

Declaration of Athens

Following the first Conference at Marrakech from 27 to 29 April 1998, which took place at the invitation of the Morocco Consultative Council of Human Rights, the second Conference of Mediterranean National Human Rights Institutions was held in Athens from 1 to 3 November 2001 and hosted by the Greek National Commission for Human Rights.

At the end of the Conference the participants adopted the following Declaration:

I. Euro-Mediterranean National Institutions

Participants welcome those Euro-Mediterranean National Institutions for the promotion and protection, of human rights, established since their first meeting in Marrakech. They encourage the establishment of new, and strengthening of existing National Institutions for the promotion and protection of human rights within the Euro-Mediterranean region, in accordance with the internationally adopted minimum standards, the Paris Principles.

II. Follow-up to the process of the Barcelona Declaration

National Institutions, taking note of the predominant position of the issue of human rights protection in the Barcelona process which guides the Euro-Mediterranean partnership, wish to pay particular attention to this process. National Institutions commit themselves to promoting and supervising the implementation of human rights protection in the framework of this partnership, in accordance with the obligations undertaken by the signatory States.

III. Migration

The ever-growing economic and social chasm between poor and rich countries and the concomitant increase of transnational displacement of persons or populations, have provided a new form of immigration which is extremely complex and with which all States must cope.

National Institutions emphasize, first, that all States, both sending and receiving ones, should renew their efforts to create favourable conditions which are conducive to the reduction in the disquieting scale of migratory flows - particularly concerning economic development, democratization and the respect for human rights.

Second, they recall the principles enunciated in the Declaration of Marrakech and particularly urge, once again, States to ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990).

Third, National Institutions encourage States concerned, when laying down their immigrations policies, to draw inspiration from the following considerations:

- a) Immigration into a receiving State enriches the receiving State's economic, social, scientific and cultural life;
- b) Immigrants should be treated in a manner which accords with humanitarian values and international human rights law, especially the principle of non-discrimination;
- c) States should determine their reception capacities taking into consideration also the reasons for which migrants seek better living conditions.

Also, National institutions call upon States to put into effect all the principles and measures enunciated in the Declaration and in the Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

IV. Asylum

Given the intensity of refugee flows, especially from States of Africa, the Middle East and Asia, all receiving States should faithfully give effect, through their legislation and actual practice, to the humanitarian spirit of protection prescribed by the 1951 Geneva Convention Relating to the Status of Refugees, according to the criteria laid down by the United Nations High Commissioner for Refugees, and, especially, adhere to the principle of non-refoulement established by Article 33 of the above Convention. They should equally consider complementary forms of protection, founded especially upon the provisions of international law which proscribe torture and other cruel, inhuman or degrading treatment or punishment.

All States are urged to support refugees' and displaced persons' voluntary return to the countries or places of their origin, in accordance with the established principles of international law.

National Institutions consider it necessary to promote the investigation of avenues through which regional funds may be established with the aid of the international community, under the aegis of the United Nations High Commissioner for Refugees, with a view to an equitable sharing among States in every region of the burdens caused by large-scale refugee influxes.

V. Follow-up to the Durban Conference

National Human Rights Institutions are urged to play an active role in the fight against all forms of discrimination. In particular, they should maximize their efforts to combat racism which in many countries has taken disquieting dimensions, especially with regard to migrants.

Having actively participated in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, National Institutions should, according to the engagements they undertook through their own joint Statement in Durban, supervise the implementation of the Programme of Action adopted at the end of the World Conference.

All National Institutions should sustain their efforts aimed at the adoption by the competent State authorities of concrete measures which are necessary in this field.

VI. Contribution to the work of the UN treaty bodies

According to the Paris Principles, National Institutions should encourage States to ratify the international human rights instruments and ensure their implementation.

Also, National Institutions could importantly contribute to the work of the United Nations treaty bodies. The establishment of direct contacts between them would be very useful, taking, for example, the following forms:

- The treaty bodies could directly inform National Institutions about the reports required from their Governments, with a view to enabling the Institutions to follow the process of preparation and examination of the reports and, if necessary, to actively intervene in case of delay;
- National Institutions should be consulted by the Governments in the course of preparation of the reports for the treaty bodies;
- The treaty bodies should be cognizant of the comments made by National Institutions with regard to the State reports and, if such reports do not exist, to the human rights situation in their countries;
- A representative of the competent National Institution could be invited to the treaty bodies in the course of examining the State report, not as a member of the respective Government delegation but as an independent representative;
- The final observations of the treaty bodies should be directly forwarded to the National Institution of the respective State. Thus the National Institution will be better placed to follow the implementation of the recommendations of the treaty bodies.

VII. Terrorism and human rights

National Institutions which assembled in Athens express their indignation at the terrorist attack of 11 September 2001 which caused the death of thousands of innocent people and, justifiably, provoked the reaction of the entire international community.

However, this reaction of the world community should only employ methods which are in accordance with international humanitarian law. Besides, National Institutions emphasise that the phenomenon of terrorism may not be eradicated if the deep root causes which create or increase it are not taken into account.

For their part, National Institutions should be very vigilant so that measures taken in their own countries, following that attack with a view to combating terrorism, do not encroach on fundamental rights and liberties through restrictions which are disproportionate to their aims. They should also be vigilant so that these measures are not applied in a discriminatory manner, especially on racial or religious grounds.

The participants of the Second Conference of Mediterranean Human Rights Institutions warmly congratulate Ms Mary Robinson, United Nations High Commissioner for Human Rights, for all her untiring and courageous action and express their gratitude for the firm and effective support which she lends to them.

Finally, the participants would like to thank the Greek National Commission for Human Rights and its President for the quality of their reception and for the excellent organisation of this Conference.

Athens, 3 November 2001