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Strategy report

Creating a supportive environment for civil society

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Strategy report
Working Group 6

Creating a supportive environment for civil society

How to address the shrinking of spaces dedicated to civil society and the defence of civil liberties around the world

Co-chaired by:

Geneviève Sevrin,
Director-General of Cités Unies France (CUF),
and **Raphaël Chenuil-Hazan,**
Executive Director of Ensemble Contre la Peine de Mort
(ECPM, Together Against the Death Penalty) and President of the
Plateforme Droits de l'Homme (PDH, Human Rights Platform)

With the support of the secretariat of the French National
Council for Development and International Solidarity (CNDSI):
Amandine Toussaint, Nicolas Martin

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Executive summary

This report presents the conclusions of the working group “Creating a supportive environment for civil society”, set up within the CNDSI and co-chaired by Geneviève Sevrin and Raphaël Chenuil-Hazan. The working group’s efforts focused on ways to support civil society and rights defenders confronted with increasingly tough legislative frameworks and the growing variety of tools used by some governments to limit the expression of civil liberties and civil society. The group produced a series of 20 recommendations aimed at addressing four main issues: strengthening France’s role, strengthening the independence of civil society organizations (CSOs), improving the situation of rights defenders, and addressing digital technology challenges.

A diverse civil society

- Across the globe, civil society is growing, diversifying, multiplying and becoming more visible.
- A distinction is made between international and local civil society stakeholders, whose situations differ.
- Freedom of the press and freedom of information are essential to maintain civil societies, but these freedoms are sometimes threatened by governments.
- Governments seek to control civil society in increasingly diverse ways (registration difficulties, disinformation campaigns, closure of spaces for dialogue, etc.) that change according to the context.

Media – GONGOS

- Civil society includes a wide range of stakeholders operating in the social, development and human rights fields, with a level of independence that varies according to the context.
- The existence of government-organized non-governmental organizations (GONGOS) – non-governmental organizations (NGOs) specifically created and controlled by a political regime to be used as tools for propaganda and influencing public opinion – is a major problem for many local and international stakeholders. GONGOS are difficult to distinguish because

they are often linked to political figures or organizations, churches or influencers. These organizations frequently take up the speaking time of NGOs, especially in international forums, or even monitor them, reporting back to their governments.

- Embassies play a key role in identifying GONGOS and must work with some of them to gain access to “independent” CSOs that are often more credible and active.

Digital issues

- The technological revolution is a reality that has been hastened by the COVID-19 crisis. While digital technologies facilitate communication and access to information, they also come with risks that organizations must be prepared for (fragmentation of public spaces and public freedoms, use of social networks to spread disinformation campaigns, control of the means of expression, regional disengagement, limitation of public freedoms, cyber attacks).
- Some 82% of NGOs and associations are not ready to address data management issues and 70% do not even consider them a key concern, even though they often depend on technology to communicate.
- Civil society awareness of and training in digital technology issues is essential, especially for the most vulnerable individuals.

Support for human rights defenders

- In an international context that is not supportive of human rights defenders, France intends to implement actions to preserve these individuals’ freedom on the ground (dedicated funding, promotion of local civil society actions, dissuasive measures and measures to fight impunity).
- The defence of women’s and sexual minorities’ (LGBT+) rights requires specific responses; the creation of dedicated forums to continue the debate on implementing a special mechanism for non-conflict situations is essential.

- It is crucial for embassies to devise special funding arrangements in coordination with the European Union (EU), to meet the needs of human rights associations facing specific difficulties.

Civil society support and localization of aid

- Little international cooperation funding is available directly to CSOs on the ground, and there are still few capacity-building mechanisms to help CSOs reach the critical size needed to become structural partners.
- Coordination between France and the EU is vital to ensure that the initiatives they promote or in which they are involved at the international level lend support to civil societies.

→ Recommendations

France's role

No. 1: Strengthen the joint construction of French commitments to international solidarity, in France and abroad, through the CNDSI and through direct liaison with agencies and embassies.

No. 2: Continue advocating for the implementation of a special mechanism for non-conflict situations.

No. 3: Support the creation of a United Nations special rapporteur position for "digital technology challenges and human rights".

No. 4: Support the creation of a forum for consultation/ involvement of NGOs before every intergovernmental event.

No. 5: Support diverse civil society participation in bilateral and multilateral dialogue forums.

No. 6: Compile existing data to map civil society stakeholders and their funding sources.

No. 7: Encourage training of CSOs to support capacity-building, particularly on digital technology uses and risks.

No. 8: Support regional and international coalitions between CSO networks.

No. 9: Support local associations in achieving recognition and protection in their countries.

No. 10: Generalize the presence of governance and human rights officers in each embassy and local office of the Agence Française de Développement (French Development Agency – AFD).

No. 11: Simplify the mechanisms to obtain assistance to prioritize CSOs that are not supported, and are often fought or discriminated against in their own countries.

Situation of rights defenders

No. 12: Develop a political strategy on rights defenders in coordination with CSOs.

No. 13: Study the possibility of creating a human rights centre, which would be a forum for discussion and a haven for NGOs and defenders in danger.

No. 14: Strengthen the current system for taking in rights defenders and create a civil society fund.

No. 15: Support the issuance of visas for rights defenders to bear witness before international bodies.

No. 16: Address the specific cases of certain defenders who are particularly targeted by restrictions and repression by authoritarian governments.

Digital technology issues

No. 17: Incorporate the risks linked to digital technology into cooperation policies.

No. 18: Contribute to the establishment of legal instruments to regulate the digital civic sphere.

No. 19: Work with CSOs and human rights experts representing the interests of users and parties concerned with a view to negotiations on digital-related regulations.

No. 20: Consider working with local government bodies in France and abroad that could take greater local actions to address issues.

Preliminary remarks

For several years, the conditions in which diverse civil society expresses itself have been deteriorating in many countries and contexts. In addition to tightening legislative frameworks, some governments are using an increasing arsenal of tools to limit the expression of civil liberties and reduce the voice of CSOs. NGOs, associations, the media, human rights defenders, elected representatives, activists and citizens' movements are seeing their scope of freedom restricted. This situation is an unacceptable violation of the democratic principles of freedom of speech, opinion and civic initiative, and the defence and promotion of the most fundamental human rights has become increasingly difficult under these repressive conditions. Moreover, such attempts to restrict freedoms limit the repeated efforts of international donors to promote good governance in the countries benefiting from development assistance.

The COVID-19 crisis created a situation in which this trend has been further amplified: government responses to the pandemic have created unprecedentedly difficult living conditions for much of the world's population. Some of these measures have had a significant impact on the space allowed for civil society and human rights. Measures have often been built on and reinforced existing restrictions on civic space.

Whether they work on advocacy or development assistance issues, or within the scope of decentralized cooperation, CSOs are key partners and participants in France and abroad. They embody civil liberties and participate constructively in the gradual emergence of a global dialogue on these freedoms, as well as in the multiple transnational deliberations of international public opinion.

Furthermore, given the strong polarization between civil society and government in some countries, the establishment of alliances with all local social sectors (including informal movements, vulnerable people, the private sector, local authorities) appears to be indispensable to demand and obtain the reinstatement of civil liberties.

The Delegation for Civil Society Relations and Partnerships (DGM/CIV) embodies the desire of the Ministry for Europe and Foreign Affairs to better coordinate its action with civil societies in the Global North and South. In France, DGM/CIV is a point of entry for national CSOs; it also operates the secretariat for the CNDSI. As such, it supports the work of the CNDSI, enhances the reflections of its members, facilitates dialogue with the French government and fosters new proposals. French embassies engage in dialogue and work with local civil society stakeholders on a daily basis in all countries and fields covered by French bilateral cooperation.

Our working group reflects efforts to implement France's Human Rights and Development Strategy and the resulting action plan, which were adopted in 2018 and 2020, respectively. Our working group has met four times to discuss the various issues relating to the role of civil societies in the world. These meetings took place during the COVID-19 pandemic, which made face-to-face meetings impossible. Nevertheless, the quality of the discussions and the interest shown by the stakeholders underscored the timeliness of the subject and the importance of working on these difficult situations.

In this report, we wanted to focus on specific and cross-cutting recommendations that will help identify avenues for significant progress; these can be taken into account when implementing the French Human Rights and Development Strategy.

Finally, we would like to thank the special consultants (see Appendix 2) for their high-quality presentations, their ideas and their availability. We are also grateful to the various participants – associations, NGOs, representatives from local authorities, diplomatic posts and institutions – who enriched the debates during the working sessions.

Specific objectives of the working group

The objectives of the working group were to:

- contribute to a joint definition of the issues and France's stance within multilateral bodies (e.g., United Nations, EU, Organisation for Economic Co-operation and Development – OECD);
- identify levers of action for an international commitment from French inclusive development assistance stakeholders in support of diplomacy centred on promoting human rights and the defence of civil liberties;
- recommend cooperation tools and means of action on the ground to prevent the closure of spaces for civil society in unfavourable situations, and to deal with increasingly restrictive legislative frameworks.

Debates and issues raised

Media – GONGOs

- CSOs include all operational stakeholders in the social, development and human rights fields, such as NGOs, trade unions, foundations, professional associations, social and inclusive economy enterprises, cooperatives and their networks and platforms.
- The existence of GONGOs has been identified as a major problem for many local and international stakeholders, especially with regard to accessing national and international institutions (specifically the UN or the African Commission on Human and Peoples' Rights – ACHPR). It is not easy to classify GONGOs as many of them are often linked to political organizations or figures, churches or influencers; they are therefore very diverse and often unavoidable.
- Responses to this challenge must include a commitment to supporting the variety of stakeholders involved and to ensuring their sustainability and connection at regional level.¹
- Embassies play a key role in identifying GONGOs, but it is important to understand how to collaborate with some of them to gain access to "independent" CSOs that are often more credible and active.² Embassies can help:
 - identify the stakeholders;
 - recognize expertise and highlight CSO actions;
 - express unwavering solidarity with NGOs and independent defenders;
 - facilitate visas for CSO members (e.g., where they would like to participate in international forums in Geneva, but are from countries that do not have a Swiss embassy), especially when they receive funding from France;
 - conduct more comprehensive advocacy work with international bodies to give them the tools to carry out identification efforts.
- It is important to be aware that GONGOs generally have no problems with digital access and are therefore very present in forums. They take up the speaking time of NGOs and may even monitor them, then report the messages and debates to the governments that support them. COVID-19 has accentuated this situation, particularly with regard to the limited access to digital meetings at the Human Rights Council (HRC) or the ACHPR, making these bodies subdued venues with heavy administrative burdens and limiting not only the impact of NGOs, their room to manoeuvre, and their advocacy efforts, but media coverage as well. According to Ricardo Espinosa,³ head of the International Association for Human Rights Advocacy in Geneva, "online debates are a disaster for human rights defenders".
- Dialogue on the ground with all social movements is vital. How can public authorities create space for this dialogue? This is an issue very much related to the funding of civil society formation in developing countries.

1. <https://forus-international.org/en/resources/221>.

2. https://euromedrights.org/wp-content/uploads/2021/02/GoNGOS-Report_Final.pdf.

3. <https://www.tdg.ch/la-voix-des-ong-etouffee-par-les-debats-en-ligne-540017256769>.

Digital technology

- There is a risk that stakeholders could be subject to network surveillance or even censorship and having their Internet access cut off. As tools are not neutral, the aim would be to favour “free” tools.
- Of the four scenarios⁴ put forward by the OECD,⁵ the likely solution would be a mix of approaches, depending on location and conditions. The impact of digital technology on CSOs must be measured with the “zoomification” of meetings. It is important to identify the risks linked to this shift to digital technology and to consider possibilities to accompany this shift, such as developing the capacity to act locally, countering attempts at digital interference by training stakeholders, and taking proactive action with governments.
- Determining the best course of action depends on accurately assessing the civil society situation.
- Efforts supporting a paradigm shift at government level are important to encourage authorities to work with civil society and citizens for “open” governance bodies and to develop public policies that include the values of transparency and accountability.
- The importance of including stakeholders in the development of digital governance rules should be emphasized, including by ensuring a human rights-based approach.
- Whenever possible, it is important to give priority to in-person meetings over virtual meetings in order to better hear and understand those who need such support the most and have less access to digital technology. The connections that are forged when people meet face to face will never be possible on Zoom.
- However, virtual meetings do have a positive impact on carbon emissions, and the environmental dimension should also be taken into account.
- Vigilance is required with regard to the risks of subsidies to CSOs being reduced under the pretext of less travel.
- Communications will need to be secured effectively, and thought must be given to ways of including stakeholders who are unable to obtain a visa from their government.
- It was noted that NGOs lack knowledge about the issues surrounding the use of new technologies and that there is a need to diversify sources of information, particularly from

non-human rights NGOs. Some 82% of NGOs and associations are not ready to address data management issues and 70% do not even consider them to be a key concern. To avoid discrepancies between perceptions and reality, a wide range of stakeholders must be taken into account.

- The issues of civil society awareness and training, both academic and especially informal, are essential, especially for those who are most vulnerable.
- The international dimension of NGOs and a broad view of the issues must be balanced with the need for local action, ways to bring stakeholders together, and negotiations to ensure budgets do not get cut. The human factor is important.
- Generational clashes should also be avoided by strengthening stakeholders’ capacities for action, including among older individuals.

Human rights defenders

- Many participants have asked France to have a clearer and more ambitious policy based on shared guidelines for better coordination.
- How can local and regional authorities be involved in these discussions, particularly in the Sahel? How can stakeholders fight impunity when these same local authorities are often quite powerless with few options to address problems?
- To better combat impunity, the permanent investigation unit could travel to non-conflict areas.
- How can the voice of human rights defenders, particularly those from sub-Saharan Africa, be brought to advocate before the Commission, especially in Geneva? One solution would be for France to facilitate stakeholders’ access to Schengen visas.
- There is a need to create specific forums for the defence of women’s and sexual minorities’ (LGBT+) rights, and to continue the debate on the implementation of a special mechanism for non-conflict situations (proposal by the UN Special Rapporteur Agnès Callamard).
- In light of the difficulties encountered by associations working on behalf of people who have been imprisoned, how can France work better with those associations in the relevant countries?

4. *Civic space collapse, civic space flourishes, civic space transforms itself et civic space breaks apart.*

5. https://www.oecd.org/dac/Digital-Transformation-and-the-Futures-of-Civic-Space-to-2030.pdf?bcsi_scan_8dde7f71b980cf49=0&bcsi_scan_filename=Digital-Transformation-and-the-Futures-of-Civic-Space-to-2030.pdf.

- How can gender issues be taken into account in discussions to support the defenders who face the most discrimination?
- With regard to funding for stakeholders, embassies can work through intermediary associations and rely on cascade funding.
- However, this implies being able to identify and locate the stakeholders upstream of the funding.
- What is the best way to strike a balance between the official role of an embassy in a given country and the possibilities of supporting CSOs?
- How can the EU help ensure genuine social dialogue in companies where workers, especially trade unionists, can be penalized or even threatened when they speak out about their working conditions or come forward as whistle-blowers? These individuals are also human rights defenders who must be protected.
- Monitoring groups are being set up, including with civil society stakeholders, within the scope of trade agreements signed by the EU. These spaces for dialogue must also be supported, especially in countries where spaces for civil society expression are limited.

Localization of aid

- **Concerning France's actions, the following should be noted:**
 - the importance of continuing bilateral dialogue, sometimes conducted in confidence;
 - the importance of the role of networks (presence of a human rights officer in each embassy);

- the continuation of actions carried out to obtain visas enabling human rights defenders to bear witness before international bodies and to consider how to best be heard by the French authorities;
- the continuation of ongoing reflection to strengthen arrangements to take in rights defenders and create a civil society fund in conjunction with the Permanent Representation in Geneva;
- collaboration is envisaged with local authorities, who are more likely to take local action to address issues;
- continued capacity-building of stakeholders on the ground, through dedicated embassy funding.

In all cases, very little direct funding from French cooperation actions reaches stakeholders in the field, and even less of this funding is earmarked for capacity-building.

Providing funding implies being able to first identify and locate the stakeholders.

- **At the European level, it is necessary to:**
 - fight impunity in conflict zones, in line with the positions taken by France within EU bodies and the guidelines on which an initial consensus has already been reached;
 - support efforts to strengthen civil society: determine how the EU and France can ensure, at their respective levels, that the initiatives they promote or in which they are involved at the international level foster the expression of civil society with regard to the impacts of these initiatives.

Recommendations

Recommendations regarding France's position

→ Recommendation 1

Strengthen the joint construction of French commitments to international solidarity, in France and abroad, through the CNDSI (especially via stakeholders operating in the field, such as members of the Collège des ONG and their partners or local authorities) and through direct liaison with agencies such as the AFD (both at the head office and in the field) or Cooperation and Cultural Action Services (SCAC). Dialogue in this area must be improved, especially regarding partnerships with local stakeholders.

→ Recommendation 2

Continue advocating for the implementation of a special mechanism for non-conflict situations: a mechanism for prevention, monitoring and support of citizen spaces. Violations of fundamental rights, such as the shrinking of space dedicated to civil society, are often insidious during power grabs and under authoritarian regimes, and frequently take place off the international radar because they do not occur during open conflict. This mechanism could be integrated into the Ministry for Europe and Foreign Affairs' Human Rights and Development Strategy.

→ Recommendation 3

Support the creation of a United Nations special rapporteur position for "digital technology and human rights".

→ Recommendation 4

Incorporate a forum for consultation/involvement of NGOs before every intergovernmental meeting/event (or request one when not organizing). There should also be greater consultation with NGOs (particularly on human rights issues) during high-level bilateral meetings during foreign state visits to France or French visits abroad.

→ Recommendation 5

Ensure and support the diversity of civil society actors, nationally, regionally and internationally. This could include, in collaboration with other EU members, paying greater attention to the Committee on NGOs of the United Nations Economic and Social Council (ECOSOC) by making the most of this body and promoting NGO accreditation. Indeed, the doors to ECOSOC status are nearly always closed to LGBT+ NGOs; NGOs working on sensitive issues such as the fight against the death penalty, torture or sexual and reproductive health rights; or to certain NGOs focused on specific countries. The accreditation processes for CSOs (ECOSOC, ACHPR, etc.) will therefore need to be strengthened to avoid a compartmentalization of institutions.

Recommendations for actions to strengthen the independence of organizations

→ Recommendation 6

Compile existing data to map stakeholders/CSOs to ensure that the funding earmarked for them reaches them.

→ Recommendation 7

Establish training within embassies, Alliance Française branches and other structures to build the capacities of CSOs, helping them to better position themselves and use the tools available (based for example on the Task Team on CSO Development Effectiveness & Enabling Environment⁶). This training should focus on learning and exchanging expertise among peers through inclusive training courses on understanding the uses and risks of digital technology, mastering the tools, selecting quality information and knowing how to navigate the whole process.

6. <https://taskteamcso.com/online-guidance/>.

→ Recommendation 8

Foster, encourage and support coalitions between internal and/or external networks through platforms or international networks of CSOs; to do this, regional and/or thematic network dynamics should be encouraged. Sponsorship between large international federations and local associations – for human rights, development, journalists, trade unions – could facilitate the affiliation of organizations at the UNHRC or any other entity where civil society is represented.

→ Recommendation 9

Support local associations or entities in achieving recognition by authorities in their countries (Interior Ministry, Supreme Court, Mediators, Ombudsman, Parliament). The aim is to generalize a policy of aid to increase recognition, break down silos, and promote these local associations, while also providing logistical and operational support, such as during registration renewal.

→ Recommendation 10

To facilitate dialogue, ensure the presence of a human rights contact point in each embassy and Cooperation and Cultural Action Service (SCAS) and generalize the presence of governance and human rights officers in each AFD local office. Embassies could also facilitate access to EU delegations for French NGOs.

→ Recommendation 11

Simplify mechanisms to obtain assistance to prioritize CSOs that are not supported, and are often fought or discriminated against in their own countries.

Recommendations on the situation of human rights defenders

→ Recommendation 12

Have a French approach to protecting defenders and, to that end, draft an appropriate strategy based on a clearer, more ambitious political and operational vision, in coordination with CSOs, as is done in other countries like Norway.⁷ This strategy should not be limited to defenders in danger; for example, training could be implemented early on (the United Nations speaks of participation, protection and promotion⁸). This action will have to be coordinated with other European mechanisms.

→ Recommendation 13

To support French CSOs even more in their ability to help defenders in danger, whether individuals or bodies, study the possibility of creating a human rights centre (like those in Brussels or Oslo) hosting exhibitions, archives, conferences, educational facilities and also NGOs, and potentially a refuge to temporarily take in defenders in danger. It is important for France (the country of the declaration of human rights)⁹ to proudly promote the issue of human rights in its diplomacy, both on the ground and with respect to its public opinion.

→ Recommendation 14

Continue ongoing reflection to strengthen arrangements to take in rights defenders and create a civil society fund.

→ Recommendation 15

Continue actions carried out to obtain visas enabling rights defenders to bear witness before international bodies (particularly in Geneva), and consider how to support these actions at embassy level.

7. <https://www.regjeringen.no/contentassets/b7384abb48db487885e216bf53d30a3c/veiledningmrforkjengelskfin.pdf>.

8. https://www.ohchr.org/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf.

9. https://www.lemonde.fr/livres/article/2009/11/26/une-genealogie-des-libertes-et-des-droits-universels_1272331_3260.html.

→ Recommendation 16

Take into account the specific cases of certain defenders who are particularly targeted by restrictions and repression by certain governments. This is particularly the case for LGBT+ organizations. Action in this area is even more important since, according to the Global Philanthropy Project,¹⁰ French-speaking LGBT+ associations are overlooked when it comes to international aid.

Recommendations on digital technology issues

→ Recommendation 17

Incorporate the risks linked to digital technology into cooperation policies. This could mean enhanced support for measures taken by partner countries to both strengthen digital access in their countries while protecting sources and help them further minimize the risks of cyber attacks, as well as support their efforts to combat misinformation campaigns. Meanwhile, support must not be given to countries that attempt to reduce spaces for civil society. Access to reliable and secure information is a prerequisite for making civic spaces safe.

→ Recommendation 18

Strengthen legislation, regulations and guidelines, in consultation with civil society, so as to help establish legal instruments to regulate the digital civic space: policies of universal access and control of civic tech (especially with regard to its development due to the COVID-19 crisis¹¹) and capacity-building that seeks to create regional balance in the dissemination of knowledge.

→ Recommendation 19

Work and negotiate with CSOs representing the interests of users and the parties concerned in order to adopt and amend digital regulations. Regularly consult with third-party human rights experts and CSOs, especially before launching new products, features or services, and when reviewing legal instruments regulating the digital civic space.

→ Recommendation 20

Consider working with local government bodies in France and abroad that could take greater local actions to address issues.

10. https://globalresourcesreport.org/wp-content/uploads/2020/05/GRR_2017-2018_Color.pdf.

11. <https://eu.boell.org/en/2020/12/03/how-covid-19-spurring-civic-tech-senegal>.

Appendix 1: Consultations

1/ What is civil society?

A weakened civil society in France

According to sociologist Roger Sue, the Greeks historically contrasted civic life with the *oikos* (the economy and domestic goods); in the Middle Ages, particularly with Saint Augustine, civil society was contrasted with private and family affairs. In modern thinking, civil society is contrasted with religion. With the French Revolution, civil society was seen as the antithesis of representative democracy; it therefore became the means by which the representatives of democratic institutions could use their competences to embody civil society and have the legitimacy to govern it.

In France especially, the desire for republican unity can be a potential hindrance to civil society. The French mindset is one of elitism that adheres to the belief that in all matters the elites should govern the people. Thus, although France does make an effort to value/encourage civil society, it does not support it as fully as other European countries. As a result, the executive branch has greater authority, and adopts a stance where it explains its decisions to civil society, rather than arriving at them through a co-constructive process.

French civil society has also suffered from a lack of resources for decades, with the State showing a certain mistrust of organized CSOs. With regard to the issue of resources, some would argue that CSOs should be independent from the public authorities. However, it has been demonstrated (particularly for human rights NGOs) that it is often democratic states alone that can support the emergence and independence of CSOs with a rights-based approach, particularly in the areas of human rights and civil and political rights. The United Kingdom, for instance, adopted a different model where the development agency, Department for International Development¹² massively supported (without any counterpart or need for co-funding) British NGOs and other charities. Meanwhile, these organizations could also claim significant aid via a highly

developed culture of public generosity and, above all, a network of multiple and powerful foundations, on sensitive subjects such as human rights.

A diversity of civil societies abroad

Martin Vielajus surveyed 54 diplomatic posts regarding their partnership actions with civil society based on **four main criteria**: legal framework, degree of presence of “sensitive” organizations (human rights, environment and international NGOs), possibility of dialogue between civil society and local authorities, and funding of civil society to produce a **three-level** classification (open countries, impeded countries, closed countries).

The survey has two parts: the first covers embassies’ perceptions of the changing context of local civil societies, and the second, presented in the chapter on defenders, covers support mechanisms implemented by embassies.

The first part puts into perspective how the French view civil society stakeholders internationally.

1) What forms do CSOs take?

The survey does not provide a strict definition of the term “civil society”; as a result, the embassies propose different typologies of civil society based on how it is defined in France. Some diplomatic posts include, for example, religious stakeholders. In all countries, associations are the common denominator and are placed at the centre of civil society.

2) What is the overall situation?

The survey results show a growing, diversifying, multiplying and more visible civil society. The diplomatic posts show a diversity of civil societies with a variety of stakeholders focused on the local level, national actors focused on the international level, and a gap between the two.

12. The Department for International Development merged with the Foreign and Commonwealth Office in September 2020, forming the Foreign, Commonwealth and Development Office.

3) What types of civic spaces are there?

Four criteria are used to measure the space dedicated to civil society:

- the country's legal framework, which sometimes forces organizations to undertake registration avoidance strategies so as to not depend on the political regime;
- the situation of civil society stakeholders, who are viewed as the sentinels of the country's openness (human rights); a sliding scale regarding the difficulty of access to registration; and international NGOs;
- access to resources, a sliding scale on the degree of transparency required regarding international funds and/or a ceiling are indications of the openness of spaces. Some countries have withdrawn the legal status for CSOs that obtain more than 60% of their funding from international sources. In the debate on the localization of aid and the support to local stakeholders, there is ambiguity between the localization of aid (aid that goes to local associations) and nationalization of aid (restricting the space for civil society);
- dialogue between civil society and public authorities.

According to the survey, the diplomatic posts not only support international projects, but are more involved in partnerships, finding solutions and working with local stakeholders.

Civil society is less represented in official bodies

- There is a risk that civil society will be excluded from dialogue in multilateral forums under the pretext of public health measures.
- In some situations, threats (including reprisals upon return) are made against human rights defenders and civil society representatives who participate in multinational forums (in particular, at the UN or the ACHPR). The case of the 64th Ordinary Session of the ACHPR in Sharm el-Sheikh, Egypt, in April–May 2019¹³ is symptomatic and led to strong reactions by many NGOs.¹⁴
- The Executive Council of the African Union (AU) wanted to withdraw observer status from organizations that advocated for universal values not recognized by a number of African countries (e.g., LGBT+ rights).

The press as a member and a supporter of civil society

Freedom of the press and freedom of information are crucial for the existence of civil societies, and journalists are considered to be trusted third parties. As a group (and including freelancers), journalists allow checks on the democratic process. Without the press, there is no effective development of individuals, societies and civil society capable of questioning the political sphere (viewed as the adversary).

With this important role come major risks:

- an increase in violence and threats;
- disinformation and considerable fake news;
- an increase in restrictive legislative frameworks.

2/ Difficulties encountered: media and GONGOs

What are the conditions for free and independent CSOs and media that can guarantee a genuine partnership between governments and civil society?

This issue arises at all levels of governance in a country, and the issue of freedom and independence of stakeholders is of the utmost importance. While many countries have a large number of associations and a generally free press, this is certainly not the case in all places.

Authoritarian political regimes have perfected their methods to infiltrate various entities; they have even gone so far as to invent GONGOs, NGOs created and controlled by a political regime. These organizations exist, take action and are influential in their respective countries, and are sometimes the only possible contacts for diplomatic posts. They are also sometimes the only CSOs that can easily leave their country, communicate and receive accreditation for international bodies.

In some countries, media organizations may also pay a high price for their independence and editorial freedom. They may be shut down or their journalists may be imprisoned.

13. <https://www.hrw.org/news/2019/04/24/egypt-african-rights-session-amid-dire-abuses>.

14. <https://cihrs.org/dont-provide-political-cover-for-brutal-repression-of-egyptian-government/?lang=en>.

Authoritarian political regimes also implement strategies to infiltrate the media, turning them into tools to spread propaganda and influence public opinion.

These phenomena undermine the French concept of state-civil society dialogue. To address these different points, two case studies presented and analysed the situations in two countries, Algeria and Mauritania, and the mechanisms at work were unravelled. The aim was to identify ways of countering such mechanisms and possible actions to be taken. Readers may also be interested in a study conducted by EuroMed Rights in three countries, Algeria, Egypt and Turkey, on the emergence of GONGOs.

Case study 1: The role of the media in democratic governance in Tunisia and Algeria

Souhaieb Khayati, representative of Reporters Without Borders (RSF), spoke about the situation in Tunisia. Under former president Zine al-Abidine Ben Ali, "official" associations occupied the media space and corroborated the regime's actions. After a near total liberation of the country's media space in 2011, independent CSOs took advantage of the opportunity to call for a democratic transformation in the country. Nevertheless, restrictions remain persistent in the country, and only the mobilization of an organized civil society could reverse this trend.

In Algeria,¹⁵ journalists are accused of "collaborating with the enemy" when they work with partners outside the country, such as international organizations. As a result, journalists such as Khaled Drareni, a correspondent for RSF, may find themselves detained by the government (Drareni was held in prison for 110 days before being released without a trial). Mr Khayati said that the government had forced local organizations working for Drareni's release to stop all advocacy in conjunction with international NGOs if they wanted Drareni's situation to improve. This stigmatization undermines the actions of an independent civil society.

However, maintaining dialogue with GONGOs, in particular with the Conseil National des Journalistes Algériens (National Council of Algerian Journalists), has sometimes proved vital; in particular, it enabled RSF to obtain support to change the Algerian State's position regarding Drareni's imprisonment.

Support efforts to organize civil society

RSF provides training to media and press organizations to support efforts to organize and build the capacities of these local organizations, as well as to protect journalists and the media, particularly in terms of physical and digital security.

Case study 2: Building an independent organization in a hostile environment in Mauritania

Fatimata Mbaye, President of the Mauritanian Human Rights Association and a lawyer in Mauritania, spoke about her experience in her country, under an authoritarian regime where CSOs specializing in human rights (such as the Human Rights League, created in 1996) have nevertheless emerged.

Building an organization is a complex journey. The Ministry of the Interior blocks the organization recognition process, and the registration difficulties faced by CSOs restrict their ability to conduct their activities.

According to Ms Mbaye, "What makes CSOs so important is that they build alliances and serve as an alert system; they must acquire expertise to be appreciated and recognized." **Actions through networks help increase the recognition of organizations and create new spaces for action in order to overcome internal country restrictions.** By using these practices, Ms Mbaye's organization has become a key player in the field of human rights, which gives her protection when she travels and speaks publicly.

The restriction of human rights is the primary objective of the government's infiltration of CSOs. If these CSOs are to survive, they must implement **strategies of alliance, affiliation and coalition** with the outside world to counteract these restrictions. According to both speakers, embassies' recognition of the expertise of local organizations vis-à-vis the outside world plays an important role and helps protect these organizations.

GONGOs

There are many GONGOs in Mauritania. According to Ms Mbaye, their infiltration process is as follows:

- they integrate independent CSOs and copy their practices;
- they then split off from these CSOs and act on behalf of the government.

The practices they learn allow them to send positive signals to foreign institutions, which makes them difficult to identify.

15. https://euromedrights.org/wp-content/uploads/2021/02/GoNGOS-Report_Final.pdf.

As a result, GONGOs are over-represented at the AU and the Human Dimension Implementation Meeting of the Organization for Security and Co-operation in Europe (OSCE) to the detriment of many independent associations and NGOs that no longer have access to observer status (in particular, LGBTI+ organizations or those receiving funding from international donors).

What solutions should be implemented to deal with GONGOs?

According to Ms Mbaye, the main solution is to create or regroup around platforms or federations of stakeholders to ensure **real information sharing, peer-to-peer training processes, better recognition and visibility, easier registration of CSOs and movement of members** across borders.

To do this, embassies could play an essential role to support the process.

It is also crucial to identify non-independent stakeholders and to lobby the relevant commissions (UN, EU, AU, etc.) in order to avoid a surfeit of fake NGOs. Based on this inventory, and in conjunction with the organized platforms, it would then be possible to analyse the issues of civil society dependence and support the accreditation of independent CSOs by international bodies, as well as facilitate visas to avoid over-representation of GONGOs.

3/ New digital 3.0 challenges

The technological revolution is a reality across the globe. The COVID-19 crisis has accelerated the revolution, forcing civil societies around the world to adapt. The phenomenon has raised a number of issues; it is therefore important to assess the opportunities and dangers for CSOs and identify ways to improve.

What impacts do civil society (local and regional authorities, associations, NGOs, trade unions, etc.) and civil liberties face from the digital transformation, now and in the future?

Digital tools are indeed remarkable modes of communication, allowing people to connect to the world in real time to exchange ideas, receive training, obtain information, and learn. Opportunities run the gamut from e-learning courses

to innovative start-ups, local consultation bodies that participate in decision-making, telemedicine, knowledge sharing and even the ability to meet a soul mate.

But digital tools also provide a new source of inequality and control: fragmentation of public spaces and public freedoms, use of social networks for disinformation campaigns, limits on means of expression, regional disengagement, curbs on public freedoms, cyber attacks.

Digital transformation and the future of civic space by 2030

The OECD Development Co-operation Directorate (OECD/DCD), Foresight, Outreach and Policy Reform (FOR) Unit carried out a study on three main areas of analysis of the relationship between digital transformation and civil society:

- the role of a variety of CSOs (formal and informal relationships) in the real and virtual democratic space;
- the protection of the democratic space and citizens' trust in institutions;
- policies to encourage CSOs to engage responsibly in forums for dialogue.

This study identified three types of major opportunities created by the digital transformation. New technologies constitute a set of new vectors enabling social actors to make their voices heard, an opportunity for citizens to act transnationally and space for recognition available to social groups that are usually excluded from decision-making.

But the digital transformation also carries a number of risks such as the misuse of digital technology to harass CSOs, significant power seized by private platforms to control non-public information or spaces for dialogue, and the use of digital tools by governments to limit citizens or CSOs' freedom of speech.

Based on these considerations and analyses, the study on the possible futures of civic space by 2030 identified four scenarios:

- the first scenario would see an acceleration of the shrinking of public spaces generating a **collapse of civil society**, with unregulated use of technologies by different stakeholders (governments, CSOs, private entities);
- the second scenario would be the **flourishing of civil society** supported by an appropriate legal regulatory framework enabling it to make full use of technological

potential, both online and offline, without infringing upon the fundamental rights of citizens and organizations, and all within a democratic model of governance;

- the third scenario would see **civil society transformed by the use of new digital technologies**. In this scenario, which assumes widespread use of technology, civil society would be restructured around more frequent recourse to direct democratic decision-making;
- the fourth scenario, envisages the **risk of civic spaces breaking apart**, resulting from a disengagement or persistent heterogeneity of competence in the field of technology, particularly with regard to access to information and participation in decision-making.

Whatever the scenario, there is a need not only to ensure more dialogue with partner countries, but also to include all the players in that dialogue.

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Digital technology issues for local authorities – Case of the French administrative department of Aude

Elected representatives have a role to play in encouraging citizen participation as a tool for regional governance. As such, issues related to the creation of legitimate and acceptable spaces for citizen dialogue can be identified in the French administrative department of Aude, where access to digital technologies is poor in many areas. Three examples illustrate this point:

- many pupils living in the Aude department were left behind due to the transition to digital learning, even as the department was already experiencing high drop-out rates. This phenomenon of disengagement highlights the social divide in access to digital technology. Simply having the

tools is not enough – citizens also need to **understand how to use them well** (selecting high-quality information, managing online administrative procedures, etc.).

- before the emergence of COVID-19, the department set aside a participatory budget (€1.5 million) earmarked for a selection of projects. Some 2,500 people from the Aude department came out in person to participate and 800 proposals were put forward. Due to COVID-19, the voting process by the people of the Aude department to select the final projects was shifted online. The department became aware of difficulties with virtual-only approaches to participation. The project leaders who were best able to mobilize votes in favour of their projects had focused on **physical and local support for the use of e-participation tools**.
- the department is also engaged in cooperative projects with local authorities, such as in Burkina Faso, Lebanon and Tunisia. The COVID-19 crisis made cooperation very challenging. To overcome the difficulties, virtual advocacy was proposed as an alternative to the planned volunteer exchanges between young people from different countries; the young people received support from educators. Using this approach, **digital technologies empowered young people and supported their inclusion by building a foundation of shared values**. This example shows the **importance of focusing on the human factor** in the “responsible” management of digital tools.

Henri Verdier, French Ambassador for Digital Affairs: How can French NGOs be better integrated into international discussion forums on digital technology?

French digital diplomacy is based on four areas that must be interconnected:

- regulating content through security and cyber security measures, avoiding all forms of hatred, and curbing fake news;
- Internet governance (see www.intgovforum.org): engage in a more open approach to civil society. French CSOs are not sufficiently involved, mainly due to a lack of resources (staff, time and funding);
- economic diplomacy, to promote France’s strengths;
- freedom of speech and creating ties between human rights and economic development.

Ways to facilitate the opening of the embassy's work to civil society are outlined below:

- open up digital diplomacy issues with more French NGOs;
- call on NGOs to join the Open Government Partnership (www.opengovpartnership.org). France will set up a new action plan within six months and intends to include French NGOs in this process;
- help associations embrace digital technology by playing a facilitating role within the Ministry for Europe and Foreign Affairs.

4/ What support can be offered to civil society and rights defenders?

The hearings and discussions aimed to assess the protection mechanisms for civil society actors and defenders in danger.

France's actions to protect human rights defenders

According to Florence Cormon-Veyssière, Head of the Human Rights and Humanitarian Affairs Department (Ministry for Europe and Foreign Affairs), the international context is not very favourable. Over the past two decades, some 3,500 rights defenders have been killed (more than 300 since 2019), and more and more have been imprisoned or stopped from speaking out. The multipolar world that has emerged following the Cold War is seeing the development of complex conflicts characterized by barbaric acts in violation of international conventions (chemical weapons, etc.).

More recently, the multilateral consensus that is usually mobilized to support the "human rights" agenda has been fragmented (the difficulties surrounding the adoption of the resolution for the UN's 75th anniversary is one example). This consensus is thus challenged by a number of States (such as China), which claim to propose an alternative system while often disregarding respect for fundamental freedoms. This situation is aggravated by a shift in the balance of power, which has deteriorated for countries defending rights and freedoms, particularly with regard to their inability to rely on certain allies, whether across the Atlantic or even within Europe.

In this unfavourable context, both within multilateral organizations and in the field, France became a member of the HRC in January 2021. France's programme of action will be centred on three areas: fighting inequality, protecting fundamental freedoms and the voices of human rights defenders, and gender equality.

In terms of organizing actions, France's efforts will be based on two priorities:

1. preservation of a space for discussion at the international level, especially to enable continued discussion on the most complex human rights situations. In operational terms, this action will be reflected at the HRC level through a two-fold initiative to reaffirm the defence of the values promoted in international conventions on the one hand, and to ensure the possibility of exchanging ideas on all current issues (Belarus, Xinjiang, etc.) on the other. This defence of the role of the HRC should also enable resolutions to be adopted on the most dramatic situations (Syria, Iran, Yemen). Finally, this action should provide a point of liaison for the joint positions taken within the EU;

2. defence of the HRC, the role of which is being challenged by adversaries who are trying to reduce its operating budget and ability to act on the ground. More specifically, the budget of the Office of the High Commissioner for Human Rights (OHCHR) is being targeted, which shows the need to strengthen the credibility of the HRC's tools.

This message will also be taken to other forums, such as the European Convention on Human Rights (Istanbul Convention) and the OSCE.

Alongside efforts made by the ambassador for human rights through confidential talks to address sensitive issues more directly, France also intends to take action to preserve the freedom of action of rights defenders on the ground. This action is characterized by:

- **special funding granted** by the DGM and in particular by DGM/CIV to support the implementation of development projects likely to circumvent the temptation of governments to limit NGOs' capacity for action;
- **promotion of initiatives by local civil society stakeholders** (e.g., promotion of women's rights – the Simone Veil Prize);
- **action to help defenders in danger**: advocacy on behalf of individual cases, often conducted through confidential talks (e.g., on behalf of Nasrin Sotoudeh);
- **dissuasive action**, based both on a **policy of sanctions for human rights violations** (implementation by the EU of a sanctions regime, supported by the Netherlands and Germany) and on a policy of **fighting impunity**, organized through support for the International Criminal Court and other jurisdictions and jurisdictional mechanisms (crimes in Syria and Iraq).

Action by diplomatic posts to strengthen civil society

The second part of the study by Martin Vielajus revealed that all embassies declare they maintain fairly close ties with local civil society. The heads of post noted the variety of instruments available to support civil society (innovative civil society projects and stakeholder coalitions; projects with the French Institutes, Alliance Française branches, Expertise France, CFI,¹⁶ Campus France, etc.).

In short, the support offered by the diplomatic posts to civil society entities covers three areas: **support for action**, **support for capacity-building** and **support for recognition and expression**:

- **support for action** usually covers a very wide range of issues (human rights, gender, etc.). In some cases, the embassies focus on supporting donors and rendering actions more visible;
- **support for capacity-building** is provided through a number of mechanisms, the most important of which is often project management (capacity to influence and networking, association-based organizational structuring). Concerted multi-stakeholder programmes are a frequent option for technical capacity-building, advocacy, visibility enhancement, etc.;
- **initiatives for promotion** of projects are also an important area of action for diplomatic posts (thematic organization: human rights prize; debate days on gender equality, human rights, etc.). Mobility support schemes along with communication tools can also be used to promote and enhance the visibility of stakeholders.

In conclusion, Mr Vielajus recalled that, within the framework of standard calls for projects, little funding is available directly to local CSOs; there are still few capacity-building mechanisms to help CSOs reach the critical size needed to become structural partners. When faced with such challenges, embassies can offer a valuable response through the support they give to local stakeholders and the funding they provide for capacity-building.

Presentation by Jacques Perrot, Civil Society Unit, DG DEVCO: The European Commission's action in support of civil society

A 2012 communication issued by the European Commission clarified the three pillars of its commitment to civil society:

- Pillar 1: **conducive environment**;
- Pillar 2: **CSO participation** in forums and policy design within partner countries and EU programmes;
- Pillar 3: **supporting the capacity-building of CSOs**.

With the “conducive environment” approach, and especially the CSO and local authorities programme, the Commission seeks to take proactive, multifaceted and long-term action. The idea of a **conducive environment** is a key concept within the priorities of many instruments in addition to the CSO and local authorities programme: the European Instrument for Democracy and Human Rights, the European Neighbourhood Instrument, the Instrument for Pre-Accession Assistance, the Instrument contributing to Stability and Peace.

In Brussels, spaces for civil society are supported or guaranteed through numerous mechanisms:

- the **Policy Forum on Development** brings together around 90 representatives from civil society and local and regional authorities in a regular dialogue with the Commission;
- the **25 strategic framework partnership agreements** between the Commission and global or regional civil society platforms are based on the strategy of these stakeholders, in line with the priorities of the Commission's 2012 communication, and are supported by specific grants. These partnerships develop the capacity of the networks, and some of them are based on Sustainable Development Goals 16 and 17, which are also reflected in the voluntary national reports;
- support for the **International Budget Partnership** to provide training for civil society stakeholders in 23 countries to enable them to participate in discussions on national budgets;
- the **ProtectDefenders.eu** mechanism, the Emergency Fund for human rights defenders and the **Human Rights Crises Facility** are characterized by their highly flexible

16. CFI is a subsidiary of the France Médias Monde group that works to promote media development in Africa, the Arab world and South-East Asia.

conditions of use and the possibility of discreet implementation;

- **calls for proposals launched from Brussels** can support this defence of civil societies.

This is complemented by various initiatives of the Directorate-General for European Neighbourhood Policy and Enlargement Negotiations (DG/NEAR):

- DG/NEAR has set up a **civil society monitoring matrix** (Eastern Partnership, Balkans, Turkey);
- the **European Endowment for Democracy** is a delegation to protect civil societies in countries in crisis and to support independent media (Eastern Partnership, ENP-South, Balkans and Turkey);
- DG/NEAR also has **framework partnerships** (seven new agreements, Eastern Partnership) into which the conducive environment concept is integrated;
- DG/NEAR also has **small funding lines** to support civil society in the event of **political changes** in the countries covered.

This action is supplemented by initiatives taken by EU delegations, particularly through the network of civil society and human rights focus areas, aimed at:

- fostering civil society capacities in restricted environments;
- supporting unregistered groups or social movements;
- organizing a structured dialogue between the delegation and civil society;
- inviting vulnerable defenders to participate in multilateral dialogues;
- mobilizing the expertise of CSOs;
- providing public or “bilateral” political and diplomatic support: tripartite dialogue, European Parliament resolutions (e.g. Nicaragua), etc.

Appendix 2: Participants

This report was drafted by the co-chairs of the working group and benefited from the review and comments of various staff from the Ministry for Europe and Foreign Affairs. The findings will be formally presented at a CNDSI event. At this stage, it only represents the opinion of the members of the working group.

Members of the working group

Co-Chair

Geneviève Sevrin (Cités Unies France)
Raphaël Chenuil-Hazan (ECPM, PDH)

Participants

• Members

Guillaume Colin (Fédération internationale des actions des chrétiens pour l'abolition de la torture)
Élodie Aïssi (Institut Belleville)
Élodie Barralon (Coordination SUD)
Manuele Derolez (CCFD-Terre Solidaire)
Emmanuel Poilane (Centre de recherche et d'information pour le développement)
Anne Souleliac (Paris Bar Association)
Monica Michel (Member of French Parliament)
Sarah Strack (Forus)
Sarah Hénon (Forus)
Antoine Petitbon (RSF)
Isabel Amossé (RSF)
Éléonore Morel (International Federation for Human Rights – FIDH)
Sarah Hayes (Democratic Governance Mission – DGM/GOUV)
Amandine Toussaint (DGM/CIV)
Nicolas Martin (DGM/CIV)
Anne-Charlotte Dommartin (DGM/CIV)

• Thematic participants

Sophie Duval (Coordination SUD)
Jérémy Béja (CCFD-Terre Solidaire)
Laurent Duarte (Secours Catholique)
Coline Constantin (Prison Insider)
Hugo Gabbero (FIDH)
Dominique de Saint-Gérand (ATD Quart Monde)
Nassera Dutour (*Collectif des familles de disparus en Algérie*, Collective for the families of missing persons in Algeria)
Éric Mirguet (*Action des chrétiens pour l'abolition de la torture-France*, Action by Christians for the Abolition of Torture-France)
Catherine Sophie Dimitroulias (Réseau Euromed France)
Thierry Mauricet (Première Urgence Internationale)
Céline Martin (Equal Rights & Independent Media – ERIM)
Sandra Sjögren (ERIM)
Maeve de France (CartONG)
Stelios Haratsis (*Groupe de recherche et de réalisation pour le développement rural*, Research group for rural development and initiatives – GRDR)
Stéphanie Dubois de Prisque (*Centre d'actions et de réalisations internationales*, Centre for international action and initiatives – CARI)
Minh Maudoux (*Comité français pour la solidarité internationale*, French committee for international solidarity)
Caroline Weill (*Réseau d'information tiers-monde des centres de documentation pour le développement*, Third world information network of documentation centres for development – RITIMO)
Mathieu Wostyn (RITIMO)
Sandra Sjögren (International Research & Exchanges Board Europe – IREX Europe)
Flora Graioni (IREX Europe)
Seynabou Benga (Human Dignity)

- **Experts**

Martin Vielajus (consultant)
Sarah Hayes (DGM/GOUV)
Raphaël Droszewski (Strategy, Analysis and Policy Planning Centre)
Antoine Boudou (DGM/CIV)
Amandine Toussaint (DGM/CIV)
Anne-Charlotte Dommartin (CIV)

- **Special consultants**

Henri Verdier, French Ambassador for Digital Affairs
Roger Sue (Mouvement associatif)
Jacques Perrot (European Commission Directorate-General for International Cooperation and Development)

Florence Cormon-Veyssière (United Nations, International Organizations, Human Rights and Francophonie Directorate)
Élise Pereira-Nunes (Deputy Mayor of Tours for international relations)
Benoit Pilet (Deputy Mayor of Angers for international relations)
Marilyn Cham (OECD/DCD)
Jacqueline Wood (OECD/DCD)
Ana Fernandes (OECD/DCD)
Valérie Dumontet (Aude department)
Fatimata Mbaye (Human rights activist lawyer, Mauritania)
Souhaieb Khayati (RSF, Tunis office)

Acronyms and abbreviations

ACHPR	African Commission on Human and Peoples' Rights
AFD	Agence Française de Développement (French Development Agency)
AU	African Union
CNDSI	National Council for Development and International Solidarity
CSO	Civil Society Organization
DGM	Directorate-General for Global Affairs, Culture, Education and International Development
DGM/CIV	Delegation for Civil Society Relations and Partnerships
DGM/GOUV	Democratic Governance Department
DG/NEAR	Directorate-General for European Neighbourhood Policy and Enlargement Negotiations
ECOSOC	United Nations Economic and Social Council
ERIM	Equal Rights & Independent Media
EU	European Union

FIDH	International Federation for Human Rights
GONGO	Government-Organized Non-Governmental Organization
HRC	Human Rights Council
MEAE	Ministry for Europe and Foreign Affairs
NGO	Non-Governmental Organization
OECD	Organisation for Economic Co-operation and Development
OECD/DCD	Development Co-operation Directorate
OSCE	Organization for Security and Co-operation in Europe
PDH	Plateforme des Droits de l'Homme (Human Rights Platform)
RSF	Reporters Without Borders
SCAC	Cooperation and Cultural Action Services
UN	United Nations

Strategy report

Creating a supportive environment for civil society

This report was produced by the working group “Creating a supportive environment for civil society” created within the National Council for Development and International Solidarity (CNDSI), under the co-chairmanship of Geneviève Sevrin and Raphaël Chenuil-Hazan. The working group’s efforts focused on supporting civil society and rights defenders confronted with tougher legislative frameworks and a growing variety of tools used by some governments to limit the expression of civil liberties and civil society. The working group drew up a set of 20 recommendations to address four main issues: reinforcing France’s role, strengthening the independence of civil society organizations, improving the situation of rights defenders, and tackling digital technology issues.

The CNDSI is the preferred forum for consultation between non-state actors and the French government on issues related to France’s international development and cooperation policy. The CNDSI contributes to new ideas on how to develop and implement French development policy objectives, guidelines and means.

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