

Democratic Governance

2010

and Human Rights



Directorate-General of Global Affairs, Development and Partnerships

Editorial by François Zimeray, Ambassador for Human Rights



*If I had to summarise what France does for human rights in a nutshell, I would say that it consists in **transforming human rights into actual rights**, by which I mean going from the ideal as it is invoked to the law as it is applied. That confrontation of the ideal and the real is without a doubt the most difficult part of what we do. It brings us up against all the obstacles that the world puts in the way of the furtherance of rights. But it also stirs the heart because there is always a human dimension. In fields as varied as access to healthcare, the training of journalists, prison conditions and the demobilisation of child soldiers, France is there, taking action. Those initiatives are true to the human rights strategy defined by the Minister of Foreign and European Affairs. We are producing this brochure because **responsibility stands at the heart of what we do**. We have an obligation not only to do what we say but also to say what we do, to establish tracking indicators and to evaluate the effectiveness of our policies. France's commitment to the cause of human rights stems from an obsession to serve not only the principles attached to its name but also the interests of the children, women and men who place their hope in it.*

*Action to promote respect for human rights is a key element of the **interministerial strategy on democratic governance** adopted in December 2006. Our cooperation programmes in this sphere are based on priorities that France forcefully advocates in the international political arena so that they can be turned into practical realities: respect for children's rights, women's rights and freedom of expression, eradicating impunity and supporting international criminal justice, campaigning against the death penalty and torture, condemning forced disappearances, supporting human rights defenders, combating trafficking in human beings and discrimination linked to sexual orientation and gender identity. These projects are carried out in partnership with NGOs, with international organisations and with other countries. The establishment of the Human Rights, Sexual Orientation and Gender Identity Support Fund is a particularly innovative example. Going beyond those issues, **France is also attached to promoting human rights across the board**: whether in helping to prevent crisis, reforming the security or justice sectors*

REFERENCE SHEETS AVAILABLE

Focusing on priority human rights issues, these Reference Sheets summarise the initiatives supported by the Ministry of Foreign and European Affairs.

Already published :

- Children's rights in armed conflict ;
- Women's rights ;
- Human rights, sexual orientation and gender identity (LGBTI).

These sheets are available at www.diplomatie.gouv.fr

or promoting greater transparency in mining industries, the key is ultimately the human being whose rights we seek to protect and further.



Christian Masset,
Director General of Global Affairs,
Development and Partnerships



Pauline Carmona,
Head of the Democratic
Governance Mission



The French approach to human rights

Promoting and protecting human rights and democratisation processes is an essential component of French and EU foreign policy. It involves taking political and diplomatic action at national, European and international level and is combined with cooperation and support initiatives on priority issues. The policy is part of France's strategy for promoting democratic governance adopted by the Interministerial International Cooperation and Development Committee in December 2006.

The French approach to democratic governance does not focus only on institutions. It also concerns **processes for taking and implementing decisions and the involvement of the relevant players**, with the aim of promoting the rule of law and protecting and defending individual freedoms. With the **Millennium Development Goals** as its corollary, the strategy seeks to protect the right to a decent life, to equality in both law and fact, to freedom from discrimination and to full enjoyment of economic, social and cultural rights.

SUPPORT FOR ASSOCIATIONS AND NGOs

This project, drawn up with the International Federation for Human Rights (FIDH), involves protecting human rights defenders and strengthening the networks through which civil society exerts influence. Focusing on international criminal justice and gender issues in 43 countries from the Priority Solidarity Zone, its budget for 2007-2010 is €2.3 million.

Launched in 2008, the programme on "strengthening Southern civil society organisations for the promotion of democracy and respect for human rights in these countries" enabled 23 projects to be supported, with financial pledges totalling €7.5 million.

Plus Points, Facts and Figures

Acknowledged expertise in human rights at international level (political and diplomatic advocacy, participation in international debates) and a pool of experts.

Extensive operational capacity through **France's diplomatic network abroad**, the world's second largest after the United States:

- 160 embassies;
- 128 consular sections;
- 504 honorary consulates;
- 184 cultural centres or institutes and 968 Alliances françaises.

The gradual introduction of Governance Units in French embassies, taking an across-the-board approach to priority human rights issues.

A facilitating and leveraging role to help give NGOs access to European and international funding (European Instrument for Democracy and Human Rights, EIDHR).



Riots during the Apartheid regime, South Africa © UN

Defending women's rights

Women's rights are one of France's priorities in its global action for the respect and protection of human rights.

For a number of years, France has played an active role in the adoption of international resolutions and undertakings. UN resolutions supported by France assert, amongst other things, that women, who are often the main victims of armed conflict, can play a key role in restoring peace and in post-conflict reconstruction.

France also supports the work of the committee responsible for monitoring the Convention on the Elimination of All Forms of Discrimination Against Women (CEDEF/CEDAW), ratified by France in 1984.

At the Beijing + 15 Conference in New York in March 2010, France made a point of recalling the undertakings given at Beijing in 1995 concerning the repeal of laws that discriminate against women.

At European level, French support was shown by the adoption of the **EU Guidelines on Violence Against Women** in December 2008, which serve as a roadmap for European diplomacy as a whole.

At national level, the French diplomatic service has also set up a **Gender Equality and Development Platform.**

A PARTNERSHIP WITH UNIFEM

Since 2004, the Ministry for Foreign and European Affairs has supported action to promote and protect women's rights in the Arab world (Algeria, Jordan, Lebanon, Morocco, Tunisia and the Palestinian Territories) in partnership with UNIFEM, the United Nations Development Fund for Women. It has provided €2.32 million in financial support for a project to enhance the knowledge and build the capacities of institutions and NGOs in the field of women's and family rights.

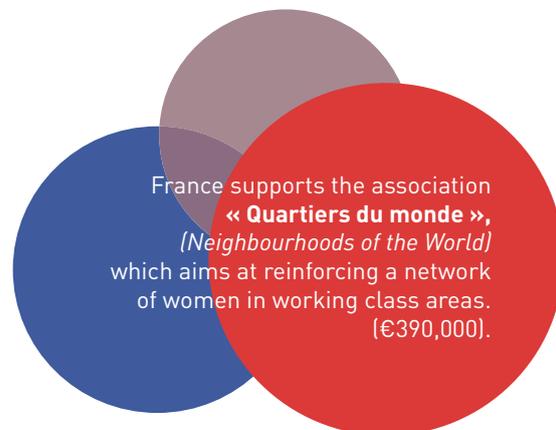
In 2010, the Ministry of Foreign and European Affairs is setting up a €1.5 million Priority Solidarity Fund to combat violence against women, focusing on six countries in sub-Saharan Africa and the Arab world.

➤ FOR FURTHER INFORMATION

Reference Sheets :

« **France and Women's Rights** »

Available at www.diplomatie.gouv.fr





Protecting children in armed conflict

Hundreds of thousands of children are still associated with armed forces and groups all over the world, either directly by taking part in fighting or indirectly by playing a supporting role as cooks, porters, spies, mine clearers, guards at oil wells or diamond mines, etc. Young girls are also often used for sexual purposes.

France is particularly committed to promoting and protecting children's rights and reintegrating them into society. France has played an active part in the UN Security Council Working Group on Children and Armed Conflict since its creation in 2005.

➤ FOR FURTHER INFORMATION

Reference Sheets :

« **France and Children's Rights** »

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- France supports :**
- **End Child Prostitution France**, aiming at protecting children in developing countries from commercial sexual exploitation (90 000 €).
 - **Handicap International**, through a programme aiming at more respect of the rights of children with disabilities in Algeria (€114,500 for the 3rd year of the project).

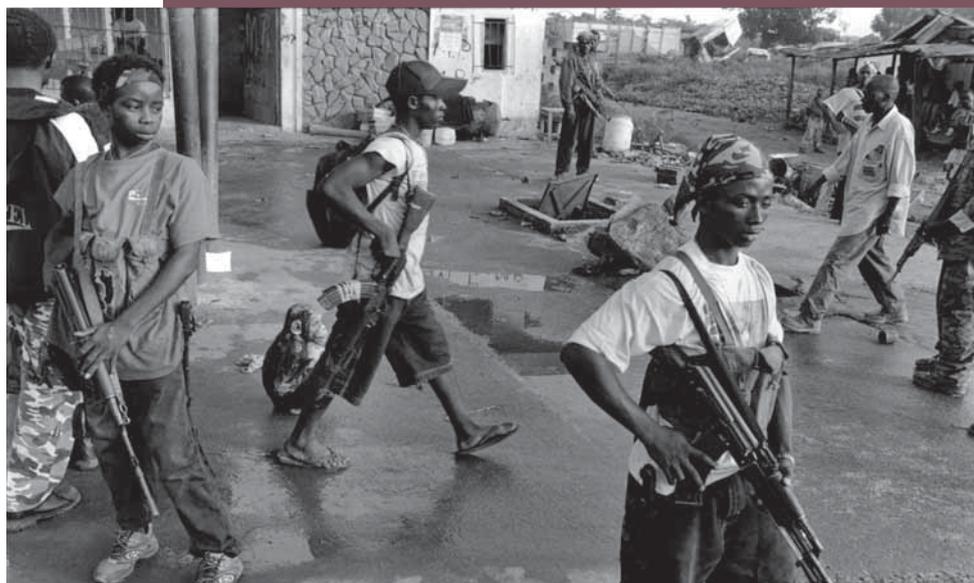
THE CHILDREN IN ARMED CONFLICT PROGRAMME

Since 2008, France, in partnership with French and international NGOs, has been involved in a multi-year cooperation project to improve the protection of children in armed conflict in the Great Lakes region and in Central and East Africa. Initiatives in these two regions focus on (1) protecting child victims and helping with their long-term reintegration into society, (2) preventing the use of children in armed conflict and raising awareness of their rights, and (3) capacity-building for the communities and authorities responsible for dealing with child victims of armed conflict.

France is providing €2 million between 2008 and 2011 to support the programme, in partnership with UNICEF, the International Catholic Child Bureau (BICE) and Save The Children.



An Iraqi child refugee in Damascus, Syria
© Union européenne



City of Ganta, Liberia © CICR/Teun Anthony

Combating discrimination linked to sexual orientation and gender identity

France as one of the leaders

Over 80 countries currently prohibit sexual relations between people of the same sex. In some of them, it is an offence punishable by death.

In December 2008, France and the Netherlands jointly presented the text of a **Declaration on Human Rights and Sexual Orientation and Gender Identity to the UN General Assembly**. Signed by 67 countries to date, the Declaration represents a historic step forward in recognising the fight against breaches of human rights based on sexual orientation and gender identity.

International mobilisation

Since 2005, the International Day Against Homophobia and Transphobia (IDAHO) has focused public attention on homophobia and transphobia issues. The date of May 17 was chosen to commemorate the World Health Organisation's decision in 1990 to remove homosexuality from the list of mental disorders.

At the end of an international conference on homophobia held in Paris in May 2009, France set up an **international support fund** to finance practical initiatives. With resources provided by France, the Netherlands and Norway, this fund, managed by France Coopération Internationale (FCI), is intended to finance actions to support players from civil society working on these issues where the needs are most apparent and has a budget of €200,000 for 2010-2012.



Defending the rights of homosexuals, Brazil © IDAHO

➤ FOR FURTHER INFORMATION

Reference Sheets:

« **France and the Human Rights, Sexual Orientation and Gender Identity Support** »

Available at www.diplomatie.gouv.fr

The reference sheet contains the following key information:

- Reference Sheets:** A list of documents related to the support fund.
- Since 2005, the International Day Against Homophobia and Transphobia (IDAHO) has focused public attention on homophobia and transphobia issues through conferences, demonstrations and public events.**
- Over 80 countries prohibit sexual relations between people of the same sex.**
- The situation of defenders of LGBTI people's rights is another cause of great concern.**
- Since 2009, the International Day Against Homophobia and Transphobia (IDAHO) has focused public attention on homophobia and transphobia issues through conferences, demonstrations and public events.**
- The support fund is unique, providing the efforts of those involved in the fight against homophobia and transphobia to be visible and to be recognised by the public.**
- Supported by the 1948 Universal Declaration of Human Rights, the support fund is intended to finance practical initiatives based on such as the civil and political rights of LGBTI people as their economic, social and cultural rights.**



International criminal justice and combating impunity

Promoting international criminal justice is a major plank of French foreign policy. Consequently, France played a leading role in favour of the creation of the **International Criminal Court (ICC)**, the first permanent international criminal

jurisdiction, whose Statute was adopted in Rome on 17 July 1998. France takes part in awareness campaigns in countries that are not yet party to the ICC, with the aim of achieving effective universal competence for the Court.

THE INTERNATIONAL CRIMINAL COURT : MANDATE AND CHALLENGES

The ICC has the task of judging individuals accused of the most serious crimes (genocide, crimes against humanity, war crimes) and works on the basis of complementarity: i.e. it hears cases only where national courts do not wish or are unable to conduct investigations or bring prosecutions.

Although it has been in operation for eight years, the workings and legal principles of the ICC are largely unfamiliar to most lawyers and decision-makers in the States Parties to the Court.

As part of the action to raise awareness of the Court's work, in December 2009 France co-organised a regional seminar on international criminal justice in Dakar, focusing on the International Criminal Court and national jurisdictions, with the ICC, FIDH and the Justice Ministry. The aim of the programme was to build the capacity of lawyers and decision-takers in States Parties to the Court in order to increase their knowledge and understanding of how the Court works. The Ministry of Foreign and European Affairs intends to repeat this type of action in Africa, the Arab world and Latin America.



Judges from the International Criminal Tribunal for Rwanda with Ban Ki-moon © UN

Support for transitional justice

Born from the wish to strike a balance between ordinary criminal justice and traditional methods of reconciling communities, transitional justice is regarded by France as a **priority means of maintaining regional peace and a weapon in the fight to eradicate impunity and defend human rights.**

Since 2006, France has been engaged in cooperation projects linked to transitional justice. Little known in the French-speaking world, the transitional justice process aims to support conflict prevention and restoration of the rule of law. In practice, transitional justice may take various institutional forms, the best known of which is the **Truth and Reconciliation Commission**. Transitional justice is founded on four main pillars : **the right to truth, the right to justice, the right to reparation and the prevention of future abuse** through institutional reform.

France's voice can also be heard in international debate, urging the incorporation of the concepts of transitional justice and the lessons learnt from their practical implementation into **processes for security system reform (SSR) and disarmament, demobilisation and reintegration (DDR).**

FOREIGN MINISTRY SEMINARS

For several years now, the Ministry's Democratic Governance Mission and the International Center for Transitional Justice have worked together to organise awareness-raising seminars on transitional justice for professionals including multilateral agencies, NGOs, governments, foundations and universities.

In partnership with Switzerland and the United Nations Centre for Human Rights and Democracy in Central Africa, France organised a regional conference on "Transitional justice: a way towards reconciliation and the construction of a lasting peace," which took place in Yaoundé, Cameroon in November 2009.



Cambodian refugees returning from camps in Thailand (UNHCR train approaching Phnom Penh, 1992) © UN/P. Sudhakaran



Protecting human rights defenders

Human rights defenders are often directly threatened because of their commitment to the respect of fundamental freedoms, while the actions of civil society organisations are regularly hampered by confiscation of documents, data theft, legal proceedings, etc.

Human rights defenders form an integral part of the policy pursued by Bernard Kouchner, Minister of Foreign and European Affairs, who has sought to make every French embassy a “**house of human rights**” whose mission includes welcoming, listening to and protecting those who defend human rights.

Partnership with FIDH

In the cooperation sphere, the Ministry of Foreign and European Affairs has been working with FIDH since 2003 in two successive Priority Solidarity Fund programmes that seek to **protect human rights defenders under threat and associations that are the**

target of repression. The policy also includes support for the Observatory for the Protection of Human Rights Defenders.

Participation in debates in European and international forums

French policy also operates within a European framework, in particular as defined by the **EU Guidelines on Human Rights Defenders** adopted in 2004. Amongst other things, the Guidelines state that **EU diplomatic missions should communicate on a regular basis with a network of human rights defenders and monitor their situation.** The issue of human rights defenders also forms part of the **political dialogue between the EU and third countries.** The Ministry of Foreign and European Affairs supports training initiatives in human rights, like those carried out at the René Cassin International Institute of Human Rights in Strasbourg.



A human rights defender from an ethnic minority in Vietnam © GVC Project

Combating people trafficking

Legal instruments

The **United Nations Convention against Transnational Organised Crime** has established a framework for practical international police and judicial cooperation to improve the prevention and suppression of organised crime.

France has ratified the Convention, known as the **Palermo Convention**, and its additional protocol to prevent, suppress and punish trafficking in persons, especially women and children. France has also ratified the Council of Europe Convention on Action Against Trafficking in Human Beings. Known as the **Warsaw Convention**, it covers sexual exploitation, forced labour, domestic slavery and forced begging.

Participation in national and international debates

Drawing on French experience in the fight against trafficking in human beings, the Ministry of Foreign and European Affairs seeks to use that experience in international forums to promote universal adoption of the Palermo protocol. It is a member of the UNODC intergovernmental Working Group on Trafficking in Persons as part of the process for monitoring implementation of the Convention.

It is also a member of the multidisciplinary working group on trafficking in persons in France which, bringing together the leading players at national level, is tasked with drawing up a national action plan.

PROJECT TO PREVENT RISKS OF TRAFFICKING IN HUMAN BEINGS IN BOSNIA-HERZEGOVINA

In 2010, the Ministry of Foreign and European Affairs is co-financing a project to prevent risks of people trafficking linked to the migration of minors in the Tuzla region of Bosnia and Herzegovina.

The Ministry also contributes to the OSCE Governance Fund which, since 2003, has helped to finance several projects to combat people trafficking in countries including Armenia, Bosnia and Herzegovina, Croatia, Kyrgyzstan, Moldova, Montenegro and Uzbekistan.

A regional technical adviser for South East Europe

A technical adviser on people trafficking has been based in Vienna (UNODC, OSCE) since 2007. Covering 16 countries of South East Europe, his assignment is to coordinate a multidisciplinary network of professionals at regional level.

France supports :

- The **Avocats sans frontières (ASF)** organisation : strengthening the profession of lawyer and the defence in Cambodia and Laos (€531,206)
- The **"Ensemble contre la peine de mort"** (Together against the death penalty) association : strengthening and structuring the global movement to abolish the death penalty (€200,000).



Haiti © UN



7 COMMITMENTS FOR HUMAN RIGHTS

Commitment No. 1

Promote human rights across the board in all sectors of French cooperation, in accordance with the 2006 democratic governance strategy and the 2008 gender strategy.

Commitment No. 2

Focus France's public action on the priorities of French cooperation policy with regard to human rights, i.e. protecting women's rights and combating violence against women, protecting children in armed conflicts, combating homophobia and transphobia, combating impunity and forced disappearance, and protecting human rights defenders.

Commitment No. 3

Strengthen multilateral partnership by ensuring that French initiatives contribute to EU efforts in the framework of a high-quality dialogue with civil society organisations, in particular through funding via the European Instrument for Democracy and Human Rights.

Commitment No. 4

Promote training in human rights dispensed by university institutes like the René Cassin Institute and professional bodies like ENA, with its CISAP training programmes.

Commitment No. 5

Support the efforts and actions of regional organisations through political dialogue and the provision of short- and long-term technical assistance, in particular with a regional slant.

Commitment No. 6

Step up exchanges with private bodies and foundations to promote a better knowledge and understanding of French cooperation and to raise money.

Commitment No. 7

Develop training resources for diplomatic and cooperation staff, especially at human rights focus points, and enhance Embassies' cooperation actions.



Ambassador Zimeray on a mission in Chad, June 2010 © MAEE

Directorate-General of Global Affairs,
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Directorate-General of Global Affairs, Development and Partnerships of the French Ministry of Foreign and European Affairs

The missions of the French Ministry of Foreign and European Affairs are :

- summarize information on the changing global economy and put it into perspective ;
- prepare decisions on the French government's foreign policy ;
- draft France's foreign policy ;
- coordinate France's international relations ;
- protect French interests abroad and assist French nationals outside France.

The creation of the Directorate General of Global Affairs, Development and Partnerships (DGM) in April 2009, as part of the reform of the Ministry, enables diplomacy to anticipate, identify and respond to the challenges of globalisation more effectively.

Confronted with global issues that have a direct impact on the lives of our citizens and multiple actors, the Ministry intends to emphasise the need to tackle global issues, in the firm belief that every major economic, cultural and societal issue calls for collective action with more outward focus, anticipation, interministerial coordination, responsiveness, interdisciplinarity and a resolutely European approach.

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