different areas of the OPT, with most health indicators performing extremely low in the West Bank and Gaza Strip.⁸⁴ In the West Bank, “approximately 300,000 Palestinians do not have access to a primary healthcare facility” (according to 2019 statistics), and because of the heavy import/export restrictions placed on Gaza, medical facilities that are functioning often have essential medicines and equipment out of stock for dangerously long periods.⁸⁵ Without even addressing the problematic issue of healthcare travel permits, an apparent lack of commitment by the EU to ensuring access to even the most basic healthcare appears as a huge oversight.

Turning to other economic and social rights, creeping annexation continues,⁸⁶ and destruction of homes and forced evictions have not subsided.^{87 88} The EU has reacted to the expansion of Israeli settlements with a policy of ‘differentiation’ by excluding products from Israeli settlements from the tariff advantages included in its Association Agreement with Israel and by excluding Israeli settlements from EU funding.⁸⁹ However, at the same time, the EU seems to be watching other ESR infringements of OPT residents occur. This is exemplary for how the EU tends to skirt politically contentious issues (vis-à-vis privileged partners) (see section 3a above).

To conclude with a more positive observation, the European Peacebuilding Initiative,⁹⁰ which distributes an annual five million Euro to civil society organisations promoting links across the political divide, deserves a mention and certainly is a contribution to strengthening human rights in the OPT.

⁸⁰ <https://gisha.org/updates/11544>; <https://euromedrights.org/livinginaza/>.

⁸¹ <https://www.ochaopt.org/content/increased-electricity-supply-improves-access-water-and-sanitation-gaza>.

⁸² https://www.europarl.europa.eu/meetdocs/2014_2019/documents/dpal/dv/background_note_hala/background_note_halaen.pdf.

⁸³ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/gaza_plant_factsheet.pdf.

⁸⁴ https://apps.who.int/gb/ebwha/pdf_files/WHA72/A72_33-en.pdf.

⁸⁵ <https://www.borgenmagazine.com/healthcare-for-palestinians-barriers-to-access-and-improvement-efforts/>.

⁸⁶ <https://visionscarto.net/land-grabbing-in-palestine>.

⁸⁷ <https://www.un.org/unispal/document/unlawful-demolitions-in-the-west-bank-spike-during-covid-19-statement-by-humanitarian-coordinator-jamie-mcgoldrick/>.

⁸⁸ https://www.ochaopt.org/sites/default/files/demolition_monthly_report-september_2020.pdf.

⁸⁹ <https://www.ecfr.eu/specials/differentiation-tracker>; <https://www.cncd.be/note-politique-differenciation-commerce-droit-international-colonies-israeliennes>.

⁹⁰ [https://eeas.europa.eu/generic-warning-system-taxonomy/404_en/12391/EU%20Peacebuilding%20Initiative%20\(formerly%20EU%20Partnership%20for%20Peace%20Programme\)](https://eeas.europa.eu/generic-warning-system-taxonomy/404_en/12391/EU%20Peacebuilding%20Initiative%20(formerly%20EU%20Partnership%20for%20Peace%20Programme)).

4.6. Tunisia

The EU's current 'Partnership Priorities' with Tunisia and its assistance framework cover in particular:⁹¹

1. Inclusive and sustainable socio-economic development, with a focus on high youth unemployment and private sector development;
2. Democracy, good governance and human rights: with specific mention of action to combat violence against women;
3. Mobility and migration: including implementing a Partnership for Mobility and fighting against the "root causes of irregular migration"; and
4. Security and counterterrorism, "in line with the shared values of democracy and human rights".

The Partnership Priorities are underpinned by a roadmap for the socio-economic recovery of the country which has been experiencing a sustained economic crisis since the 2011 revolution⁹² with only a slow GDP growth since 2018.⁹³ Unemployment rates have continued to rise and are felt most profoundly by young Tunisians (and disproportionately by young women in rural areas).⁹⁴ The impact of youth unemployment (currently at 36% with a rising trend⁹⁵) and the interlinked phenomenon of brain drain on the Tunisian economy cannot be underestimated, and the social consequences on young people (disenfranchisement, exclusion etc.) are equally crippling.⁹⁶ Workers' rights are not adequately protected, and there are huge disparities between the rights and benefits enjoyed by public sector employees, private sector employees, and employees in the informal sector (who have no social security coverage at all).⁹⁷

Mirroring these challenges, the EU's priorities are on socio-economic development. The 'Single Support Framework' for Tunisia⁹⁸ foresees 38.5% of the total budget to support economic growth and employment, and another 38.5% to reinforce social cohesion (by means of, for example, establishing a system of social assistance, encouraging a reform of the social security and healthcare systems, and strengthening the education sector). The 2014 Tunisian Constitution underlines the importance of this and enshrines everyone's constitutional right to social protection. Nonetheless, the public sector has seen increasing cutbacks in recent years in order to reduce the budget deficit.⁹⁹ This includes the underfunding and increasing privatisation of healthcare and education,¹⁰⁰ which may seriously hamper the positive impact that some of the EU's cooperation activities could otherwise have.

Within the ENP framework, negotiations of a 'Deep and Comprehensive Free Trade Agreement' to boost trade between the EU and Tunisia continue.¹⁰¹ However, this proposed treaty is being met with criticism from trade unions and CSOs for the destabilising and deregulating effect it is likely to have on the already-fragile

⁹¹ https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/tunisia_en.

⁹² https://www.swp-berlin.org/fileadmin/contents/products/comments/2018C49_rff_wrf.pdf.

⁹³ https://eeas.europa.eu/sites/eeas/files/swd_2019_185_f1_joint_staff_working_paper_fr_v3_p1_1023657.pdf.

⁹⁴ https://www.worldbank.org/content/dam/Worldbank/document/MNA/tunisia/breaking_the_barriers_to_youth_inclusion_eng_chap3.pdf.

⁹⁵ <https://www.statista.com/statistics/813115/youth-unemployment-rate-in-tunisia/>.

⁹⁶ https://www.worldbank.org/content/dam/Worldbank/document/MNA/tunisia/breaking_the_barriers_to_youth_inclusion_eng_chap3.pdf.

⁹⁷ <http://www.oecd.org/economy/surveys/Tunisia-2018-OECD-economic-survey-overview.pdf>.

⁹⁸ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/ssf-tunisia-c_2017_5637_1_annex_fr_v1_p1_944238.pdf

⁹⁹ <https://www.aljazeera.com/economy/2018/11/22/thousands-protest-tunisias-public-sector-cuts/?gb=true>.

¹⁰⁰ <https://www.tunisienumerique.com/tunisie-ahlem-bel-haj-sexprime-sur-la-privatisation-des-etudes-de-medecine/>; <https://www.businessnews.com.tn/education-en-tunisie-mort-programmee-du-secteur-public,526,64823,3>.

¹⁰¹ <http://www.aleca.tn/en/decouvrir-l-aleca/presentation-de-laleca/>; <https://ec.europa.eu/trade/policy/countries-and-regions/countries/tunisia/>.

Tunisian economy as well as the concrete risk it may pose to, amongst others, the agricultural sector, labour rights and food sovereignty.¹⁰² Doubts have also been voiced as to the terms of the negotiations (supposedly between equal partners) and the meaningful consultation of civil society and the sectors particularly concerned (see also section 3c above). A tripartite dialogue between the Tunisian Government, the EU and civil society was trialled for a number of years in Tunisia and was generally seen as a very promising mechanism for continuous exchange and consultation. Still, the dialogue was not set up as a permanent consultation mechanism at national level and the funding has come to an end.

In terms of actions to combat violence against women, the biggest changes (the most notable of which occurred with the introduction of the first law to combat violence against women in 2017) have arguably come from Tunisian civil society and national institutions, rather than EU cooperation. Nevertheless, the fact that gender equality and equal opportunities figure as a cross-cutting objective in the EU's support framework merits a positive mention. With regard to civil society support, it is however deplorable that only 2% of the overall budget are specifically allocated to this strand of action.

5. Call for action: what needs to happen at EU and/or country level to strengthen economic and social rights in the European Neighbourhood Policy?

- The EU should ensure **policy coherence** and systematically work – across all policy areas – towards progressively realising economic and social rights, such as to decent working conditions, social security, an adequate standard of living, and accessible and quality public services including healthcare and education, in line with its' own and member states' human rights obligations.

The first step should be the **systematic incorporation of economic and social rights, with a particular consideration of gender equality, in all components of the ENP** – which should be reflected accordingly in specific instruments, priorities and programmes. The EU Gender Action Plan as well as the EU Action Plan on Human Rights and Democracy should be woven into the Partnership Priorities and programmes.

- A **human rights-based partnership** with clear priorities: The EU and partner countries should take an approach to socio-economic development that is based on human rights and inclusive, sustainable development instead of the current focus which is mainly put on economic growth and stability. Only such an approach will make it possible to achieve sustainable progress in people's wellbeing, societies' resilience and states' stability. In concrete terms, this requires strengthening, monitoring and holding to account public institutions that deliver and/or regulate basic services in order to increase the State's ability and capacity to promote and protect economic and social rights, and to ultimately guarantee access to these rights for everyone.
 - o Greater emphasis on policies and reforms to **build strong social protection systems**, with a specific focus on the most marginalised people: The EU should ensure that its cooperation with Southern Mediterranean partner countries prioritises universal social protection coverage in each country. National social protection floors are key to prevent and alleviate poverty, vulnerability and social exclusion.

¹⁰² <https://ftdes.net/note-politique-aleca-tunisie/>;
https://www.swp-berlin.org/fileadmin/contents/products/comments/2018C49_rff_wrf.pdf.

- The European Neighbourhood Policy should also be built on a **just migration framework** shifting from the current securitisation approach to a truly human rights-based approach to migration. The current priorities excessively focus on strengthening border controls, enhancing policing capacity and preventing people from leaving their own countries/restricting people's freedom of movement. EU cooperation on migration with its Southern Neighbours currently follows the dangerous logic of conditionality, whereby, for instance, development cooperation and visa liberalisation policies are linked to the acceptance by the partner country of increased migration controls or agreements on readmissions and returns.
- The **sustainability impact assessments** commissioned by the EU in the context of trade agreements should take due account of states' human rights obligations, duly follow through potential negative effects identified (in the case of ex-ante assessments) and meaningfully involve civil society organisations, in line with the UN Guiding Principles on Human Rights Impact Assessments of Trade and Investment Agreements.¹⁰³
- In order to achieve the above, **adequate funds** within the ENP need to be directed to **economic and social rights and sustainable development**. The EU should ensure that the allocated funds address and benefit equally both men and women in partner countries. A set share of the budget should be allocated to organisations advancing **women's rights and gender equality** in partner countries.
- The EU should recall, in each bilateral framework (including in the development of country strategies and ongoing dialogues), its commitment to **systematically and meaningfully consult civil society organisations** in a transparent and well-informed manner and with a reasonable timeframe (see section 3c above). This should also apply ahead of negotiations of new agreements. The EU should continuously and proactively reach out to new civil society actors and specifically women's rights organisations.

In view of the above, the ENP should stress more firmly the **importance of independent civil society as an implementing partner** and the need for these actors to be able to receive funding for their human rights and development activities without undue restrictions. It should continue **strengthening the capacity of civil society** and work towards an enabling environment for a free, informed and engaged civil society. This may also require a methodological effort towards the civil societies of the southern Mediterranean to adequately inform them of possible entry points.

¹⁰³ https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-59-Add5_en.pdf.