

## More concrete proposals on protecting CS space in EU-ACP with references

### 1. Essential provisions that should appear in the text of the agreement (extracted from our previous recommendations)

- A. Putting in place the conditions for an open civil society space in the foundation**
- a) Refer to human rights conventions and fundamental freedoms as essential elements of the partnership with an explicit mention of the freedoms of expression and opinion, association and peaceful assembly.
  - b) Recognise CSOs as independent actors or stakeholders in their own right by referring to existing UN definition of civil society
  - c) Refer to the specific mandates and formats of the Economic and Social Committees and distinguish these bodies from the broader terminology of Civil Society which includes and goes beyond the actors involved in the ESCs. Civil Society should also remain separated from the private sector.
  - d) Recognise the multiple roles and contributions of civil society organisations (advocates and watch-dogs, human rights defenders, service providers, implementers and partners of development programmes as well as experts, actors of change, civic education and awareness raising) and therefore the necessity to involve them at all levels of political and policy dialogue and when implementation plans are prepared, monitored and evaluated.
  - e) Put in place and refer to a central complain and grievance mechanism giving the possibility for citizens, CSOs and other stakeholders to enter complaints in cases of serious and evidenced breach of human rights and rule of law obligations or other essential elements by one of the parties or by a third implementing party.
- B. Putting in place stable and formal mechanisms of dialogue between CS and the joint institutions in the foundation**
- a) In the foundation, make reference to the establishment of standing civil society advisory bodies at regional levels with the following features: CS representatives nominated by their peers according to criteria agreed upon between CS and the joint institutions; financial and administrative support allowing for meaningful and on-going activities of the advisory bodies, including regular meetings between them and with the joint institutions (at parliament, senior official, ministerial and HoS levels) in the bi-regional context (EU-A/EU-C/EU-P) and whenever relevant at all ACP and EU-ACP level.
  - b) Make also reference to the organisation of CS consultative meetings before, joint parliamentary and ministerial meetings and Heads of States Summits.
  - c) Make reference to the fact that financial resources will be allocated to the CS participation mechanisms referred to in a) and b) .
- C. Putting in place the conditions for mainstreaming CS participation in the whole agreement**
- a) Whenever relevant, refer to CSOs as actors of dialogue, partners or implementers in the description of the priority areas for cooperation. CS role is relevant for all areas of cooperation and should not be confined to human development or human rights.
  - b) In particular, recognise the importance of the social dialogue and the necessity to involve trade unions, small scale farmers and entrepreneurs (including women entrepreneurs) and professional associations in any process of dialogue and reform regarding labour rights, business climate or investment and trade agreements.
  - c) In the area relating to human rights, rule of law and governance make reference to the protection of human rights defenders and of civil society space and to the necessity for

involving these actors in the HRs dialogue. Further, it is essential to also include in this area the support to capacity building and core costs of HR organisations and other civil society organisations as essential parts of stable and functional democracies.

## 2. Extracts from reference documents on the protection and promotion of CS space

### From UN resolutions and reports:

Aware of the crucial importance of active involvement of civil society in processes of governance that affect the life of people,

1. Reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law;

<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/G12/174/63/PDF/G1217463.pdf?OpenElement>

### **The five key elements to create and maintain a safe and enabling environment for civil society are:**

a robust legal framework that is compliant with international standards as well as a strong national human rights protection system that safeguards public freedoms and ensures effective access to justice; a political environment conducive to civil society work; access to information; avenues for participation by civil society in decision-making processes; and long-term support and resources for civil society. By creating such conditions, Governments, the international community and other stakeholders will be better positioned to foster a climate of trust and cooperation in the interest of all people, at the local, national and global levels.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/073/52/PDF/G1607352.pdf?OpenElement>

**Accountability and rule of law are closely related to the notion of access to remedy**, which is a critical element in the human rights framework. In the event of a violation or denial of rights, the human rights approach emphasises the need to have available appropriate means to seek and support redress, including by invoking the right to remedy and to due process, and the right to information.

[https://www.ohchr.org/Documents/Publications/Human\\_rights\\_indicators\\_en.pdf](https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf)

### **Articles from the African Charter on Democracy, elections and governance that are relevant for Civil Society**

Article 2.10: *The objectives of this Charter are to: (...) Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs;*

Article 3.7: *State Parties shall implement this Charter in accordance with the following principles: (...) Effective participation of citizens in democratic and development processes and in governance of public affairs;*

Article 6: *State Parties shall ensure that citizens enjoy fundamental freedoms and human rights taking into account their universality, interdependence and indivisibility.*



Article 12.3: State Parties shall: (...) *Create conducive conditions for civil society organizations to exist and operate within the law.*

Article 13: *State Parties shall take measures to ensure and maintain political and social dialogue, as well as public trust and transparency between political leaders and the people, in order to consolidate democracy and peace.*

Article 27.2 & 8: *In order to advance political, economic and social governance, State Parties shall commit themselves to: (...) Fostering popular participation and partnership with civil society organizations; (...) Promoting freedom of expression, in particular freedom of the press and fostering a professional media;*

Article 30: *State Parties shall promote citizen participation in the development process through appropriate structures.*

Article 31: 1. *State Parties shall promote participation of social groups with special needs, including the Youth and people with disabilities, in the governance process.*

2. *State Parties shall ensure systematic and comprehensive civic education in order to encourage full participation of social groups with special needs in democracy and development processes.*

[African charter on Democracy, Elections and Governance](#) adopted in 2007 and entered into force in 2012 – signed by 55 states and ratified by 31

### **3. List of reference documents that can be used to promote and protect CS space and role in the future EU-ACP agreement**

#### **At Global level**

##### **UN**

Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned

Report of the United Nations High Commissioner for Human Rights

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/073/52/PDF/G1607352.pdf?OpenElement>

Resolution adopted by the Human Rights Council in 2012 21/16.

The rights to freedom of peaceful assembly and of association

[https://documents-dds-](https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/G12/174/63/PDF/G1217463.pdf?OpenElement)

[ny.un.org/doc/RESOLUTION/GEN/G12/174/63/PDF/G1217463.pdf?OpenElement](https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/G12/174/63/PDF/G1217463.pdf?OpenElement)

Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (August 2018): In the present report, the Special Rapporteur on the rights to freedom of peaceful assembly and of association addresses the linkages between the exercise of the rights to freedom of peaceful assembly and of association and the implementation of the 2030 Agenda for Sustainable Development.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/244/97/PDF/N1824497.pdf?OpenElement>

extract: *The overall conditions for civil society participation and action are considered as enabling when the environment, composed of legal norms and practices, respects the fundamental freedoms to peaceful assembly, association, expression and the protection of human rights defenders.*

Factors that impede equal political participation and steps to overcome those challenges

Report of the Office of the United Nations High Commissioner for Human Rights

<https://undocs.org/A/HRC/27/29>

[Global Compact on safe orderly and regular Migration, to be adopted 10<sup>th</sup> December 2018](#)



[ILO Recommendation 204: Transition from the informal to formal economy recommendation, 2015](#)

**More information on UN references at**

<https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx>

<https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/SRFreedomAssemblyAssociationIndex.aspx>

**GPEDC**

[Key messages on Promoting Inclusive Partnerships and Democratic Ownership in Development Cooperation – Nairobi HLM 2016](#)

<https://taskteamcso.files.wordpress.com/2016/11/key-messages.pdf>

**At regional level:**

**EU:** [European Convention on Human Rights](#): article 11

[Charter of Fundamental Rights of the European Union](#): article 12

EC 2012 communication: <https://eeas.europa.eu/sites/eeas/files/2012-communication-roots-of-democracy-and-sustainable-development.pdf>

**AU:** [African Charter on Human and Peoples' Rights](#): articles 10 and 11

[African Charter on the Rights and Welfare of the Child](#): article 8

[African charter on Democracy, Elections and Governance](#) adopted in 2007 and entry into force in 2012 – signed by 55 states and ratified by 31 (article 2.10 / article 3.7 / article 6 / **article 12.3**/ article 13 and 27.2 & 8 / article 30 / article 31) – see below

**EAC:** Treaty provisions for Private sector, civil society and other interest groups participation

[http://eacgermany.org/wp-content/uploads/2014/12/EAC-CDF\\_small.pdf](http://eacgermany.org/wp-content/uploads/2014/12/EAC-CDF_small.pdf) see articles in page 8 to 13

**PIF:** There is a PIF-CSO engagement strategy

<http://www.forumsec.org/wp-content/uploads/2018/03/B-PIFS-CSO-Engagement-Strategy-Summary.pdf>

**CARICOM:** Charter of Civil Society

<https://caricom.org/document-Library/view-document/charter-of-civil-society>



