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# Position Paper

For a French Presidency of the European Union to promote and defend human rights !



IOI Plateforme  
IOI Droits de l'Homme

# Context

Since January 1, 2022, France has held the Presidency of the Council of the European Union for the thirteenth time since 1959. For the next six months, France will implement its six-month program around three ambitions: a more sovereign Europe, a new European model of growth, and a Human Europe. The French presidency is taking place in a generalized context of restriction of civic space and invisibilization of human rights violations at all levels, notably in the context of the COVID-19 pandemic. France must protect and support, particularly in terms of funding, organizations that promote and defend human rights, their staff and all those who defend fundamental rights.

For the French presidency to be a success, the recommendations of civil society human rights organizations must be heard.

# For a European Union at the forefront of the defense of civic space in the world

For several years, many states have adopted policies and legislative frameworks that restrict the exercise of civil liberties (freedom of expression, association, assembly...) [1]. Human rights defenders (HRDs), journalists, non-governmental organizations (NGOs), trade unionists, lawyers, and citizens' movements are regularly victims of violence, threats, arbitrary arrests, and enforced disappearances, all of which undoubtedly limit the freedoms granted to civil society. In many states, criminalization and judicial harassment of human rights defenders are common tactics to intimidate civil society. This situation diminishes not only the impact of human rights projects for good governance funded by international donors, but also the capacity of French and European diplomacy to prevent governance crises.

Faced with certain human rights violations caused by European companies investing abroad, the French Presidency of the European Union has made the adoption of a directive on the due diligence one of its priorities. This directive, which

has been repeatedly postponed, focuses on environmental destruction and human rights abuses, without taking into account the involvement of European companies in the shrinking of civic space.

In order to fight against the growing shrinkage of civic space, civil society is diversifying and multiplying in order to continue, despite the difficulties, to question the representatives of French, European and foreign governments, and to defend human rights. This work is being carried out while at the same time facing the emergence of new challenges (GONGOs [2], digital technology, screening of funds in the fight against terrorism...), as well as the diversification of the ways in which States control civil society. However, the return of civil liberties can only be achieved through the establishment of alliances and coordinated actions between civil societies from the South and the North, their local partners, and the Ministry of Europe and Foreign Affairs (MEAE).

# For a European Union more protective of human rights, including in times of crisis

For several years, the fight against terrorism and the global spread of COVID-19 have provided an opportunity for many governments to promote a security discourse and repressive practices that are more than harmful to human rights and democracy in general [3].

Many sectors have been affected by the weakening of human rights, including access to justice, journalism and freedom of information, and the fight against certain violations (forced disappearances, arbitrary arrests, conditions of detention, etc.). We estimate, for example, that two thirds of the world's states have taken advantage of the state of health emergency to restrict press freedom. The pandemic has captured much of the public and international attention, contributing to the invisibilization of human rights violations. Priority has been given to the fight against HIV, to the detriment of policies in favor of fundamental rights and freedoms, contributing to the reinforcement of inequalities and relegating to the background necessary measures (care for asylum seekers and migrants, repatriation of European nationals, support for victims of human trafficking and forced labor, the fight against discrimination against the

LGBTQIA+ community, universal abolition of the death penalty...) While vaccination is allowing a gradual resumption of human rights protection and promotion activities in Western countries, in some regions, disparities in access to vaccines continue to disrupt these actions.

The structural repercussions of the pandemic were considerable for those working for the promotion and defense of human rights (French NGOs and national partners) who were unable to travel, communicate with each other and carry out certain activities, but also for HRDs who found themselves isolated in the face of greater threats than usual.

In response to the difficulties inherent in the health context, the European Union has decided to provide real support to NGOs defending and promoting human rights.

To overcome the technical and operational consequences of the health crisis, French human rights NGOs have found solutions to adapt and continue their work, thanks to dematerialized tools (videoconferences, web-conferences, online collaborative work tools, surveys...).

In this particular context, which is becoming partly structural, French human rights NGOs are continuing their work on broader issues than the impact of the COVID-19 pandemic, such as the fight against corruption and tax evasion. As France begins to address the issue of ill-gotten gains, these issues must also become priorities at the European level.

There are many crises. Recently, the armed conflict in Ukraine, on the borders of the European Union, reminds us of the need for European countries to make a significant commitment to the protection of human rights internationally, including outside its borders. In these times, the European Union has more than ever an essential role to play in the defence of fundamental freedoms, in the face of increasing violations, notably through sanctions but also through assistance and support to the affected populations and to human rights defenders.

# For a European Union that remains a leader in financing human rights protection projects

In the face of the health crisis, the European Union has been able to support many French human rights NGOs, despite the absence of a global strategy that includes this theme. The current level of EU co-financing requirements in the field of human rights allows for the inclusion of a large number of organizations. In addition, the duration of the projects (48 months) offers the possibility for NGOs to obtain results, although the formulation of the indicators does not sufficiently take into account the specificities and added value of human rights actions, nor the difficulties in measuring change in this area.

Indeed, projects for the promotion and protection of human rights require a lot of human resources and are time consuming. Therefore, it is important not to limit the budget allocated to these actions. The issues addressed by these NGOs are difficult to promote and make it difficult to find co-financing. The actions carried out by these NGOs take place in countries that are not very inclined to promote the protection of human rights, which does not facilitate the search for funds.

In addition, the display of European funding arouses the mistrust of the authorities of certain countries, who see in these projects a desire to impose Western values. For this reason, the visibility of European Union funding must take into account the sensitivity of the subject being defended.

However, some European funding, such as the Country-Based Support Schemes, give NGOs the opportunity to address specific issues in a third country with particular financial allocations, while having the possibility to anticipate the search for alternative funding. However, the effectiveness of the latter can be increased by taking into account certain imperatives, notably: the reinforcement of a long-term approach, the implementation of a global strategy including the protection of human rights in regular consultation with civil society.

However, human rights NGOs have the capacity to act quickly on the ground, thanks to their local partners,

with knowledge of the specific legal and geopolitical context, and by adapting to the needs of the targeted populations. The European Union therefore has a clear interest in adapting its funding to NGOs.

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[1] CNDSI, Rapport Stratégique, "Créer un environnement favorable pour la société civile", Raphaël Chenuil-Hazan, Geneviève Sevrin, 2021, p.15.

The shrinking space for civil society can be seen in four indicators: the state of countries' legislation, the situation of civil society actors, access to resources, and the dialogue between civil society and government.

[2] Governmental Non-Governmental NGOs (GONGOs) : term for NGOs that are actually controlled by governments.

[3] Annual reports, Plateforme Droits de l'Homme, "COVID-19 and Human Rights", June 2020 and June 2021.

# Recommendations

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In order for the French Presidency of the European Union to contribute effectively to the defense and promotion of human rights in the world, the PDH calls on the French and European authorities to adopt these 19 recommendations as priorities :

Recommendations concerning the European Union's support for French NGOs engaged in the defense and protection of human rights :

- Ensure coherence between the internal and external policies of the European Union;
- Establish human rights impact assessments of EU-funded projects and create a specific mechanism for monitoring human rights violations perpetrated by EU-trained security forces;
- Place economic, social and cultural rights at the center of the European Union's foreign policy, notably by addressing these human rights in relations with third countries in line with the strategy on human rights and development;
- Establish close collaboration between the European Union Agency for Fundamental Rights and the Office of the United Nations High Commissioner for Human Rights;
- Consolidate funding for human rights NGO projects and simplify the mechanisms for obtaining assistance to give them the opportunity to focus on the implementation of these activities on the ground;
- Enable project funding at the micro and meso levels with light project monitoring adapted to structural constraints for small and medium-sized NGOs;
- Improve communication between the European Union bodies working on human rights in the world and civil society mobilized on these issues and promote the implementation by European NGOs of the European Union Action Plan for Human Rights and Democracy 2020-2024;
- To effectively guarantee physical and virtual access to and participation in official EUFP events and their preparatory meetings for human rights organizations.



Recommendations on the European Union's commitment to the protection of human rights :

- Adopt a concerted and effective European strategy for sanctioning human rights violations at the European Union's borders and managing their humanitarian consequences;
- Ensure compliance with and implementation of all European Union human rights guidelines;
- Support electoral processes and the protection of civic space in states where this issue is of particular concern, including through the systematic sending of observers during elections;
- Adopt an ambitious European directive on corporate due diligence, including obligations to ensure that their business does not violate civil liberties (surveillance equipment, internet blackouts), environmental destruction (deforestation) and more broadly human rights abuses;
- Implement the LGBTQIA+ equality strategy released in November 2020;
- Make the abolition of the death penalty a priority for the European External Action Service on the ground [4] ;
- Ensure coordinated consular support among the members of the European Union for European citizens facing the death penalty in the world, wherever and whenever they are;
- Repatriation of European nationals (men, women, children) held captive and/or in camps in Syria as a result of affiliation to Islamist terrorism;
- Defend the right to asylum and the protection of unaccompanied minors in the recasting of the common asylum and migration policy [5] ;
- Carrying out a policy to fight against human trafficking by involving and supporting specialized associations and improving the mechanisms for the protection of victims of human trafficking;
- To set up work at the Community level in order to create a cooperation mechanism on the restitution of ill-gotten gains at the European level;
- Remove all obstacles to the equitable distribution of COVID-19 vaccines [6] ;

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[4] In accordance with the desire expressed by President Macron on October 9, 2021 during his speech at the Pantheon.

[5] In accordance with the priority of the trio (France-Czech Republic-Sweden) on the protection of citizens and freedoms.

[6] In accordance with the program of the French Presidency of the European Union to provide access to vaccines for low and middle income countries.

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The space for collaboration  
between French NGOs  
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**human rights**



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