



Amman, 14 March 2010

## **RECOMMENDATION**

of the Committee on Political Affairs, Security and Human Rights

on the following topics:

- 1. The Barcelona Process: Union for the Mediterranean - what added value for the development in the Mediterranean region?**
- 2. Respect for freedom of expression and freedom of religion or belief**

Rapporteurs topic 1:

Germany - Mr. Hans Raidel

Italy - Mr. Rosario Giorgio Costa

Algeria: Mr. Mohamed-Kamel Rezgui

European Parliament - Mr. Raimon Obiols i Germa (PES - Spain) and Mr. Ivo Vajgl (ADLE - Slovenia)

Rapporteurs topic 2:

Spain - Mr. Jordi Pedret

Turkey - Mrs Zeynep Dagi

European Parliament - Mrs H el ene Flautre (Greens/EFA - France)

**After:**

- Having regard to the Barcelona Declaration adopted at the Euro-Mediterranean Conference of Ministers of Foreign Affairs held in Barcelona on 27-28 November 1995 establishing the Euro-Mediterranean Partnership,
- Having regard to the conclusions of the Euro-Mediterranean Summit held in Barcelona on 27-28 November 2005 to mark the 10th anniversary of the Euro-Mediterranean Partnership,
- Having regard to the Euro-Mediterranean code of conduct on countering terrorism adopted by the Euro-Mediterranean Summit held in Barcelona on 27-28 November 2005,
- Having regard to the conclusions of the Euro-Mediterranean Conferences of Ministers of Foreign Affairs held in Naples on 2-3 December 2003,
- Having regard to the recommendations adopted by the Euro-Mediterranean Parliamentary Assembly (EMPA) at its fourth and fifth plenary sessions in Athens on 27-28 March 2008 and in Brussels on 16-17 March 2009,
- Having regard to the EMPA Bureau Statements adopted on 12 July 2008 in Paris, on 20 November 2009 in Cairo and on 22 January 2010 in Rabat,
- Having regard to the Joint Declaration of the Paris Summit for the Mediterranean, held on 13 July 2008,
- Having regard to the Final Declaration of the Ministerial conference on Barcelona Process: Union for the Mediterranean, held in Marseille, 3-4 November 2008,

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- Recalling the international instruments, inter alia, Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, that recognize the right of each person to freedom of opinion and expression and freedom of thought, conscience and religion;
- Reaffirming the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, which proclaimed that all human rights are universal, indivisible and interdependent and interrelated;
- Having regard to the joint declaration of 8 February 2006 by the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;
- Having regard to the recommendation of the Euro-Mediterranean Parliamentary Assembly on the outcome of the Barcelona Summit and the outlook for the Euro-Mediterranean partnership adopted on 27 March 2006;

- Having regard to the Barcelona declaration of 27 and 28 September 1995 reconfirmed by the Heads of State in Barcelona in 2005;

- Having regard to the resolutions of the United Nations Human Rights Council 7/36 of 28 March 2008 and A/HRC/12/L.14/Rev.1 of 30 September 2009;

- Having regard to the resolutions on the elimination of all forms of intolerance and discrimination based on religion or belief adopted by the UN Human Rights Council and UN General Assembly, in particular Resolution 10/25 of the UN Human Rights Council of 27 March 2009 and Resolution 63/181 of the UN General Assembly of 16 March 2009,

***Therefore, the Committee on Political Affairs, Security and Human Rights of EMPA:***

**I. On the Barcelona Process: Union for the Mediterranean - what added value for the development in the Mediterranean region?**

1. Recalls that the Barcelona Process has developed Mediterranean cooperation at political and commercial levels, but that its economic and social ambitions have not yet been satisfactorily realised and that much remains to be done in this connection; believes that the new initiative of the UfM confirms these developments and attempts to offer a new dynamic for such relations and the partnership; considers therefore, that the value brought by the UfM to the Euro-Mediterranean Partnership is one of greater political significance and economic and social effectiveness and that the UfM should have as a priority the maximum development of cooperation mechanisms among countries in the region through effective methods with the aim of reducing the economic, social and political gaps;
2. Recalls that the UfM underlines the importance of developing an institutional framework for Euro-Mediterranean cooperation and upgrading the political dialogue among Mediterranean partners by closely involving existing international entities; furthermore, it gives a new impetus to the Barcelona Process through translating the goals into concrete projects which are more visible to citizens; the UfM remains a union of projects;
3. Considers the UfM as the most advanced platform for Euro-Mediterranean relations, with the principles of shared responsibility and co-ownership as its main features; takes the view therefore that it should increase the political significance of the Euro-Mediterranean Partnership through a common institution that can work effectively in supporting political dialogue, economic reforms and strengthening the rule of law, in order to achieve the desired stability and prosperity of all our citizens;
4. Recognises that the new institutional dynamic of the Barcelona Process through the establishment of the UfM, with a co-presidency, governing bodies and a permanent secretariat, lays down the foundations for structural dialogue and effective management between the ministerial and parliamentary components of the Euro-Mediterranean Partnership;

5. Considers the UfM as an asset for achieving the desired institutional reforms within Mediterranean countries; reiterates its call to enforce the parliamentary dimension and visible role of the EMPA, while stressing that the UfM will remain a resourceful and unique institution for transforming the Mediterranean region into a space of human liberty, peace, democracy and respect for human rights and fundamental freedoms;
6. Points out that the EMPA should develop its ability to match the new evolution of the Euro-Mediterranean Partnership and the creation of the UfM; notes that the name should be changed from EMPA to PA-UfM, as a first step, to be followed by the integration of PA-UfM activities within the UfM's structure and projects;
7. Considers that a climate of trust is essential to the success of the UfM and its projects and that, in order to achieve this, the precondition is a more active involvement of all UfM members for the resumption of a peace process in the Middle East, that will lead, within an agreed time-frame possibly of 2 years, to the implementation of the two-state solution consisting of an independent, democratic, viable and contiguous Palestinian State, comprising Gaza and the West bank including East Jerusalem, living side by side with the State of Israel in peace and security and within the 1967 borders, with Jerusalem as capital of the two States; is in favour of a just solution for the Palestinian refugees in accordance with UN Resolution 194 and as proposed by the Arab peace initiative; continues to be very concerned by the continuing expansion of settlements, which is destroying trust between the partners, undermining the authority of the Palestinian negotiators and undermining the credibility of the international community; draws attention to the fact that building settlements on occupied Palestinian territories, including East Jerusalem, is illegal under international law and that settlement activities prejudice the outcome of final status negotiations and compromise the viability of an agreed two-State solution; calls on Israel to freeze all settlement activities and lift the blockade of Gaza in accordance with international law; calls for the implementation of all recommendations as suggested in the Goldstone report; considers that a strong determination of Europe is needed in this regard<sup>1</sup>;
8. Considers, however, that progress in the UfM's integrating projects may make an immediate contribution to developing solidarity and help establish a climate of confidence and peace and that steps should therefore be taken to promote the rapid establishment of sectoral cooperation;
9. Stresses that it is very important that the UfM play its role fully in tackling common issues that concern Euro-Mediterranean countries, such as: water, energy, small and medium-sized enterprises, immigration, climate change, maritime issues, education and the cultural dialogue; considers that it is important to shift emphasis and priority to specific cooperation projects, such as :
  - Cooperation on energy that should be broadened to include other alternative energy sources and strengthen regional energy networks;
  - Cooperation in the sector of small and medium-sized enterprises as an indispensable instrument for development and employment;

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<sup>1</sup> Reservation of the Israeli delegation

- Cooperation on maritime pollution prevention based on the increased use of satellite systems and a coordinated approach with the European Maritime Safety Agency;
  - Cooperation on the issue of access to water, including conflict prevention;
  - Cooperation in the scientific and education field that led to the establishment of the Euro-Mediterranean University (EMUNI), which today offers accredited study programmes and brings together a network of more than 140 institutions from more than 35 countries, an initiative which should be taken as an example for concrete cooperative projects that will be monitored by UfM in the future;
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10. Insists on the provision of an effective mechanism whereby civil society can contribute, participate and articulate ideas, initiatives and proposals for the UfM; considers that regional and local government should be promoted and encouraged, and developing the initiatives promoted by the UfM city mayors and heads of regions must have a key role; notes that this requires better cooperation and dialogue with different non-state actors to ensure wide participation and input from Mediterranean citizens;
  11. Highlights the need accurately to establish the strategic objectives and projects of the UfM for the development of the region; considers that investment should be encouraged, both from public and private sectors, which will require good project design and more reliable, efficient and transparent management with the aim, in particular, of supporting small and medium-sized enterprises as an indispensable factor of economic development and social stability; considers that the implementation of projects should not depend on their own limited financial resources but on the existence of suitable proposals able to ensure long-term financial support and be executed with precision and solvency; stresses the importance of overcoming the delay in the launching of the six Euromed projects, in particular the de-pollution of the Mediterranean, the sea highways and the solar plan, while insisting that the transparency criteria be respected in the selection procedure;
  12. Emphasises that the establishment of a free trade area, one of the goals of the Barcelona Process: Union for the Mediterranean, may not be reached without working in parallel on a policy of social and human development which fully respects the obligations set out in the two United Nations protocols on political, economic, social and cultural rights, while combating in particular social exclusion and encouraging equitable economic development between the two shores of the Mediterranean; takes the view that such an approach would facilitate a common approach to security in the Mediterranean in all its dimensions, including the fight against terrorism, while fully respecting all the obligations set out in international law, in particular as regards human rights, the rights of refugees and humanitarian law;
  13. Believes that joint management conducted in a spirit of partnership, responsibility-sharing, mutual benefit and solidarity and based on a balanced integrated and global approach is a fundamental aspect of Mediterranean cooperation; considers that it must be exercised while fully respecting and protecting the rights of migrants with the aim of reducing in particular the rate of illegal immigration and in particular the trafficking in human beings and clandestine immigration networks; considers, however, that this approach should not run counter to the goal of turning the Mediterranean region into an

area of human exchange and dialogue zone in order to allow a genuine rapprochement between Mediterranean societies;

14. Calls for the revision of European policies towards the southern shore of the Mediterranean as regards the movement of persons in order to encourage human exchanges able to bring the peoples together and create a real partnership at all levels governed by mutual respect between the two shores;
15. Calls for a systematic, coherent and effective approach to be adopted with regard to the funding of the UfM which constitutes a major problem for the fully-fledged functioning of the initiative (i.e. the Secretariat's mandate to raise funding) as it falls short of providing guarantees for the implementation of projects; welcomes the mandate given to the EIB by the Euromed Ministers of Finance meeting in Luxembourg in November 2008 to coordinate three of the six priority projects (depollution of the Mediterranean sea, the solar plan and the sea/terrestrial highways); notes that the role of the EIB in the financing mechanism of the UfM should be encouraged, strengthened and adapted and demands in this connection that the EMPA should be able to exercise democratic controls;

## **II. On respect for freedom of expression and freedom of religion or belief**

16. Recalls that recognition of the right to freedom of thought, conscience and religion (article 18) and the right to freedom of opinion and expression (article 19) are part of the Universal Declaration of Human Rights, a document that binds all member countries of the Euro-Mediterranean Union, and for this reason reaffirms that:
  - a. the right of every single person to freedom of thought, conscience and religion, as stated in article 18 of the Universal Declaration of Human Rights, must be recognized and respected; this right includes the freedom to change his or her religion or belief, and the freedom, either alone or in community with others and in public or private, to give expression to his or her religion or belief in teaching, practice, worship and observance;
  - b. the right of every single person to freedom of opinion and expression, as stated in article 19 of the Universal Declaration of Human Rights must be recognized and respected; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers;
17. Recalls that freedom of expression and freedom of religion are two equally fundamental rights that constitute the bedrock of any democratic society, since they guarantee tolerance, pluralism and the development of every person free from State interference;
18. Points out that international law is not intended to protect religions, ideologies or abstract values but protects an individual, alone or in a community, exercising, privately or publicly, his or her freedom of thought, conscience, religion, opinion and expression;
19. Recalls that freedom of thought, conscience and religion applies to adherents of religions but also to atheists, agnostics and people without beliefs;
20. Highlights the interdependence of freedom of opinion and expression and freedom of thought, conscience and religion, and stresses in particular that, owing to the interaction between them, freedom of opinion and expression constitutes the extension of freedom of thought, conscience and religion;
21. Points out in this connection that freedom of opinion and expression creates a public area for free discussion which also implies the right to voice criticism, including of religious issues;
22. Considers that if Article 19, paragraph 3, of the International Covenant on Civil and Political Rights provides that the exercise of the freedom of opinion and expression includes specific rights and responsibilities, States must refrain from imposing restrictions incompatible with this paragraph;
23. Condemns, therefore, any attempt to subordinate the exercise of one of these freedoms to the other, points out that guarantees of freedom of opinion and expression and freedom of thought, conscience and religion reflect shared values and principles of jurisprudence, and

consequently insists on the need to exercise these freedoms in a responsible, complementary and harmonious way;

24. Considers that, in any case, the best way of addressing this matter is not the repression of freedom of expression but an education based on coexistence, respect and mutual understanding among the different religions and branches of philosophical and ethical thought, which has to be promoted by the public authorities of EU and Mediterranean States, by their universities and by the whole of their education systems; welcomes the initiatives promoting interreligious and intercultural dialogue, in particular, the Alliance of Civilizations promoted by the United Nations and supported by the EMPA;
25. Insists on the exclusive monopoly of an independent and impartial judiciary body to exercise proportionality with the aim of regulating interactions between the right to freedom of opinion and expression and the right to freedom of thought, conscience and religion;
26. Stresses the obligations of States to respect and protect freedom of opinion and expression and freedom of thought, conscience and religion - exercised individually or collectively - without discrimination based on nationality, language, religion, sex, sexual orientation or any other situation; insists, likewise, on their commitments aimed at promoting tolerance between the various groups within society and combating intolerance, racism and xenophobia; emphasizes that the European Court of Human Rights also acknowledges that there exist permissible restrictions to freedom of expression, in particular in cases involving incitement to hatred, including religious hatred, condemns, therefore, all forms of persecution that violate freedom of thought, conscience and religion, whether targeted at religious minorities, journalists, artists or writers;
27. Considers that greater efforts and resolute action are needed to promote and protect freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief;
28. Encourages all societal players, in particular, parliamentarians, non-governmental organizations and public bodies, to work in a sustained manner to promote the application of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

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29. Instructs its President to forward this recommendation to the Co-Presidency, the Secretary-General and the institutions and member countries of the Union for the Mediterranean.