



2016/2324(INI)

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

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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 Boştinaru, 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 Paşcu, 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	+
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 Theocharous, 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 Boştinaru, Andi Cristea, Knut Fleckenstein, Eugen Freund, Arne Lietz, Javi López, Andrejs Mamikins, Alex Mayer, Demetris Papadakis, Ioan Mircea Paşcu, Tonino Picula, Elena Valenciano, Boris Zala
VERTS/ALE	Klaus Buchner, Barbara Lochbihler, Tamás Meszerics, Jordi Solé, Ernest Urtasun, Bodil Valero

1	-
EFDD	James Carver

7	0
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