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EUROMED RIGHTS ‘SHADOW’ COMMUNICATION TO:

**THE EUROPEAN COMMISSION, THE EUROPEAN EXTERNAL ACTION
SERVICE, THE COUNCIL, THE EUROPEAN PARLIAMENT AND
THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE**

**On a Renewed Partnership between the EU and its Southern Neighbourhood
conducive to human rights and democratisation**

‘Through its renewed partnership with its Southern neighbours, the EU should actively work towards creating an environment conducive to the realisation of all human rights and the reinforcement of the independence of civil society. It should lead by example and base this partnership firmly on clear human rights-based priorities.’

Wadiah Al-Asmar, EuroMed Rights President, 8 February 2021

INTRODUCTION: A RENEWED PARTNERSHIP BASED ON HUMAN RIGHTS, DEMOCRACY, AND THE RULE OF LAW

In early December 2020, the European Union (EU) officially announced that the EU-Southern Neighbourhood partnership would be strengthened to ensure that “it better responds to today’s **challenges and opportunities.**”¹ This process will culminate with the adoption of a “Joint Communication on a renewed partnership for the Southern Neighbourhood,” which is foreseen “for the first quarter of 2021.”

Six years ago, when the “Arab Spring” turned short of expectations, a consultation on the revision of the European Neighbourhood Policy (ENP) was launched. This revision led to the adoption, on 18 November 2015, of a reviewed ENP emphasising stability and security, economic development and migration management, but downscaling the human rights-based approach² that was at the heart of the 2011 ENP review.

It is in the interest of all parties, i.e. civil society in the Euro-Mediterranean region as well as the EU and its Southern partner countries, that a renewed partnership between the EU and its Southern Neighbourhood realigns itself with the **values and principles** that inspired the EU enlargement policy, the same ones on which the EU was founded and which should guide its external action (Art. 1 and Art. 21 of the Treaty on European Union - TEU).

This **‘shadow’ Communication by EuroMed Rights** contains strategic priorities for a Euro-Mediterranean Partnership based on human rights, democracy, good governance, and the rule of law, which is the only approach that can guarantee stability and security to the region as well as people’s enjoyment of their civil, political, economic and social rights, gender equality, and climate justice.

1. ECONOMIC AND SOCIAL RIGHTS FOR ALL

Amid a period of increasing socio-economic inequality and mass protests demanding social justice across the Euro-Mediterranean region, the COVID-19 pandemic has clearly shown that economic and social rights, including the need for universal social protection systems, lie at the heart of **people’s wellbeing, societies’ resilience and states’ stability.**

¹ See [EEAS - Press Release of 4.12.2020](#)

² See [EuroMed Rights response to the 2015 ENP review](#) and its [analysis of three-year implementation](#) in November 2018.

Economic rights - rather than mere growth – as well as social rights should be a key priority in the renewed partnership given the large informal sector on the Southern shore of the Mediterranean (around 66% of the total work force in the MENA region) and the devastating socio-economic and inequality impacts of the COVID-19 pandemic. Yet, these rights have always been pushed to the margins of the Euro-Med Partnership. Not only are they rarely mentioned in the ENP Partnership Priorities, but the effects of the neoliberal narrative and the market economy model the ENP promotes are often in strong contradiction to its stated aim to tackle the economic, political and societal fragility; promote sustainable, inclusive development and improve respect for human rights in general. The result is that 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 living standards.

Against this background, the renewed Partnership should:³

- Strengthen economic and social rights, e.g. decent working conditions, adequate standard of living, accessible and quality public services, with particular consideration for gender equality; provide adequate funding to related initiatives by state and civil society actors;
- Contribute to building accessible, universal and robust social protection systems, with a specific focus on the most marginalised people;
- Encourage human rights-aligned fiscal policies and robust accountability frameworks;
- Increase investments in the social infrastructures in partner countries, instead of supporting the privatisation of basic public services;
- In the framework of trade agreements, make sure that the sustainability impact assessments take due account of states' human rights obligation, duly follow through potential negative effects identified, and meaningfully involve civil society organisations. These impact assessments should include a gender perspective.

2. GENDER EQUALITY AND WOMEN'S RIGHTS ON BOTH SHORES

At present gender inequality remains entrenched in the Euro-Mediterranean region, but the last years have seen contestations of gender equality rising exponentially and from a multitude of actors on both shores of the Mediterranean. Far-right, nationalist movements across Europe and conservative and Islamist ones on the Southern shore, both using a traditionalist and religious discourse, have lately been on the rise in **backlashing gender equality**. This has consequently exacerbated the gendered dimension of the phenomenon of shrinking space for civil society.

The COVID-19 pandemic has only worsened the situation. On the one hand, illiberal and autocratic governments have seized the occasion to pursue their attacks against women's and LGBTIQ+ rights; on the other hand, the various governmental measures enacted in response to the pandemic have effectively deteriorated women's living conditions, affecting their livelihoods and safety in many countries in the Euro-Mediterranean region. Additionally, a problematic increase - yet expected - in online and offline violence against women has been observed.

³ See also [EuroMed Rights' 2020 assessment of the ENP](#) as regards economic and social rights.

In this context, the renewed Partnership should:

- Enhance the legal environment for combating violence against women as a form of discrimination. The accession by the EU as well as by its Southern partners to the Istanbul Convention would constitute an important step forward in that regard;
- Give priority to the fight against gender backlashes and provide resources to civil society organisations who fight against this growing phenomenon in the North and in the South;
- Mainstream the gender approach into other EU policies, adopting an intersectional approach and including LGBTIQ+ rights fully; for instance, as regards healthcare, promote the redistribution of care work from unpaid to paid, from market to state and from women to men;
- Support women human rights defenders and women's rights organisations in a shrinking space context and ensure their full participation in the implementation of the EU-Southern Partnership.

3. MIGRATION AND ASYLUM: A NEW ROUTE TO PROTECT RIGHTS

Over the last decade, instead of promoting safe mobility, the protection and integration of migrants and asylum seekers, and integrating the issue of climate justice, the European policy on migration and asylum has focused on the **externalisation of border control**. In this spirit, formal and informal partnerships with countries from the Southern Neighbourhood have been based on **conditionality** to force partner countries to follow the EU agenda in that field, i.e. more border controls, readmission agreements, with facilitation of visas and development aid as bargaining chips.

This political approach is mirrored in the 2021-2027 EU Multi-Annual Financial Framework (MFF) pillar on migration and transversally across the MFF, which will increase the funding available for returns and border management to the detriment of inclusion and the enhancement of legal migration pathways and resettlement schemes.

The New Pact on Migration and Asylum presented on 23 September 2020 chooses to further externalise border management and increase returns, concluding the EU's turn towards a full **security-based approach**, criminalising and dehumanising migrants and refugees as a result.

To counteract this approach, the renewed Partnership should:

- Adopt a humane and rights-based approach to migration and asylum by ensuring real accountability for human rights violations;
- Promote free, safe and fair mobility in the Euro-Mediterranean region, by increasing legal pathways to the EU, implementing safe and fair labour migration policies and liberalising visa policies;
- Ensure that conditionality in cooperation and development aid is “positive” and based on human right respect, rather than “negative” based on policies that generate violations, e.g. readmissions agreements;
- Integrate the challenge of environmentally induced migration, with climate injustice pushing people to flee areas affected by global warming and its dire consequences.

4. A REGIONAL ENABLING ENVIRONMENT FOR CIVIL SOCIETY

In the last years, the increasing phenomenon of “shrinking space for civil society” has been registered in many countries across the Euro-Mediterranean region. Many governments have attempted to silence civil society's voices using arbitrary restrictions, asset freezes and travel bans, physical threats, judicial harassments, arrests and sometimes the death penalty.

These multi-faceted attacks reduce civil society organisations' capacity to play its fundamental democratic role as **watchdogs** and as agents of social change. They also constitute a violation of the State's obligation to promote and protect an enabling environment for civil society, particularly the freedoms of expression, assembly and association; free access to and dissemination of information, and participation in public affairs.

Amid these growing concerns, the renewed Partnership should:

- Enhance the legal environment for defending and promoting freedom of expression, freedom of the press, and freedom of association and assembly; promote unfettered access to Internet and promote digital rights, including the right to privacy;
- Publicly denounce backlashes against these rights and promote accountability measures for human rights violations, reprisals and all forms of attacks against civil society; promote a positive narrative on the legitimate and crucial role played by independent individuals and groups defending human rights, in accordance with the UN Declaration on the protection of Human Rights Defenders;
- Reinstate the 2011 “more for more” principle, by increasing EU support for countries that make more progress towards democratic reform and respect for human rights and their defenders, and add a “less for less” principle to it;
- Apply the new EU Global Sanctions regime against perpetrators in Southern Mediterranean countries where gross violations of human rights and assaults on human rights defenders occur, taking due account of documentation provided by civil society.

5. ENGAGING WITH CIVIL SOCIETY WITH AN OPEN MIND

Twenty-five years ago, the Barcelona Declaration acknowledged the essential contribution that civil society can make in the development of the Euro-Mediterranean Partnership. Nowadays, despite some positive developments, the path towards the full inclusion of independent civil society has a long way to go.

A few years ago, a “**tripartite dialogue**” was launched in Tunisia gathering EU representatives, civil society and national authorities. This initiative has been crucial for civil society to monitor bilateral relations between the EU and Tunisia and strengthen its cooperation with national authorities. The EU-Tunisia tripartite dialogue is a positive example of civil society's inclusion and should be replicated across the region where possible, with the involvement of European civil society actors to make it a genuine EuroMed dialogue.

The **MAJALAT project**, launched in early 2018 by a consortium of civil society networks with the support of the European Commission, has succeeded in gathering many local and regional civil organisations with a view to entering in dialogue with the EU on the issues of

good governance, economic and social rights, migration, countering violence, and climate justice. This regional experience plays a key role in promoting a bottom-up approach, enabling civil society to address grassroots recommendations to the EU.

In this framework, the renewed Partnership should:

- Ensure the full participation of independent civil society in the design, implementation and evaluation of the EU-Southern Mediterranean Partnership; ensure a full exchange between the two shores of the Mediterranean by involving European civil society in this process;
- Consolidate and render permanent the “tripartite dialogue” mechanism in Tunisia and strengthen the efforts to introduce it where possible in other countries of the Southern Neighbourhood;
- Support and ensure the continuity of regional projects, such as MAJALAT, to foster Euro-Mediterranean regional dialogues with human rights defenders, democracy promoters and other independent civil society actors, creating safe spaces to gather, share ideas, design strategies, and identify priorities for the EU-South Mediterranean partnership;
- Provide EU and Member State funding to independent civil society organisations in a flexible way, enabling them to survive and continue working in difficult situations.

CONCLUSION: TIME FOR A RENEWED COMMITMENT HAS COME

Multilateralism, security, climate justice, research and cultural dialogue are also key domains in which the EU can be instrumental in building bridges between the two shores of the Mediterranean. Internal conflicts and regional disputes continue to rage across the region (Western Sahara, Libya, Israel/Palestine, Syria), and constitute a significant challenge for the Partnership.

The fight against extremism, radicalisation, cybercrime and organised crime must abide by the rule of law. The state of emergency is an exceptional measure during which citizens’ fundamental rights need to continue being fully respected. The EU should apply conditionality when partner countries use the fight against terrorism to silence dissent.

Finally, in each bilateral framework, the EU should recall its commitment to systematically and meaningfully consult civil society organisations in a transparent and well-informed manner and with a reasonable timeframe. The renewed Partnership should stress more firmly the importance of independent civil society as an implementing partner and the need for these actors to receive **practical support without undue restrictions, and political support without fear of reprisals.**