



Extrait du FIDH - Worldwide Human Rights Movement

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EU/GCC

Open letter in view of the EU-GCC Joint Co-operation Council

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Description :

On the eve of the EU-GCC Joint Co-operation Council to be held on the 14th of June 2010, the International Federation for Human Rights (FIDH) calls upon the EU and GCC Ministers to put human rights at the centre of their relations in all fields and at all levels.

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On the eve of the EU-GCC Joint Co-operation Council to be held on the 14th of June 2010, the International Federation for Human Rights (FIDH) calls upon the EU and GCC Ministers to put human rights at the centre of their relations in all fields and at all levels.

FIDH takes note of the recent developments in the negotiations of an EU-GCC Free-Trade Agreement (FTA) and particularly welcomes the announcement of the inclusion of a reference to human rights in the FTA. In this regard, FIDH insists on the essential inclusion of a « human rights clause » in the negotiated Free Trade Agreement and recalls that the European Parliament adopted a Resolution in April 2008 pertaining to the EU-GCC FTA in which it « stresses that enforceable human rights clauses are an essential part of an FTA with any country or region and should be included in the agreements as a suspension clause ».

At the end of the last EU-GCC Joint Co-operation Council held in April 2009, both parties "reaffirmed that they share the universal values of respect for human rights and democratic principles, which form an essential element of their relations.(...) [and] reiterated their continued commitment to the promotion and protection of human rights and fundamental freedoms". However

FIDH remains concerned about the general pattern of human rights violations in the GCC countries. Since the last EU-GCC Joint Co-operation Council held in April 2009, few steps were taken by the authorities of the GCC countries to improve the enjoyment of human rights on their territory.

FIDH therefore urges once more both parties to give specific attention to the following priorities:

- * Inclusion of a human rights clause in the negotiated EU-GCC Free Trade Agreement

- * Adopting concrete measures to protect the rights of migrant workers;

- * Adopting concrete measures to protect women's rights and to promote equality between men and women;

- * Taking effective measures to improve the enjoyment of the freedom of association and the situation of Human Rights Defenders in GCC countries;

- * Taking action to guarantee freedom of opinion and expression;

- * Taking effective measures to guarantee non-discrimination on a religious or sectarian basis

- * Committing to improve the overall situation of human rights in GCC countries.

Inclusion of a human rights clause in the negotiated EU-GCC Free Trade Agreement

Both parties should comply with their previous commitments and insert a human rights clause in the agreement as an essential element. This human rights clause should be implemented at all stages of the EU-GCC political dialogue. As a first step, the parties should set up a common strategy for the practical implementation of their joint commitments in this field.

Taking into account that the human rights situation differs significantly from one GCC country to another, FIDH

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recommends that the EU set up concrete tools for monitoring the human rights situation and its evolution within the EU-GCC political dialogue and in particular,

- * Systematically puts human rights concerns on the agenda of bilateral political dialogues at all levels;
- * Systematically assesses the situation of human rights on the basis of UN special procedures and human rights NGOs reports;
- * Establishes concrete benchmarks in order to monitor regularly the implementation of commitments and efforts undertaken by both parties;
- * Holds systematic consultations with EU and GCC independent human rights NGOs ahead of official meetings in order to take into account their assessment of the human rights' situation in situ and thus update the monitoring process.

Protecting migrant workers' rights, especially domestic workers

The GCC States remain an important magnet for migrant workers and these categories continue to suffer from specific discrimination. FIDH is concerned about the challenges faced by migrant workers in the GCC countries, such as the substitution of employment contracts, premature termination, excessive working hours, poor working conditions, and so on. They also face trafficking and forced labour, and sometimes visa trafficking. The right to organize and join trade unions and other associations is generally not recognized for migrants. Furthermore, despite several improvements in particular in Bahrain and Kuwait and announcements in Qatar and Saudi Arabia, there is generally no legislation protecting the rights of migrant domestic workers, although domestic work is one of the most important categories of employment for migrants.

Shocking rates of suicide of migrant workers have been reported in the last months, most of these cases concerned foreign domestic workers. Their situation has to be addressed urgently in all GCC countries to improve their working and living conditions, and to prohibit any discrimination against them.

FIDH calls upon the GCC to better protect labour rights for all by amending labour laws and making them consistent with international human rights standards, to adopt legislation on domestic workers, in accordance with international standards and to reform the sponsorship system. In this regard, FIDH urges the EU and the GCC States to ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and Their Families.

Promoting equality between men and women

Despite significant progress, in particular in terms of economic opportunities, educational attainment and political participation, a substantial lack of women's rights persists in every country in the Gulf region.

Even though women usually have political rights, they still face discrimination under the law. Islamic law and traditions have discriminating aspects towards women. Indeed they do not enjoy same rights as men under family law, property law and in the judicial system (e.g. Inheritance or transmission of nationality to spouse or children). In all GCC countries, spousal rape is not criminalised. In Qatar, women victim of rape are also punished along with the perpetrator because they are considered as being at fault. But even if in other GCC countries rape is criminalised, under-reporting is systematic due to fear of social stigma considering the cultural and societal influences. Also, in cases of rape or other crimes against women reported to the police, the perpetrators commonly enjoy impunity.

Domestic violence is often not addressed as such by law in GCC countries, as well as sexual harassment which is not prohibited in most GCC countries.

' FIDH calls upon the GCC countries to promote equality between men and women in all fields. As equality between men and women is an essential issue promoted by and within the EU, the EU should also discuss this important question in its relations with third countries in order to increase the coherence of its internal and external policies.

Improving the situation of Human Rights Defenders and their right to freedom of association

The role of an independent civil society in assessing and monitoring the human rights situation at national level is essential. Restrictions on the right to freedom of association constitute a major obstacle to an independent civil society and put civil society representatives at risk of repression and arbitrary measures. In the GCC countries, freedom of association often remains limited and sometimes, such as in Saudi Arabia, forbidden.

' Promoting the right to freedom of association and ensuring the compatibility of national laws and practice with international human rights and labour standards should be a key issue of the EU-GCC political dialogue.

Also, Human Rights Defenders (HRDs) continue to be victims of harassment, travel bans, detention, prosecution under false charges and even in some cases torture under interrogation. Cases of excessive use of force by the authorities have been reported during demonstrations and peaceful protests in various GCC countries.

Furthermore, restrictions to freedom of assembly are also imposed on human rights organisations as they are prevented from organising conferences and workshops.

The authorities of various GCC countries also used the obligation for NGOs to register as a tool to control the organisations' activities as well as to impede them from carrying out their activities due to long bureaucratic registration procedures. Any organisation not registered is considered as carrying out illegal activities. In some GCC countries (e.g. Oman and Saudi Arabia), independent human rights organisations are even not allowed to operate within the country.

' HRDs are key actors for an independent monitoring of the human rights situation. Repressive measures against them are widespread in several GCC countries. Therefore, the EU must increase its support for Human Rights Defenders in GCC countries, in accordance with the operational chapter of the Council Guidelines on HRDs.

Taking action to guarantee freedom of opinion and expression

Freedom of expression, especially of the media, is the basis for democracy. It is essential for citizens to have access to free and pluralistic information. Nevertheless, freedom of expression is very much restricted in most of the GCC countries.

The Constitutions and press laws in GCC countries and their interpretation by courts restrict freedom of speech and the press. Criticising Islam or the government is easily considered as being a criminal offence for which people can be fined and imprisoned. Almost all press (written press, radio, tv) is directly or indirectly controlled by the authorities. In various GCC countries, the government actually owns radio and television stations to control the information disclosed.

Harassment, censorship, prosecution, fining and imprisonment of news media professionals in order to control the information is systematic. Internet, as all other forms of media, is monitored by the authorities, and controversial websites are blocked. Many bloggers run the risk of being arrested and having their websites banned.

' FIDH calls upon the GCC countries to take steps to put their legislation on freedom of speech and press in line with international standards and to stop harassing journalists and other news media professionals.

Putting an end to religious and sectarian discriminations

Discrimination based on religion or belief has an important impact on the enjoyment of economic, social and cultural rights, particularly with regard to members of religious minorities and other persons in vulnerable situations. Indeed, everyone should have the right to education, to work or to take part in cultural life without any discrimination on the basis of religion or belief.

Most of GCC States often try to put a disadvantage or to ban other religions in practice or in their legislation. In some GCC countries, the fact to believe in another religion is punished by severe sanctions, up to death penalty. For instance in Saudi Arabia: the fact for an ancient muslim to declare himself atheist is punishable of death penalty by beheading.

' FIDH calls upon the GCC countries to take steps to guarantee non-discrimination on grounds of religion, belief and ethnicity, and to achieve effective implementation of the relevant international standards and in particular, the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination ratified by all GCC states.

Committing to improve the general situation of human rights in GCC countries

In addition to these specific concerns, FIDH remains concerned about the general pattern of human rights violations. The non-ratification by four of the six GCC member States of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and a generally weak cooperation with the United Nations mechanisms do not show a strong commitment towards the protection and respect of human rights. FIDH considers that the ratification of the international human rights instruments should be a key issue in the EU-GCC dialogue taking place next week.

As the human rights situation varies strongly from one GCC member State to another, FIDH insists on the imperative need to systematically assess the situation of human rights and put human rights concerns on the agenda of bilateral political dialogues at all levels.