

South Programme IV

BUILDING A COMMON LEGAL SPACE:

A decade of joint action in the Southern Mediterranean region

Regional Conference, 8-9 June 2022



Regional Conference "Building a Common Legal Space: A Decade of Joint Action in the Southern Mediterranean Region" 8 and 9 June 2022

Casa Mediterráneo, Alicante (Spain)

Operational conclusions

The Conference "Building a Common Legal Space: A Decade of Joint Action in the Southern Mediterranean Region" was held in Alicante, in hybrid format, on 8 and 9 June 2022, in the framework of the Joint EU-Council of Europe Programme "Regional Support to Reinforce Human rights, Rule of Law and Democracy in the Southern Mediterranean" (South Programme IV). The conference, held at Casa Mediterráneo, was organised with the support of the Spanish Ministry of Foreign Affairs, to celebrate the ten year-anniversary of the South Programme, which was launched in January 2012.

The Conference was formally inaugurated on 8 June by **Mr Pascual Navarro**, Secretary of State for the European Union of Spain, **Ms Verena Taylor**, Director General of the Office of the Directorate General of Programmes (ODGP) of the Council of Europe, **Mr Pascal Odul**, Head of Sector, Good Governance and Security in the MENA region, of the Directorate General for Neighbourhood and Enlargement Negotiations (DG-NEAR, EU) and **Mr Manuel Montobbio**, Chair of the Group of Rapporteurs on External Relations (GR-EXT) of the Committee of Ministers of the Council of Europe. It brought together more than 100 representatives of governmental and independent institutions as well as representatives of civil society organisations benefiting from the South Programme in region, representatives of the European Union (DG-NEAR and EU Delegations in the region) and of the Council of Europe (Parliamentary Assembly, Committee of Ministers, Operational Directorates Generals and ODGP).

The Conference "Building a Common Legal Space: A Decade of Joint Action in the Southern Mediterranean Region" aimed to:

- Take stock of ten years of partnership between the European Union and the Council of Europe in favour of the Southern Mediterranean region based on shared values between the two organisations and in support of the reform agendas of the partners in the region.

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- Highlight the results achieved by the South Programme since 2012 by emphasising the added value of the programme¹.
- Draw lessons from a decade of tripartite cooperation (European Union, Council of Europe, programme Beneficiaries), and exchange on challenges and perspectives in order to continue the cooperation, which is relevant, adapted to the needs, efficient and sustainable, in the next phase of the South Programme.

To this end, the conference also benefited from the contributions of **Bichara Khader** (Catholic University of Leuven) and **Haizam Amirah Fernández** (Real Instituto Elcano, Madrid), renowned experts on the Southern Mediterranean and the region's relations with Europe.

The Conference underlined the contribution of the South Programme towards achieving the commitments of the programme Beneficiaries to the Sustainable Development Goals (SDGs) and in particular to Goal 4 (Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all), 5 (Achieve gender equality and empower all women and girls) and 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels).

Participants welcomed the many achievements since the launch of the South Programme in 2012. They highlighted the following results (non-exhaustive list):

- **The expansion of the common legal space** between Europe and the Southern Mediterranean through:
 - ✓ The accession of several countries in the region to key Council of Europe conventions since 2012. The conference also welcomed the ongoing accession processes to Council of Europe conventions, notably in Morocco and Tunisia, following invitations from the Committee of Ministers of the Council of Europe *[a state of play is provided in Annex]*.
 - ✓ Harmonisation of the legal frameworks of Beneficiaries in the Southern Mediterranean with European and international standards, through the support of the South Programme to the preparation/revision of legislation.
- **The progressive extension and consolidation of institutional relations** between Europe and the Southern Mediterranean region through the accession of countries of the region to Council of Europe bodies and entities (e.g. observer status of Morocco and Tunisia at the European Commission for the efficiency of justice), through the active participation of Beneficiaries of the region in entities where they are members, such as the European Commission for Democracy through Law (Venice Commission - Algeria, Morocco, Tunisia, Palestine*) and partial Agreements of the Council of Europe (listed in Annex III), and regional networks involving the two shores of the Mediterranean (such as the Šibenik network).
- **Strengthening institutional capacities** of Beneficiaries in the region, with a focus on human rights institutions and legal professionals (judges, prosecutors, lawyers)

¹ A selection of key highlights and results achieved over the period is available online: <https://pip-eu.coe.int/en/web/south-programme/highlights>

* This designation shall not be construed as a designation of a State of Palestine and is without prejudice to the individual positions of Council of Europe member States on this issue.

through unique tools such as the European Programme for Human Rights Education for Legal Professionals (HELP), and the University for Democracy for the Southern Mediterranean (UniDem Med) of the Venice Commission.

- **Development of tools and establishment of mechanisms adapted** to the needs of Beneficiaries, such as the National Referral Mechanism for Victims of Human Trafficking, and the first online reporting platforms to combat cyberviolence against children in the region.

On the specific themes addressed by the South Programme, participants particularly welcomed:

- Normative and institutional reforms to **combat violence against women**, efforts to raise public awareness, foster multi-sectoral stakeholder coordination, reinforce operational capacities of judicial institutions on the matter and the continued mobilisation of civil society organisations for the referral and protection of victims of violence.
- The commitment of Beneficiaries to **combat trafficking in human beings** according to a victim-centred approach, adopting new legislative frameworks, setting up national coordination bodies as well as standardised procedures for the referral, care and protection of victims of human trafficking.
- Support for the **protection and promotion of children's rights** and combating violence against children through a deeper understanding of the multifaceted aspects of violence committed against children, including in the digital environment. This is illustrated by the creation of online portals, which enable reporting of images and videos of child sexual abuse, and the willingness of certain programme Beneficiaries to revise their legislative framework in this area, including by acceding to relevant Council of Europe instruments, such as the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention).
- Support provided to **reforms in the field of justice**, through the implementation of the tools of the European Commission for the efficiency of justice (CEPEJ) within the courts and the creation of networks serving as a platform for joint discussion and exchange of good practice on issues related to the quality and effectiveness of justice at the regional level.
- Efforts to strengthen networking of media professionals on the Council of Europe standards on **freedom of expression** and the promotion of professional and ethical standards in this field.
- Efforts to **prevent and fight against corruption and money laundering/terrorist financing**, including the strengthening of legal and institutional frameworks of anti-corruption agencies, increasing awareness of relevant Council of Europe standards and monitoring mechanisms, diversification of capacity building and networking and increased regional and international cooperation.

On the methodology of the South Programme, the Conference emphasized:

- The relevance of the South Programme's approach, based on **the Beneficiaries' requests** and on interventions with a clear **added value** in terms of the expertise provided.

- **Complementarity** between the South Programme and programmes and projects implemented at bilateral level, which provides for a multiplier effect in support of the dissemination of good practices.
- The **flexibility** of the South Programme, which has made it possible to adapt its action to political developments in the region as well as to the constraints related to the pandemic.

On the basis of the rich exchanges and lessons learned from a decade of tripartite cooperation (European Union, Council of Europe, programme Beneficiaries), the Conference recommended to:

- **Expand the work related to the progressive creation of a common legal space based on a universal approach to human rights and the principles of the rule of law**, as well as to increase efforts to sensitise the civil society in order to promote a change of mindsets at all levels of society and to provide a tangible response to citizens' expectations.
- Further support the **finalisation of accession processes** to the Council of Europe conventions, currently underway in several countries of the Southern Mediterranean region.
- **Actively promote** the most relevant Council of Europe conventions, such as on cybercrime (Budapest Convention), on the protection of personal data (Conventions 108 and 108+), on preventing and combating violence against women and domestic violence (Istanbul Convention), on action against trafficking in human beings, on anti-corruption, and on access to public documents (Tromsø Convention).
- Further emphasise the **effective implementation** of the international commitments of countries in the region, and to continue to support the implementation of new/revised legislation including by strengthening the capacities of institutional actors.
- Encourage the setting up of **coordinated multi-sectoral mechanisms** of referral, support and care for victims of human trafficking, women victims of violence and child victims of sexual abuse, and to promote exchanges and cooperation at regional level.
- Continue to support the **Network of Judicial Inspections Services** of the Southern Mediterranean in so far as it concerns the institutions responsible for consolidating the independence of the judiciary, strengthening the values of integrity, transparency and good governance of the public service, and continuing to support emerging challenges of the justice sector in the region, particularly those related to access to justice in the digital environment.
- Further **support independent bodies in charge of human rights and good governance issues** established or operationalised in the region, as illustrated by the examples of Morocco, Tunisia and Lebanon, as part of a system of checks and balances in a democratic state.
- Support initiatives that contribute towards aligning the legislative framework in the media sector with international and European standards, promote the development of ethical and professional standards regarding the **protection of journalists**, as well as further strengthen capacities in terms of “fact-checking”, the fight against disinformation among the media in general and the dissemination of standards for the regulation of the audio-visual sector in the Southern Mediterranean region.

- Continue to support the countries in the region in their **public administration reform** processes, notably through capacity building, exchange of experiences and good practices through the UniDem Med seminars.
- **Reinforce programme focus on personal data protection** as a key issue for the protection of human rights and the rule of law in the region and beyond.

On the working methodology of the South Programme, the Conference recommended to:

- **Expand the regional dimension of the South Programme**, while preserving anchorages at the national level to provide targeted responses to national reform strategies and policies.
- **Preserve the flexibility of the South Programme** to be able to cater for the requests and needs of Beneficiaries, the changing contexts in the Southern Mediterranean and to address emerging challenges in the region.
- **Continue promoting peer-to-peer networking on questions of common interest** through platforms such as the HELP Network composed of representatives of National Training Institutions for Judges and Prosecutors (NTIs) and Bar associations (BAs), the UniDem Med Regional Campus, cooperation with the Organisation of Arabic-speaking Electoral Administrations (Arabs EMBs), the cooperation network of the Pompidou Group on drugs and drug addiction in the Mediterranean region (MedNET), the networks of the CEPEJ or the activities of Tunisian and Moroccan schools of political studies training young leaders of the region.
- **Strengthen synergies with other actions** in the region **and relevant organisations**, including of the CyberSouth and Euromed Justice programmes, and the League of Arab States.