



Plenary sitting

A8-0283/2017

5.9.2017

REPORT

on addressing shrinking civil society space in developing countries
(2016/2324(INI))

Committee on Development

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on addressing shrinking civil society space in developing countries (2016/2324(INI))

The European Parliament,

- having regard to Article 21 of the Treaty on European Union (TEU),
- having regard to Article 208 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 7 of the TFEU, which reaffirms that the EU ‘shall ensure consistency between its policies and activities, taking all of its objectives into account’,
- having regard to the Charter of the United Nations,
- having regard to the Universal Declaration of Human Rights (UDHR) and other UN human rights treaties and instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted in New York on 16 December 1966, and the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to the UN Summit on Sustainable Development and the outcome document adopted by the UN General Assembly on 25 September 2015, entitled ‘Transforming our world: the 2030 Agenda for Sustainable Development’¹,
- having regard to the European Consensus on Development,
- having regard to the ‘Global Strategy for the European Union’s Foreign and Security Policy – Shared Vision, Common Action: A Stronger Europe’, presented in June 2016 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy²,
- having regard to the Action Plan on Human Rights and Democracy 2015-2019, adopted by the Council on 20 July 2015³,
- having regard to the EU Country Roadmaps for Engagement with Civil Society,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement), and to its revisions of 2005 and 2010,
- having regard to the Code of Good Practice for Civil Participation in the Decision-Making Process, adopted by the Conference of INGOs on 1 October 2009,

¹ http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

² Council document [10715/16](#).

³ <http://data.consilium.europa.eu/doc/document/ST-10897-2015-INIT/en/pdf>

- having regard to the Berlin Declaration of the annual meeting of the Core Group of the Civil Society Platform for Peacebuilding and Statebuilding (CSPPS), which was held from 6 to 9 July 2016,
- having regard to Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation (DCI) for the period 2014-2020¹, and to Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace²,
- having regard to Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund³ and to Declaration I of the Cotonou Agreement (‘Joint Declaration on the actors of the partnership’),
- having regard to Article 187(2) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (‘the Financial Regulation’)⁴,
- having regard to the DCI Multiannual Indicative Programme 2014-2020 for the ‘Civil Society Organisations and Local Authorities’⁵,
- having regard to the Commission communication of 12 September 2012 entitled ‘The roots of democracy and sustainable development: Europe’s engagement with Civil Society in external relations’ (COM(2012)0492),
- having regard to the UN Human Rights Council resolution of 27 June 2016 on civil society space⁶,
- having regard to the EU Annual Report on Human Rights and Democracy in the World, and the EU’s policy for 2015,
- having regard to its resolution of 26 October 2016 on corporate liability for serious human rights abuses in third countries⁷,
- having regard to its resolution of 4 October 2016 on the future of ACP-EU relations beyond 2020⁸,
- having regard to the European Union’s Human Rights Guidelines, including the EU Guidelines on Human Rights Defenders, and the EU Guidelines on the promotion and protection of religion or belief, adopted by the Council on 24 June 2013,
- having regard to the Guidelines for EP Interparliamentary Delegations on promoting

¹ OJ L 77, 15.3.2014, p. 44.

² *Ibid.*, p. 77.

³ OJ L 58, 3.3.2015, p. 17.

⁴ OJ L 298, 26.10.2012, p. 77.

⁵ C(2014) 4865 final.

⁶ A/HRC/32/L.29.

⁷ Texts adopted, P8_TA(2016)0405.

⁸ Texts adopted, P8_TA(2016)0371.

- human rights and democracy in their visits to non-EU countries¹,
- having regard to the opinion of the Committee of the Regions of 9 October 2013 entitled ‘Empowering local authorities in partner countries for enhanced governance and more effective development outcomes’,
 - having regard to the opinion of the Committee of the Regions of 24 February 2015 entitled ‘A decent life for all: from vision to collective action’,
 - having regard to the report of the UN High Commissioner for Human Rights of 11 April 2016 on practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned², and to the reports of the United Nations Special Rapporteur on the rights of peaceful assembly and of association,
 - having regard to the World Economic Forum’s 2017 Global Risks Report³,
 - having regard to its resolution of 14 February 2017 on the revision of the European Consensus on Development⁴,
 - having regard to its resolution of 22 November 2016 on increasing the effectiveness of development cooperation⁵,
 - having regard to its resolution of 7 June 2016 on the EU 2015 Report on Policy Coherence for Development⁶,
 - having regard to the UN Guiding Principles on Business and Human Rights,
 - having regard to its resolution of 12 May 2016 on the follow-up to and review of the 2030 Agenda⁷,
 - having regard to its resolution of 22 October 2013 on local authorities and civil society: Europe’s engagement in support of sustainable development⁸,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Development and the opinion of the Committee on Foreign Affairs (A8-0283/2017),
- A. whereas Article 21 TEU states that the Union’s action on the international scene, which includes therein development cooperation, must be guided by the principles of democracy, the rule of law, the universality and indivisibility of human rights and

¹ <http://www.europarl.europa.eu/document/activities/cont/201203/20120329ATT42170/20120329ATT42170EN.pdf>

² A/HRC/32/20.

³ http://www3.weforum.org/docs/GRR17_Report_web.pdf

⁴ Texts adopted, P8_TA(2017)0026.

⁵ Texts adopted, P8_TA(2016)0437.

⁶ Texts adopted, P8_TA(2016)0246.

⁷ Texts adopted, P8_TA(2016)0224.

⁸ Texts adopted, P7_TA(2013)0432.

fundamental freedoms;

- B. whereas civil society represents the third sector of a healthy and decent society, along with the public and private sectors; whereas civil society comprises non-governmental and non-profit organisations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations;
- C. whereas civil society plays a central role in building and strengthening democracy, in monitoring the power of the state, and in promoting good governance, transparency and accountability; whereas the presence of civil society organisations (CSOs) as a vital force in society is crucial, as they represent a necessary counterbalance to the powers that be by playing the role of intermediary and mediator between the population and the state, and in their capacity as guardians of democracy; whereas numerous civil society groups have been seeking to engage in constitutional reform processes so as to protect democratic principles and institutions;
- D. whereas CSOs cover a wide spectrum of human rights, including the right to development, education and gender equality, as well as carrying out activities in the social and environmental fields; whereas civil society encompasses a wide and heterogeneous range of groups and aims, including not only CSOs, but also NGOs, human rights and community groups, diasporas, churches, religious associations and communities, safeguarding the interests of the disabled, social movements and trade unions, indigenous peoples and foundations, and the representation of vulnerable, discriminated and marginalised people;
- E. whereas the Cotonou Agreement recognises civil society as a key actor within ACP-EU cooperation; whereas the expiry of the Agreement in 2020 represents an opportunity to review the partnership and further increase the participation of CSOs;
- F. whereas CSOs have become important players in global development assistance, particularly in the delivery of basic social services, public awareness, the promotion of democracy, human rights and good governance, peaceful and inclusive societies, fostering the resilience of individuals, families and local communities, countering violent extremism, and the response to humanitarian crises;
- G. whereas as recognised by international organisations in their protocols and practices, churches, religious communities and associations, together with other religion- or belief-based organisations are among the frontline and long-standing operational field actors in the provision of development and humanitarian assistance;
- H. whereas the DCI Multiannual Indicative Programme 2014-2020 for the ‘Civil Society Organisations and Local Authorities’ thematic programme includes the promotion of an enabling environment for CSOs and local authorities as a cross-cutting element; whereas the programme aims to strengthen CSOs’ voice and participation in the development process of partner countries and to advance political, social and economic dialogue;
- I. whereas the EU is the largest donor to local civil society organisations in developing countries and has been a leading actor in the protection of civil society actors and

human rights defenders (HRDs) through the use and implementation of a range of instruments and policies, including the European Instrument for Democracy and Human Rights (EIDHR), the DCI thematic programme for Civil Society Organisations and Local Authorities (CSOs-LAs), the European Endowment for Democracy, the Civil Society Roadmaps implemented in 105 countries and country strategy papers;

- J. whereas there has been an expansion in the size, scope, composition and influence of civil society around the world over the past decade; whereas, at the same time, restrictions against civil society actors and activities have become increasingly repressive and forceful in a growing number of countries worldwide, both developing and developed;
- K. whereas, moreover, the agenda set by institutional donors may in some cases not prioritise the real needs of the civil society actors working in the field;
- L. whereas the 2016 State of Civil Society Report considered 2015 a dismal year for civil society, with civic rights being placed under serious threat in more than a hundred countries; whereas the Sub-Saharan African and Middle East and North African (MENA) regions are particularly concerned by this report, as they are more often faced with situations of political stress, conflict and fragility;
- M. whereas an increasing number of governments are clamping down in legal or administrative terms on civil society organisations, including by imposing restrictive laws, limits on funding, strict licensing procedures and punitive taxes;
- N. whereas in developing countries, there has been a worrying increase in the number of reports of activists, CSOs staff members, HRDs, trade unionists, lawyers, intellectuals, journalists and religious leaders being persecuted, harassed, stigmatised as ‘foreign agents’, and arbitrarily arrested or detained, and in the number of victims of abuse and violence in recent years; whereas in a number of countries, this is being done with complete impunity, and at times with the support or compliance of the authorities;
- O. whereas human rights are universal and inalienable, indivisible, interdependent and interrelated; whereas civil society’s ability to act relies on the exercise of fundamental freedoms, including the right to freedom of association, peaceful assembly, expression, thought, conscience, religion or belief, and free access to information;
- P. whereas there is a link between a weakened civil society, reduced political and civic space, increased corruption, social and gender inequality, low human and socio-economic development, as well as fragility and conflicts;
- Q. whereas any credible and effective EU response in addressing shrinking civic space requires an accurate and timely assessment and understanding of the threats and factors driving the restrictions; whereas such a response also requires a coordinated approach between development and political cooperation, in order to ensure coherence between all EU external and internal instruments by projecting a common message on the importance of freely functioning civil society, as well as cooperation at local, regional and international levels;
- R. whereas the 2030 Agenda, and SDGs 16 and 17 in particular, provide for enhanced

cooperation with civil society as key partner and enabler as regards the promotion, implementation, follow-up and review of the SDGs;

1. Believes that a genuinely independent, diverse, pluralistic and vibrant civil society is pivotal to a country's development and stability, to ensuring democratic consolidation, social justice, respect for human rights, and to building inclusive societies, so that no one is left behind; recalls, furthermore, that civil society is a key actor in achieving the SDGs;
2. Emphasises the central role played by civil society worldwide in supporting democracy, in guaranteeing the separation of powers, and in promoting transparency, accountability and good governance, in particular in the fight against corruption and violent extremism, and its direct impact on countries' economic and human development, as well as on environmental sustainability;
3. Is deeply concerned that the closing down of civil society space in developing countries is being carried out in increasingly complex and sophisticated ways, which are harder to tackle and imposed through legislation, taxation, funding limitations, increased bureaucracy, reporting and banking requirements, the criminalisation and stigmatisation of CSO representatives, defamation, all forms of harassment, online repression and internet access limitations, censorship, arbitrary detention, gender-based violence, torture and assassination, in particular in conflict-stricken states; insists on the necessity of tackling governmental and non-governmental tactics of marginalising critical voices;
4. Expresses concern that when CSOs are legally able to receive foreign funding, they may be labelled as 'foreign agents', which stigmatises them and significantly increases the risks they face; calls for the EU to reinforce its instruments and policies addressing institution-building and the rule of law and to include strong benchmarks for accountability and the fight against impunity for arbitrary arrests, police abuse, torture and other ill-treatment of HRDs, bearing in mind that women and men experience this differently;
5. Underlines that shrinking civil society space is a global phenomenon, which is not restricted to developing countries but also, and increasingly, occurs in established democracies and middle- and high-income countries, including EU Member States and some of the EU's closest allies; calls for the EU and its Member States to lead by example in strictly upholding the fundamental rights of civil society and to address any negative trends in this field;
6. Insists that states have the primary responsibility and are under the obligation to protect all human rights and fundamental freedoms of all persons, and have a duty to provide a political, legal and administrative environment conducive to a free and functioning civil society, in which free and safe operation and access to funding is ensured, including through foreign sources;
7. Calls for the EU to acknowledge the need to provide guidance to governments, political parties, parliaments and administrations in beneficiary countries on developing strategies for establishing the appropriate legal, administrative and political environment to enable the efficient work of CSOs;

8. Is deeply concerned by the increasing attacks against HRDs worldwide; calls on the EU, and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) in particular, to adopt a policy to denounce, systematically and unequivocally, the killing of HRDs and any attempt to subject them to any form of violence, persecution, threat, harassment, forced disappearance, imprisonment or arbitrary arrest, to condemn those who commit or tolerate such atrocities, and to step up public diplomacy in open and clear support of HRDs; encourages the EU delegations and the Member States' diplomatic representations to continue actively supporting HRDs, notably by systematically monitoring trials, visiting them in jail and issuing statements on individual cases, where appropriate;
9. Considers that in cases of the rapid and dramatic shrinking of civil society space, Member States should grant high-level public recognition to affected human rights NGOs/individual HRDs for their work, for example by visiting them during official visits;
10. Encourages the EU to develop guidelines on freedom of peaceful assembly and freedom of association; calls for the EU to make full use of the EU Human Rights and Democracy Country Strategies, to put in place monitoring tools for the effective joint implementation of the EU Guidelines on Human Rights Defenders, and to ensure that there are no protection gaps and that serious human rights abuses are met with sanctions;
11. Recalls that civil society plays an important role in promoting freedom of thought, conscience, religion or belief, and reiterates its support for the implementation of the EU guidelines on the promotion and protection of freedom of religion or belief;
12. Stresses that it is essential that CSOs' relationship with citizens and the state is strengthened, in order that communities and constituencies, including women and women's rights organisations and all vulnerable groups, are genuinely represented, and in order to help make the state more effective and accountable in delivering development and upholding all human rights;
13. Welcomes the EU's long-standing commitment to and support for civil society in developing countries, and reiterates its unequivocal call for continued and increased EU support and funding in creating a free and enabling environment for civil society at country and local level, including through annual programming; calls for the EU to diversify and maximise funding modalities and mechanisms for civil society actors, by taking account of their specificities and ensuring not to restrict their scope for action or the number of potential interlocutors;
14. Calls for the EU to ensure that EU funding is used for both long-term support and emergency interventions, in order to help civil society activists at risk in particular;
15. Recalls that civic participation and the strength of civil society should be taken into consideration as an indicator for democracy; strongly encourages any inter-parliamentary debates on democracy to include CSO members and civil society to be involved in the consultation process on all legislation that affects it;

16. Calls for the EU to continue to work towards greater autonomy of civic space, not only through EU development and human rights policies, but also by integrating all other EU internal and external policies, including justice, home affairs, trade and security policies, in accordance with the principle of policy coherence for development;
17. Warns the EU and its Member States against a more lenient approach on shrinking civil society space and other human rights issues when countries with which the EU cooperates on migration issues are concerned; underlines the fact that shrinking civil society space and human rights violations may contribute to forced migration;
18. Underlines the fact that tackling shrinking civil society space requires a unified and consistent approach in the EU's relationship with third countries; calls for the EU and its Member States to proactively address the root causes of shrinking civil society space, in particular by mainstreaming the promotion of free and responsible CSO engagement and participation in bilateral and multilateral cooperation as a partner in political, economic and social dialogue; calls, in this regard, for the EU to take into account the different sizes, capacities and expertise of CSOs;
19. Encourages the EU to become an active facilitator and to promote institutional mechanisms and multi-stakeholder initiatives for reinforced dialogues and to develop stronger and broader coalitions and partnerships among developing countries' governments, CSOs, local authorities and the private sector in an enabling civil society environment; underlines the importance of safe spaces for such dialogues;
20. Calls for the EU to monitor counter-terrorism measures and aspects of anti-money laundering and transparency legislation, and to take action to ensure that these do not place illegitimate limits on CSO funding and activities; reiterates, in this context, that the recommendations of the Financial Action Task Force (FATF) should not be interpreted and applied in a way that unduly restricts civil society space;
21. Recalls that the private sector is a key partner in achieving the SDGs, and has an important role to play in fostering civic space and promoting an enabling environment for CSOs and trade unions, in particular by reaffirming corporate social responsibility and due diligence obligations in supply chains, and through the use of public-private partnerships;
22. Reiterates the obligation incumbent on the private sector to adhere to both human rights and the highest social and environmental standards; calls for the EU and its Member States to continue to engage actively in the work of the UN to set up an international treaty that holds corporations accountable for any involvement in human rights violations, and by introducing human rights risk assessments for public procurement and investment;
23. Requests that the EU establishes mandatory and legally enforceable human rights due diligence for the business activities conducted in third countries by companies domiciled in the EU;
24. Believes that trade and investment agreements concluded by the EU and its Member States must not undermine – either directly or indirectly – the promotion and protection of human rights and civic space in developing countries; considers that binding human

- rights clauses in trade agreements are an influential tool for opening up civic space; calls on the Commission to strengthen the role of civil society actors in trade agreement institutions, including Domestic Advisory Groups and EPA Consultative Committees;
25. Calls on the Commission to develop a monitoring framework of EU external financing instruments, with a special focus on human rights;
 26. Calls on the Commission and the EEAS to establish best practices and to develop clear benchmarks and indicators related to shrinking space in the context of the EU Action Plan on Human Rights and Democracy and the EIDHR mid-term review, in order to measure tangible progress;
 27. Calls on all EU actors to advocate more effectively in multilateral fora the strengthening of the international legal framework underpinning democracy and human rights, inter alia by engaging with multilateral organisations such as the UN, including the UN Special Procedures and the UN Human Rights Council's Universal Periodic Review (UPR) mechanism, and regional organisations such as the Organisation of American States (OAS), the African Union (AU), the Association of Southeast Asian Nations (ASEAN), the Arab League (AL) and the Community of Democracies Working Group on Enabling and Protecting Civil Society; recalls the importance to the Union of establishing an inclusive human rights dialogue with all partner states by including CSOs; calls on both the Union and its Member States to step up their good governance programmes with third countries and to promote the exchange of good practices with regard to the inclusion and participation of CSOs in decision-making processes; considers it necessary to promote tripartite dialogues between governments, the EU and CSOs, including on difficult issues such as security and migration;
 28. Requests the establishment of a 'Shrinking Space Monitoring and Early Warning' mechanism, with the involvement of the relevant EU institutions, capable of monitoring threats against civil society space and HRDs and issuing an alert whenever there is evidence that a developing country is preparing serious new restrictions against civil society, or when the government is using government-organised non-governmental organisations (GONGOs) to simulate the existence of independent civil society, so that the EU is able to respond in a timelier, coordinated and tangible manner;
 29. Calls for the EU to strengthen its support for the full participation and empowerment of minorities and other vulnerable groups, such as persons with disabilities, indigenous people and isolated populations, in cultural, social, economic and political processes; calls upon states, in that regard, to ensure that their legislation and policies do not undermine enjoyment of their human rights or the activities of civil society defending their rights;
 30. Deplores the lack of organisations helping victims of terrorism in third countries at a time when global terrorism is on the rise; underlines, therefore, the urgent need to establish a secure climate for such organisations in order to protect the victims of terrorism;
 31. Underlines the critical role played by women and women's rights organisations in social progress, including youth-led movements; calls for the EU to insist on the need to support women's empowerment and the creation of a safe and enabling environment for

- women's CSOs and women's rights defenders, and to address specific gender-based forms of repression, particularly in conflict-affected regions;
32. Highlights the importance of actively contributing to the support of women-rights related policies and actions, including sexual and reproductive health and rights;
 33. Reiterates the importance of mainstreaming the rights-based approach (RBA) into EU development policy, with the aim of integrating human rights and rule of law principles into EU development activities and of synchronising human rights and development cooperation activities;
 34. Recalls the importance of regional cooperation in strengthening enabling environments for civil society; encourages developing countries to promote dialogue and the best practice of protecting and engaging with civil society;
 35. Welcomes the EU Country Roadmaps for Engagement with Civil Society as an effective tool, and as the possible new EU framework for engagement with civil society; considers it paramount that CSOs be involved not only in the consultation process leading to the drafting of the roadmaps, but also in their implementation, monitoring and review;
 36. Commits to establishing, on an annual basis and through in-depth consultation with relevant institutional and NGO actors, a list of countries where civil society space is most under threat;
 37. Calls on the VP/HR to regularly place on the agenda of the Foreign Affairs Council a discussion of, and follow-up to, the EU's efforts in pursuing the release of HRDs, aid workers, journalists, political activists, persons imprisoned for their religious or moral convictions, and others imprisoned as a result of shrinking civil society space;
 38. Welcomes the appointment of human rights and civil society focal points in EU Delegations dedicated to improving cooperation with local civil society, in particular in providing assistance to vulnerable and marginalised groups and individuals; calls on the EU Delegations to systematically raise awareness about shrinking civil society space and the protection of activists with national members of parliament, governments and local authority officials, and to further engage with CSOs in the programming cycle of EU funds and in their subsequent monitoring, even where bilateral cooperation is being phased out; calls, furthermore, on the EU Delegations to provide, in a regular and transparent manner, information to civil society about funds and funding opportunities;
 39. Calls for the EU and its Member States to systematically include shrinking civic space in their bilateral relations and to make use of all available instruments and tools, including development and trade, so as to ensure that partner countries uphold their commitment to protecting and guaranteeing human rights; calls for the EU to closely monitor the involvement of civil society actors in partner countries and to urge governments to repeal all laws that violate the rights to freedom of assembly and association; considers, in this regard, that the EU should introduce positive conditionality in budget support as regards any restriction of civic space;
 40. Stresses that western civil society should support the creation and strengthening of

NGOs by transferring know-how in order to help them contribute to the development of their own countries;

41. Strongly encourages synergies among the EU's External Financing Instruments in support of civil society, and calls for a comprehensive mapping exercise at country level of all EU civil society funding, so as to avoid duplications and overlap, and to help identify possible funding gaps and needs;
42. Encourages the EU to adopt guidelines on partnerships with churches and faith-based organisations and religious leaders in cooperation for development, based on the experiences of international organisations and programmes (such as UNICEF, the World Bank, WHO or the UN Development Programme), and good practices in EU Member States and abroad;
43. Strongly recommends better protection for the representatives of CSOs in third countries in order to tackle any possible hostility directed towards them;
44. Welcomes the greater flexibility provided by a number of EU financing instruments relevant to development cooperation, which enables, inter alia, easier registration of grant applicants and confidentiality for recipients where necessary; considers, however, that more can be done to provide the most appropriate and tailored response to specific country situations, including more up-stream information on upcoming calls for proposals, more funding opportunities, more regular roadmap updates, the public availability of roadmaps, the harmonisation and simplification of funding modalities, and support for CSOs in their administrative procedures;
45. Calls on the Commission to include in the DCI Multiannual Indicative Programme 2018-2020, a thematic global call for proposals, specifically addressing the issue of shrinking civil society space;
46. Calls on the Commission to increase EIDHR funds to address the shrinking space and the situation of HRDs; deplores the fact that the annual sums in some countries are at an extremely low level; calls on the Commission to identify new forms of activism to be funded by the EIDHR, by taking a comprehensive approach to CSOs, and to continue its efforts to put in place a more flexible and simplified procedure for accessing EIDHR funding, especially for young people, including more significant exceptions for those CSOs in particular danger and support for unregistered groups which should eventually be recognised by the authorities; considers that greater emphasis should be put on support for local groups and actors, since human rights issues are often experienced in a more real and acute way at local level; reiterates the importance of the EIDHR in providing urgent direct financial and material support for HRDs at risk and the emergency fund that enables the EU delegations to award them direct ad-hoc grants; recognises the importance of coalitions or consortiums of international and national civil society actors to facilitate and protect the work of local NGOs against repressive measures; calls on the Commission, the EEAS and the Member States to promote the effective joint implementation of the EU Guidelines on Human Rights Defenders in all third countries where civil society is at risk by adopting local strategies for their full operationalisation;
47. Instructs its President to forward this resolution to the Council and the Commission.

11.7.2017

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Development

on addressing shrinking civil society space in developing countries

(2016/2324(INI))

Rapporteur (*): Francisco Assis

(*) Associated committee – Rule 54 of the Rules of Procedure

SUGGESTIONS

The Committee on Foreign Affairs calls on the Committee on Development, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Denounces the phenomenon of shrinking civil society space, which is part of a global authoritarian pushback against democracy and human rights; deplores the fact that in certain third countries freedom of expression is often restricted in order to silence dissent or criticism, including online by blocking mobile internet, restricting social media and banning communication with foreign groups; recalls that certain groups, such as women, young people, LGBTI people and minorities, for example the Roma, indigenous peoples and people with disabilities, suffer disproportionately under these restrictions; calls on governments to investigate and ensure accountability for acts of harassment and intimidation against civil society organisations (CSOs) and individual activists, who are merely exercising their rights of freedom of expression, assembly and association; warns against the increase in the use of unnecessary and excessive force by security forces to repress assemblies, including through surveillance, arbitrary detention, torture and other ill-treatment, and the imposition of the death penalty; expresses its concern about severe restrictions of press freedom by certain states which dismantle independent media through harassment and repressive legislation, forcing journalists and bloggers to choose between self-censorship, harassment and arrest, and exile; recalls that the long-term stability, democracy and resilience of a society can only be achieved and maintained by ensuring the openness and autonomy of the civic space and upholding the rights of freedom of opinion and expression, including on the internet, and of peaceful assembly and association; notes that restrictions on and threats to civil society may also originate from non-state actors, including from the business sector; denounces the impunity enjoyed by a number of states in their assault on civil society and deplores the fact that the relations between certain states and the EU are sometimes unaffected by said assault;
2. Is deeply concerned by the increasing attacks against human rights defenders (HRDs) worldwide; calls on the EU, and the Vice-President of the Commission / High

Representative of the Union for Foreign Affairs and Security Policy (VP/HR) in particular, to adopt a policy to denounce, systematically and unequivocally, the killing of HRDs and any attempt to subject them to any form of violence, persecution, threat, harassment, forced disappearance, imprisonment or arbitrary arrest, to condemn those who commit or tolerate such atrocities, and to step up public diplomacy in open and clear support of HRDs; encourages the EU delegations and the Member States' diplomatic representations to continue actively supporting HRDs, notably by systematically monitoring trials, visiting them in jail and issuing statements on individual cases, where appropriate;

3. Underlines that shrinking civil society space is a global phenomenon, which is not restricted to developing countries but also, and increasingly, occurs in established democracies and middle- and high-income countries, including EU Member States and some of the EU's closest allies; calls for the EU and its Member States to lead by example in strictly upholding the fundamental rights of civil society and to address any negative trends in this field;
4. Calls for the EU to acknowledge the need to provide guidance to governments, political parties, parliaments and administrations in beneficiary countries on developing strategies for establishing the appropriate legal, administrative and political environment to enable the efficient work of CSOs;
5. Considers that the EU should use its foreign policy instruments, including human rights and development instruments and bilateral agreements with third countries, to deal with the structural roots of the shrinking space problem and to design a multifaceted approach, since some countries, including developing ones, are imposing restrictions such as arbitrary registration and reporting requirements, distorted criminal charges, including criminal defamation laws, raids and audits, counterterrorism and security measures, travel bans, asset freezes and the deprivation of liberty; expresses concern that when CSOs are legally able to receive foreign funding, they may be labelled as 'foreign agents', which stigmatises them and significantly increases the risks they face; calls for the EU to reinforce its instruments and policies addressing institution building and the rule of law and to include strong benchmarks for accountability and the fight against impunity for arbitrary arrests, police abuse, torture and other ill-treatment of HRDs, bearing in mind that women and men experience this differently;
6. Considers that there needs to be a clearer connection between the EU's various foreign policy instruments: for example, when determining development cooperation allocations for third countries, account should be taken of trends and the situation with regard to the defence of human rights, democratic freedoms in the country concerned and how close its foreign policy positions are to those of the EU;
7. Calls on the Commission, the European External Action Service (EEAS), the Member States, the VP/HR and the EU Special Representative for Human Rights to be more vocal, consistent and timely in expressing objections well ahead of the adoption of restrictive CSO laws and practices and to raise this issue systematically in political and human rights dialogues at the highest level; warns against cases of the use of an excessively broad definition of terrorism to silence journalists, HRDs and political dissidents; considers that EU actors should continue to exert conditionality when allocating financial assistance to

governments of developing countries based on the space allowed to civil society; stresses the importance of the role of the EU delegations and encourages their further involvement in supporting CSOs and individual activists, including by offering assistance in judicial processes and monitoring trial proceedings of HRDs; considers that in cases of the rapid and dramatic shrinking of civil society space, Member States should grant high-level public recognition to affected human rights NGOs/individual HRDs for their work, for example by visiting them during official visits;

8. Calls on all EU actors to advocate more effectively in multilateral fora the strengthening of the international legal framework underpinning democracy and human rights, inter alia by engaging with multilateral organisations such as the UN, including the UN Special Procedures and the UN Human Rights Council's Universal Periodic Review (UPR) mechanism, and regional organisations such as the Organisation of American States (OAS), the African Union (AU), the Association of Southeast Asian Nations (ASEAN), the Arab League (AL) and the Community of Democracies Working Group on Enabling and Protecting Civil Society; recalls the importance to the Union of establishing an inclusive human rights dialogue with all partner states by including CSOs; calls on both the Union and its Member States to step up their good governance programmes with third countries and to promote the exchange of good practices with regard to the inclusion and participation of CSOs in decision-making processes; considers it necessary to promote tripartite dialogues between governments, the EU and CSOs, including on difficult issues such as security and migration;
9. Requests the establishment of a 'Shrinking Space Monitoring and Early Warning' mechanism, with the involvement of the relevant EU institutions, capable of monitoring threats against civil society space and HRDs and issuing an alert whenever there is evidence that a developing country is preparing serious new restrictions against civil society, or when the government is using government-organised non-governmental organisations (GONGOs) to simulate the existence of independent civil society, so that the EU is able to respond in a timelier, coordinated and tangible manner;
10. Commits to establishing, on an annual basis and through in-depth consultation with relevant institutional and NGO actors, a list of countries where civil society space is most under threat;
11. Calls on the Commission to increase the European Instrument for Democracy and Human Rights (EIDHR) funds to address the shrinking space and the situation of HRDs; deplores the fact that the annual sums in some countries are at an extremely low level; calls on the Commission to identify new forms of activism to be funded by the EIDHR, by taking a comprehensive approach to CSOs, and to continue its efforts to put in place a more flexible and simplified procedure for accessing EIDHR funding, especially for young people, including more significant exceptions for those CSOs in particular danger and support for unregistered groups which should eventually be recognised by the authorities; considers that greater emphasis should be put on support for local groups and actors, since human rights issues are often experienced in a more real and acute way at local level; reiterates the importance of the EIDHR in providing urgent direct financial and material support for HRDs at risk and the emergency fund that enables the EU delegations to award them direct ad-hoc grants; recognises the importance of coalitions or consortiums of international and national civil society actors to facilitate and protect the work of local

NGOs against repressive measures; calls on the Commission, the EEAS and the Member States to promote the effective joint implementation of the EU Guidelines on Human Rights Defenders in all third countries where civil society is at risk by adopting local strategies for their full operationalisation;

12. Calls on the Commission and the EEAS to establish best practices and to develop clear benchmarks and indicators related to shrinking space in the context of the EU Action Plan on Human Rights and Democracy and the EIDHR mid-term review, in order to measure tangible progress.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

| | |
|---|---|
| Date adopted | 11.7.2017 |
| Result of final vote | +: 58 -: 1 0: 7 |
| Members present for the final vote | Lars Adaktusson, Michèle Alliot-Marie, Francisco Assis, Petras Auštrevičius, Bas Belder, Mario Borghezio, Victor Boștinaru, Elmar Brok, Klaus Buchner, James Carver, Fabio Massimo Castaldo, Lorenzo Cesa, Aymeric Chauprade, Javier Couso Permuy, Andi Cristea, Arnaud Danjean, Knut Fleckenstein, Eugen Freund, Michael Gahler, Iveta Grigule, Sandra Kalniete, Tunne Kelam, Janusz Korwin-Mikke, Andrey Kovatchev, Eduard Kukan, Ryszard Antoni Legutko, Arne Lietz, Barbara Lochbihler, Sabine Lösing, Andrejs Mamikins, Alex Mayer, David McAllister, Tamás Meszerics, Francisco José Millán Mon, Javier Nart, Demetris Papadakis, Ioan Mircea Pașcu, Alojz Peterle, Tonino Picula, Julia Pitera, Cristian Dan Preda, Jozo Radoš, Sofia Sakorafa, Jordi Solé, Jaromír Štětina, Charles Tannock, László Tőkés, Miguel Urbán Crespo, Ivo Vajgl, Elena Valenciano, Geoffrey Van Orden, Hilde Vautmans, Anders Primdahl Vistisen, Boris Zala |
| Substitutes present for the final vote | Brando Benifei, Luis de Grandes Pascual, András Gyürk, Javi López, Marietje Schaake, Eleni Theocharous, Paavo Väyrynen, Marie-Christine Vergiat |
| Substitutes under Rule 200(2) present for the final vote | Inés Ayala Sender, Ádám Kósa, Ernest Urtasun, Bodil Valero |

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

| 58 | + |
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| ALDE | Petras Auštrevičius, Iveta Grigule, Javier Nart, Jozo Radoš, Marietje Schaake, Ivo Vajgl, Hilde Vautmans, Paavo Väyrynen |
| ECR | Bas Belder, Ryszard Antoni Legutko, Charles Tannock, Eleni Theoharous, Geoffrey Van Orden, Anders Primdahl Vistisen |
| EFDD | Fabio Massimo Castaldo |
| NI | Aymeric Chauprade |
| PPE | Lars Adaktusson, Michèle Alliot-Marie, Elmar Brok, Lorenzo Cesa, Arnaud Danjean, Michael Gahler, András Gyürk, Sandra Kalniete, Tunne Kelam, Andrey Kovatchev, Eduard Kukan, Ádám Kósa, David McAllister, Francisco José Millán Mon, Alojz Peterle, Julia Pitera, Cristian Dan Preda, Jaromír Štětina, László Tőkés, Luis de Grandes Pascual |
| S&D | Francisco Assis, Inés Ayala Sender, Brando Benifei, Victor Boștinaru, Andi Cristea, Knut Fleckenstein, Eugen Freund, Arne Lietz, Javi López, Andrejs Mamikins, Alex Mayer, Demetris Papadakis, Ioan Mircea Pașcu, Tonino Picula, Elena Valenciano, Boris Zala |
| VERTS/ALE | Klaus Buchner, Barbara Lochbihler, Tamás Meszerics, Jordi Solé, Ernest Urtegas, Bodil Valero |

| 1 | - |
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| EFDD | James Carver |

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| ENF | Mario Borghezio |
| GUE/NGL | Javier Couso Permuy, Sabine Lösing, Sofia Sakorafa, Miguel Urbán Crespo, Marie-Christine Vergiat |
| NI | Janusz Korwin-Mikke |

Key to symbols:

+ : in favour

- : against

0 : abstention

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

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| Date adopted | 30.8.2017 |
| Result of final vote | +: 22 -: 1 0: 1 |
| Members present for the final vote | Ignazio Corrao, Raymond Finch, Doru-Claudian Frunzuliță, Charles Goerens, Enrique Guerrero Salom, Heidi Hautala, Maria Heubuch, Teresa Jiménez-Becerril Barrio, Arne Lietz, Linda McAvan, Norbert Neuser, Vincent Peillon, Elly Schlein, Eleni Theodorou, Paavo Väyrynen, Bogdan Brunon Wentă, Anna Záborská, Joachim Zeller |
| Substitutes present for the final vote | Marina Albiol Guzmán, Thierry Cornillet, Agustín Díaz de Mera García Consuegra, Frank Engel, Paul Rübig, Rainer Wieland |

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

| 22 | + |
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| ALDE | Thierry Cornillet, Charles Goerens, Paavo Väyrynen |
| ECR | Eleni Theoharous |
| EFDD | Ignazio Corrao |
| PPE | Agustín Díaz de Mera García Consuegra, Frank Engel, Teresa Jiménez-Becerril Barrio, Paul Rübig, Bogdan Brunon Wenta, Rainer Wieland, Joachim Zeller, Anna Záborská |
| S&D | Doru-Claudian Frunzuliță, Enrique Guerrero Salom, Arne Lietz, Linda McAvan, Norbert Neuser, Vincent Peillon, Elly Schlein |
| VERTS/ALE | Heidi Hautala, Maria Heubuch |

| 1 | - |
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| EFDD | Raymond Finch |

| 1 | 0 |
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| GUE/NGL | Marina Albiol Guzmán |

Key to symbols:

+ : in favour

- : against

0 : abstention