



Human Rights under threat: exploring new approaches in a challenging global context

19th EU-NGO Human Rights Forum
5th-6th December 2017

HRDN

Human Rights &
Democracy
Network



This report aims to capture the discussions, analysis and recommendations from the 2017 Human Rights Forum on ‘Human Rights under threat: exploring new approaches in a challenging global context’, co-organised by the European External Action Service (EEAS) and the Brussels-based Human Rights and Democracy Network (HRDN).

The Forum took place at a critical moment when international norms and standards are being challenged and many governments, who themselves signed up to the treaties, simply refuse to comply with obligations under international law – or go a step further creating a narrative against the human rights system. The report gives a sense of the diverse discussions and aims to provide a reference point for follow-up in 2018.

In attempting to capture the voices of the Forum the report does not necessarily represent the views of all the members of the HRDN or the network as a whole, which gathers over 50 NGOs operating at the EU level in the broader areas of human rights, democracy and peace. The report was drafted by Claire Ivers in collaboration with an HRDN core group.

HRDN’s vision is that human rights and democracy are placed at the heart of the EU’s internal and external policy agenda. This vision should manifest itself in an EU which effectively protects human rights at home and is a force for positive change in the world. In pursuit of this vision, HRDN aims to influence EU and EU Member States’ human rights policies and the programming of their funding instruments to promote democracy, human rights and peace. A core group of the HRDN worked on the Forum, led by Jean-Marie Rogue (FIDH and HRDN Troika member) together with Kersty McCourt and Tinatin Tsertsvadze (HRDN Troika members from Open Society Foundations and International Partnership for Human Rights), Iskra Kirova (Open Society European Policy Institute), Vincent Forest and Alvaro Lagresa (EuroMed Rights), Philippe Dam (Human Rights Watch), Lionel Grassy and Tiphaine Mathieu (FIACAT), Gaelle Dusepulchre (FIDH), Alexander Sjödin (Human Rights House Foundation), Kerstin Reemtsma (PBI-Guatemala), Susan Kerr (CSW). Thanks to Maryna Zastavna (International Partnership for Human Rights) for formatting the report.

Table of contents

Introduction	4
Protecting civic space: Early warning- early action	6
The way Forward: Recommendations	8
Communicating rights - changing narratives in a time of populism and disinformation	9
The way forward: Recommendations	11
Trade, business and human rights	12
The way forward: Recommendations	14
Conclusions	15
Annexes: Summaries of Working Group discussions	16
Africa: How poor governance and systemic corruption results in human rights violations	16
Latin America and Caribbean: Development, investment and inclusiveness, key conditions for the advancement of human rights	17
Asia: State and social intolerance towards religious belief or ideological diversity	18
Europe and Central Asia: Addressing propaganda and disinformation campaigns against civil society and the human rights agenda	19
Middle East and North Africa: The false dilemma between human rights and security	20

Introduction

On 5-6 December 2017, the 19th EU-NGO Human Rights Forum on ‘Human rights under threat: Exploring new approaches in a challenging global context’, took place in Brussels, co-organised by the European External Action Service (EEAS), the European Commission and the Human Rights and Democracy Network (HRDN).

The Forum brought together human rights defenders from across the world, civil society representatives, EU officials and parliamentarians, international experts and UN representatives to exchange experiences and discuss new strategies and tactics for the EU and its member states to successfully challenge the growing backlash against the international human rights system. In a sign of the ever-challenging times for civil society, a number of human rights defenders were prevented by their respective governments from travelling to the Forum.

*‘We are reaching the tipping point- it’s time to sound the alarm’, Marietje Schaake,
Member of the European Parliament*

Participants took stock of the backlash that is currently taking place against the international human rights system. According to Michael O’Flaherty, Director of the EU’s Fundamental Rights Agency, ‘this is the first time that we are seeing a formal rejection of the human rights system’. The attacks are many and stem from authoritarian leaders, populists, terrorists, to powerful states such as China, Russia and more recently the Trump administration in the US. As the world sways from crisis to crisis, the laws of war are being regularly violated, in countries such as Syria, Yemen and South-Sudan, causing human suffering on a mass scale.

‘This is the first time that we are seeing a formal rejection of the human rights system’, Michael O’Flaherty, Director of the EU’s Fundamental Rights Agency

Fundamental freedoms are being restricted in the name of security and national interests with terrorism frequently being used as a pretext to crush civil society. With nationalism on the rise amid growing inequality and poverty refugees, migrants and minorities are often used as scapegoats. The EU itself is increasingly faced with domestic challenges such as the pushback against minorities and refugees, deplorable levels of hate speech and growing restrictions on civil society.

‘The problems are serious but we are able to respond. We must hold firm and must not yield an inch in what has been achieved in law and practice over the past 70 years’, Michael O’ Flaherty, Fundamental Rights Agency

This retreat from the international human rights system is being fuelled by disinformation and the spread of ‘fake news’. Yet, facts remain powerful, which is why authoritarian leaders, populists and their supporters are increasingly using disinformation and false narratives to undermine rights, democracy and the rule of law, and delegitimise those who expose truths and document human rights violations.

The space for the defenders of the defenders is also shrinking. This is why we need to work even more together, to make sure that this trend does not consolidate further’, EU High Representative Federica Mogherini

While the full spectrum of rights concerns across the world could not be addressed during the course of the two-day Forum, particular themes of concern were chosen for each regional working group discussion. On Day 1, five geographic working group discussions took centre stage, taking as a starting point for the discussions a particular challenge in the region. The geographical discussions on Day 1 served as a basis for three thematic discussions on Day 2. Summaries of the geographic working group discussions are annexed to the report.

I. Protecting civic space: early warning- early action

‘We are living in extremely difficult times for NGOs and for civil society all around the world’, EU High Representative Federica Mogherini

Participants sounded the alarm bell explaining how the situation for civil society organisations and individual human rights defenders has rapidly deteriorated since the 2015 EU-NGO Human Rights Forum on ‘Promoting and Protecting Civil Society Space’. Authoritarian governments are learning quickly from each other on how best to restrict, undermine and silence civil society, particularly human rights defenders and civic groups that monitor and speak out about their conduct. At the same time, undermining or silencing those who work to protect human rights has become a more overt strategy of governments. In 2017, 300 murders of human rights defenders and environmentalists were documented around the world, 67% of which were human rights defenders engaged in environmental, land and indigenous people’s rights, principally in the context of mega-investment projects.

‘The EU is like a two-speed train, promoting EU values while looking at the partner countries’ interests. This explains the gaps between words and actions, between speeches and realities. This needs to be better balanced’, participant from the Middle East and North Africa region

In the Middle East and North Africa, examples were provided on how security threats or the pretext of terrorism, such as in Egypt, is increasingly being used as an excuse to shrink the space for social unrest and civil society action. Experiences from Africa were shared explaining how anti-corruption activists are increasingly being targeted making the fight against corruption even more difficult. Participants from Latin America and the Caribbean region, explained how human rights defenders continue to suffer stigmatisation and attacks by media, governments, companies and face trials with scant regard for due process. In some countries, there is no space left to shrink and the EU’s response to this is still lagging behind. The case of Ahmed Mansoor, the last human rights activist willing to speak out against human rights abuses in the United Arab Emirates (UAE), was highlighted. Mansoor, arbitrarily detained since March 2017, faces speech-related charges, yet the EU has refrained from publicly insisting on his release.

The EU Guidelines on human rights defenders seems to be a bureaucratic exercise in Brussels. It is no exaggeration to say that the proper implementation of these guidelines is a matter of life or death - it’s time to act’, Iverna McGowan, Head of EU Office Amnesty International

Several participants, especially from the local level, expressed concern over the EU’s lack of consistent and regular support to human rights defenders and organisations, difficulty accessing EU funding and a somewhat timid reaction to the generalised crackdown. Calls were made for the EU to do a better job of promoting dialogues with civil society as many defenders and organisations use contact with the EU

as a measure of protection. While actions such as public statements were welcomed, many stressed that the EU needs to ensure that its words are backed up with a strategy as too often statements are issued with little follow-up. When the EU raises its voice and concerns, it needs to show that there will be consequences if the situation further deteriorates.

‘Nobody cares about the EU raising concerns if there are no consequences’, Emin Milli, Founder, Meydan TV

While it was acknowledged that the EU has taken some important steps in the face of this crackdown, its actions are too often reactive rather than preventive, with the EU and its member states often pursuing a ‘wait and see approach’. Some participants pointed out that when the EU has responded quickly there have been positive results. The example of Armenia was highlighted where a lawsuit was filed against a civil society organisation on charges of defamation. A timely response from the EU delegation is seen to have played a critical role in the charges being dropped whilst also sending a signal that the organisation and their partners were trusted and doing valuable work.

Participants discussed the ways in which the EU and other actors can identify early warning signs and take preventive action when simmering threats emerge. With the very essence of civil society under threat, it was concluded that a more robust EU response is needed to help counter these threats. This response should be political and not just technical as attacks are mainly driven by political motives. Several preventive actions were highlighted as important such as early communications, regular monitoring and documentation of human rights violations and the development of EU assessment mechanisms to monitor the situation for civil society in each country.

The way forward: Recommendations

The Forum discussed actions and recommendations around four key stages: preventive and early action, emergency action and steps that **the EU, its member states and other key actors** can take to capture small openings in previously closed countries:

PREVENTIVE ACTION

- » Ensure core funding so that organisations can develop medium to long-term strategies;
- » Support organisations to carry out regular monitoring and documentation – so that trends can be identified and action taken;
- » Support organisations to build connections internationally and regionally – and for the EU and member states to facilitate these contacts;
- » Support the creation of diverse- and sometimes informal - networks – including with different actors (artists, journalists, businesses).

EARLY ACTION

- » Develop roadmaps that identify upcoming opportunities, flash points (such as elections), possible actions and partnerships. Such plans can complement existing human rights country strategies and civil society roadmaps – but need to be tailor-made and developed ahead of key moments;
- » Ensure an increased role for EU delegations that involves turning early warning signs into early action;
- » Ensure early communication and visibility for civil society - through tweets, articles in the press, speeches at events, seminars and visits to human rights defenders;
- » Ensure a targeted use of public statements;
- » Systematically support and facilitate strong and timely legal analyses – that can influence draft bills and support litigation;
- » Ensure support from regional bodies. When NGOs sound the alarm, they are sometimes seen as organisations that are simply complaining. If regional human rights bodies echo and amplify the message at an early stage – it can help ensure that it is taken seriously and action is taken.

EMERGENCY ACTION

- » Ensure funds are available through the human rights division of the European Commission's Directorate-General for International Cooperation and Development (DEVCO) that can support un-registered organisations and urgent actions;
- » Continue to support ProtectDefenders.eu ensuring the mechanism is able to provide emergency support to human rights defenders;
- » Support coalitions that rapidly come together in the face of a crisis and that can be an important forum to provide: protection and solidarity; diverse expertise; a space for others to join; alternative leadership (especially where formal leadership has failed); and that can set out a clear vision.

CAPTURING SMALL OPENINGS

- » Ensure that plans are put in place quickly when an opening seems to be emerging;
- » Work with other actors – if usual sources of support and partnership are unavailable;
- » Look to innovative initiatives.

II. Communicating rights - changing narratives in a time of populism and disinformation

‘A lie goes around the world before the truth puts socks on’, Thomas Coombes, Amnesty International

The Forum addressed how the discourse on human rights has become much more hostile with basic human rights principles facing challenges even in EU member states. International institutions and civil society organisations or individuals who promote principles of universality and indivisibility of human rights are often portrayed as having ‘secret agendas’ and guilty of spreading decadent ‘Western values’ and/or working against ‘national or traditional family values’. Government-sponsored ‘civic groups’ (GONGOs) are becoming increasingly influential and further muddle the narratives on human rights and democracy. The rise of disinformation was discussed, particularly in the Europe and Central Asia context. Here it is seen to be the core of the rhetoric of authoritarian leadership with many governments restricting space for free media in favour of spreading fake news.

‘We need to get mud on our shoes. It’s about people and about young people. We need to give people the opportunity to be engaged’, Forum Participant

In this challenging environment, the ways in which civil society and international actors, such as the EU, communicate about human rights is essential - both in institutionalised fora and in interaction with the broader public. All too often the human rights discourse can be perceived as an elite language amongst the general population. There was agreement that communicating rights needs to go back to basics using simple positive language and human rights advocates should seek and be ready to engage with constituencies and potential allies, on an issues basis. Efforts should also be made to ensure the authenticity of the messenger and calls were made for international human rights organisations to give victims and ordinary people platforms to enable their voices to be heard. A representative from Amnesty International explained how Amnesty is now giving refugees and others a platform to speak out through its social media accounts.

‘The narrative must reach the people. The narrative of extremists is that the West has double standards. The EU needs to look at ways to get its messages to the people- it needs to gain credibility with people. It needs to have more explicit speeches that will reach broader audiences’, Massaoud Romdhani, Executive member of EuroMed Rights and President of the Tunisian Forum for Economic and Social Rights (FTDES)

Discussions also pointed to the need for the EU to develop more convincing arguments about its own narrative and to explain better what it stands for and does in its relations with partner countries whilst staying clear of talking about Western or liberal values. Several participants, especially from the local level, stressed that a mixed EU message can do more harm than good. While speeches and statements

are welcome, they are becoming less credible when the EU fails to respond in a meaningful way when human rights violations occur. As one participant pointed out: 'it is time to show that there are consequences and set a real price on human rights violations'. Many participants also questioned the lack of transparency with regards to EU dialogues with third countries which primarily take place behind closed doors leaving citizens and civil society out of the equation.

'The EU continues to play a supportive role towards the African Union but there is no transparency about this dialogue. African civil society should be a key player, yet citizens are excluded. The EU should generate citizen participation', participant from Kenya

While there are some important initiatives being undertaken by the EU, including East Stratcom, to counter disinformation and provide space for independent and credible sources of information, more needs to be done. The too often weak reaction by Western democracies when independent media or CSOs are shut down in third countries does more to empower authoritarian governments to continue their campaigns. There was consensus that the EU should step up support for independent and free media which is an essential pre-condition to tackle false narratives and disinformation.

➤ For further information see a blog [Hope, not fear: A new model for communicating human rights](#) by Thomas Coombes, Amnesty International.

To the EU and its member states:

- » Develop more convincing arguments about the EU's human rights narrative whilst refraining from mixed messages or talking about Western or liberal values;
- » Get tougher with governments sponsoring disinformation preventing them from using their resources in Europe and using sanctions as a tool of punishment;
- » Invest more resources to supporting free and independent media and ensure meaningful action when independent media or CSOs are shut down;
- » Make visible by public campaigns, public meetings and other moments the importance and legitimacy of human rights defenders, and actively support their participation and action in dialogues with third countries;
- » Increase transparency in dialogues with third countries with the aim of generating citizen participation.

To the EU, international actors and civil society:

- » Develop a distinct positive narrative to ensure that rights communications do not engage on the terms of the oppressors;
- » Go back to basics using simple language when talking about human rights and work closely with schools and communities, and focus on critical thinking and education on human rights values;
- » Develop tools and educational guidance for civil society on how to respond to harassment and smear campaign narratives using good examples from other countries to develop and strengthen responses to propaganda;
- » Develop a long-term strategy for media literacy with aim of informing and educating the public;
- » Explore potential in the private sector for investment in independent media;
- » Carry out more awareness raising amongst the general public;
- » Encourage and support networking between attacked groups (LGBT, minorities) with the aim of creating a critical mass to support a positive narrative.

III. Trade, business and human rights

'The EU appears to have a discourse in favour of human rights but still pursues commercial agreements and investments to the detriment of human rights', participant from Latin America and the Caribbean

The strengths and weaknesses of EU policies in the field of trade, business and human rights were discussed in detail. There was agreement that the EU, as the world's largest market, is well placed to provide global leadership in its law and policy to reduce human rights violations. While the European Commission's 'Trade for All' Communication was welcomed, some shortcomings in the EU's trade policy were also identified.

Concerning the trade tools at the EU's disposal, some participants stressed that the potential of the essential clause in EU Free Trade Agreements (FTAs) has yet to be fully realised. Flaws in the Trade and Sustainability chapters of EU FTAs were identified including their design and how they insufficiently address environmental, human rights and social issues. Many also pointed to the severe shortcoming in providing remedies to affected communities and individuals. Participants also discussed the EU's 'Generalised System of Preferences' regulation, one of the EU's main trade tools to promote human rights in third countries granting certain developing countries preferential access to the EU market. While acknowledging that this is a key tool for the EU to promote human rights, it was stressed that the mid-term evaluation of the GSP regulation that is currently underway is an opportunity to address certain shortcomings of the instrument, such as a lack of transparency and civil society consultation.

'It is the communities themselves that have the response to the question on what the EU has to do to strengthen human rights', Jomary Ortegón, President, CAJAR (Columbia)

Several participants argued that investment projects, including European investments, in Latin America and the Caribbean are often to the detriment of human rights, provoking evictions, increasing inequality and poverty affecting mainly indigenous people and communities. Repression against human rights defenders and community leaders is very high in this context. Affected communities are too often left on the periphery with their views not being taken into account. To promote inclusiveness and strengthen human rights compliance, there was agreement that the EU and its member states should ensure that representatives of affected communities and civil society organisations are recognised as key stakeholders in the definition and implementation of trade, investment and development projects.

In recent years, the EU has developed several policies and pursued legislative initiatives in the area of business and human rights, such as the 2016 Communication on Corporate Social Responsibility, 2016 Council Conclusions on Business and human rights, the Action Plan on Human Rights and Democracy (2015-2019), the Non-Financial Reporting Directive and the Conflict Mineral Regulation. Participants discussed whether additional policy and legislative measures are needed beyond these initiatives and the UN Guiding Principles to address human rights violations resulting from some business operations. For instance, owing to the complex nature of global supply chains, there is an increased risk of human

rights violations including forced and child labour. It was noted that some EU members states have already taken promising steps to address these threats such as the French Duty of Vigilance law, which introduces binding human rights due diligence responsibilities for large multi-national businesses. Specific calls were made to the European Commission to consider introducing EU legislation establishing mandatory human rights due diligence obligations for EU companies operating inside and outside the EU, and to step up efforts to improve access to remedies.

To the EU and its institutions:

- » Use all EU trade tools and policies to help legitimise, protect and empower CSO's and human rights defenders;
- » Ensure the upcoming mid-term review of the GSP regulation:
 - Increases transparency and accountability of the GSP mechanism by making public the scorecards used for the monitoring of GSP+ beneficiaries;
 - Clarifies procedures for CSO participation in the GSP procedure thereby ensuring meaningful participation;
 - Announces the development of public roadmaps for all beneficiary countries that sets out specific human rights and labour benchmarks with a clear timeline for expected implementation whilst also identifying the key parties to the implementation process;
 - Establishes a complaints mechanism to resolve individual cases of labour or human rights violations;
 - Ensures Human Rights Impact Assessments before granting trade preferences to a candidate country and during implementation.
- » Establish a complaints mechanism under EU FTAs and investment agreements that civil society and affected individuals can rely on when infringements and violations occur. Furthermore, grant civil society procedural rights to bring cases and to start the dispute settlement mechanism included in FTAs;
- » Ensure meaningful participation of affected communities and civil society as key stakeholders in definition of trade agreements, development projects and in support of monitoring of investment projects of EU companies;
- » Use Human Rights Impact Assessments and improve them by creating an independent agency that would involve civil society in assisting to steer the process;
- » Guarantee and implement the same environmental, labour and human rights standards inside and outside the EU for commercial agreements;
- » Strengthen preventive action in the context of European investments by informing companies of the local human rights situation and by verifying the meaningful participation of local communities in debate of projects prior to their initiation as well as by monitoring the full implementation of free, prior informed consent;
- » Ensure that no European investments are concluded when there has not been a meaningful free, prior and informed consent and/or when the affected population expresses its refusal;
- » Introduce binding EU legislation establishing mandatory human rights due diligence obligations for companies operating within and outside the EU;
- » Move towards the adoption of an EU action plan on business and human rights;
- » Support and actively participate in negotiations on a binding UN Treaty on business and human rights.

Conclusions

‘We need to be firm in defense of universal principles’, Mercedes Garcia Perez, Head of Division, Human Rights at the European External Action Service

The 19th EU-NGO Forum highlighted the need for the EU and its member states to **address the root causes in addition to the grave consequences of human rights violations**. Human rights cannot be advanced in the long-term nor can deep democratic reform be supported if issues such as corruption, unsustainable investment policies, manipulation of religion or of information, the use of stability as an excuse for repression, are not integrated into a coherent global approach.

This demands a cultural change leading to a more coherent EU identity and narrative on the world stage. This should include more visible long-term policies promoting human rights and addressing the societal root-causes which foster violations, as well as **early action based on a reinforced early-warning system**.

Human dignity is not an east, west, north, south concept. It exists in every single society.” - Stavros Lambrinidis, EU Special Representative for Human Rights

What the EU stands for as an international actor should also be much more easily understandable by populations across the world. The EU should be seen as an actor **defending the universality of human rights through positive narratives**. These positive narratives should not only aim at rectifying attempts to propagate fake news or regressive narratives. They should offer responses that appeal to the lives of the people: What would be my life look like if my rights were respected? How could I live better if corruption was countered, if investments benefited my community, if security meant something else than repression? The EU should now move to foster partnerships, including with new alliances, to jointly tackle these concrete challenges and lead the way in **building a global constituency on human rights**.

Such increased clarity and connectivity of the EU’s policies can however only work if it goes beyond communication on human rights. Positive narratives must reflect **a genuine coherence of policies and the EU must do more to include populations in trade and development policies while making sure that private actors, especially in the area of business, are held accountable**.

Given the unprecedented challenges, there was resounding agreement that this is **not a time for complacency but for action**. The EU and its member states have all the features of a leading world power if their diplomatic, development, trade and security policies are combined efficiently. Such a wide range of instruments is somewhat unique and the Forum’s participants expressed a clear demand that this is matched with **strong and determined leadership in the field of human rights**.

Annexes: Summaries of Working Group discussions

Africa:

How poor governance and systemic corruption results in human rights violations

As highlighted in a recent European Parliament report, corruption is one of the most neglected causes of human rights violations. Corruption can be defined as the use of public office to gain fraudulent and unofficial wealth or capacities. It can be present at all level of society and public services.

Corruption creates injustice by increasing inequality in access to financial and economic resources, by encouraging impunity and arbitrariness, and by fuelling political and religious extremism and conflicts. Corruption greases the wheels of exploitation, institutionalised racism, and inequalities. It fuels poverty and impoverishment. Most vulnerable groups (such as women, children, and minorities) are the most affected by corruption. Corruption undermines the principle of non-discrimination which is at the heart of the respect of international human rights conventions.

To address this phenomenon at global and national levels, a double effort is needed. While corruption is many times recognised as a crime under national legislations, it still needs to become a crime under international law in order to address this cross-border phenomenon in a comprehensive way. In parallel, the domestic transposition and implementation of international human rights law is essential as the reinforcement of the rule of law and respect for human rights are a way to address institutionalised corruption.

The role of civil society is key to fight corruption, yet CSOs often lack means to do so and suffer attacks by the authorities and non-State actors. Anti-corruption activists are human rights defenders and they need to be protected as such from any type of harassment. Anti-corruption organisations need to be empowered and positive measures must be taken to ensure freedom of speech and freedom of the press, which are paramount in the fight against corruption.

It is important to raise awareness of the population on both corruption and human rights. Awareness is important because public support plays a major role in the fight against corruption: the population needs to keep its capacity to be outraged by such a phenomenon. Moreover, transparency is key to fighting corruption. Governments and national authorities need to be more transparent about their budget, expenses, and projects with contractors. Transparency limits opportunities for abuses by authorities. It is important to ensure the highest standards in the management of financial institutions, and to reinforce the monitoring of public funds. There is a strong need for the reinforcement of ethical and integrity background checks for public officials.

Participants also discussed the cycle of corruption in the context of conflict, which refers to the phenomenon whereby elites and armed groups use a conflict as a means to steal natural resources; the key actors of the settling of a conflict therefore have more interest in perpetuating rather than ending the conflict. In such a cycle, corruption fuels an armed conflict while the conflict fuel corruption. The

consequence from this vicious circle is that the population suffer directly from the conflict itself but also from the tapping of resources taking place as part of the conflict and which makes it even more vulnerable to poverty.

Participants concluded that there were three pillars to fight corruption: transparency at all levels, the principle of accountability and fighting impunity, and monitoring by the population. Civil society needs to participate at every level of monitoring. The primary challengers against corruption against corruption need to be home grown local CSOs and the population.

Latin America and Caribbean: Development, investment and inclusiveness, key conditions for the advancement of human rights

Participants discussed how many investment projects in Latin America and the Caribbean – including European ones – have failed to promote inclusive development and have on the contrary increased inequalities and poverty. Such problematic investments have led to violence, social conflict and the destruction of the environment, and have particularly affected indigenous peoples and communities. In several countries of the region, nearly half of the national territory has already been granted in concession to private companies. This phenomenon would not be possible without a clear collusion between companies and governments in a context where corruption and impunity renders administrative and legal safeguards only theoretical.

Attacks against human rights defenders and community leaders are endemic in these contexts. They take the shape of their stigmatisation by the State and by non-State actors and the criminalisation of their peaceful activities often in the form of flawed trials. Of the more than 300 murders of human rights and environmentalists that occurred in 2017 around the world, more than half occurred in Latin America. 67% were human rights defenders engaged in environmental, land and indigenous people's rights, principally in the context of mega-investment projects.

Participants welcomed the public engagement by the EU with regard to human rights and its leading role in addressing climate change and sustainable development. However, they also highlighted a gap between this discourse and practice. Participants considered that imbalanced association agreements between the EU and countries of the region reinforce an economic model based on extractive and monoculture industries. Such a model undermines rather than fulfils the economic, social and cultural rights of the Latin American and Caribbean populations and reinforces the destruction of the environment.

Participants found that the EU played a major role in the region through its international cooperation aid. But this aid addresses the symptoms and consequences of unfair economic models, rather than the root causes. EU Delegations have reacted to emergency situations affecting the security of human rights defenders, sometimes including when these threats have come from non-State actors linked with the activities of European companies.

Participants discussed ways to promote “inclusiveness and benefit for all”. They agreed that a necessary

condition for this was to respect the prior meaningful participation of concerned communities and civil society organisations in the definition of trade agreements and of development projects, as well as major investments by European companies. Communities and local populations are those who know best what are the priorities for their own development and what human rights risks exist. No investment should be made when there has been no meaningful free, prior and informed consent or when the affected population have expressed its refusal.

Trade agreements must also better promote inclusiveness by demanding the same level of implementation of environmental, labour and human rights standards inside and outside the EU. Trade agreements should be compliant with national and international law in the areas of human and environmental rights and regulatory mechanisms should be put in place to monitor their respect by Europe-based companies through their activities and their supply chain.

In order to address the closing space for civil society and deter attacks against human rights defenders, participants asked the EU to raise awareness through public campaigns to show their support for human rights defenders and address concrete cases of attacks – more often and in a more public manner. Participants pointed out the positive experience offered by mechanisms such as the ‘Filter Group’ in Guatemala and asked for clear political orientation towards EU Delegations and member states’ missions to reproduce these good practices and to have dialogue with civil society.

Asia:

State and social intolerance towards religious belief or ideological diversity

Participants acknowledged that the human rights situation in Asia varies significantly between the countries of Central, South and East Asia – the region enjoys linguistic, cultural and religious diversity as well as different histories, political structures and levels of development.

However, in the context of this diversity, participants considered that there is a trend on the continent towards a parochial group mentality amongst several countries within the region in which the government, religious groups, or both conflate the state with a particular religion. Thus, definitions of the rights to freedom of religion or belief (FoRB) and to freedom of expression are set by a predominant group – i.e., religious groups and/or the government. These definitions are often interpreted in favor of the hegemonic group’s interest, leaving dissenters and religious minorities prone to systematic discrimination and persecution.

Participants highlighted the dichotomy between the provision of domestic legal frameworks protecting the right to freedom of religion or belief on one hand and the lack of implementation coupled with “creative interpretations” of these laws on the other. This can be seen for example in Pakistan where even with FoRB guaranteed by the constitution, broad and inconsistent interpretations of loosely defined blasphemy laws and the state’s ad hoc usage of these laws disproportionately target religious minorities.

Furthermore, cultural values are often invoked in illegitimate claims of homogeneity, and religion is used as a justification for repressive policies. China was brought up as a case in point, where the launch of

the repressive ‘five introductions’ and ‘five transformations’ policy calls for the sinicization of religions and strict regulations of religious activities in order to align them with the Chinese political system and values and to purge foreign infiltration.

Although a panacea for the various and distinct violations of FoRB in Asia is beyond the bounds of possibility, several best practices were raised during the discussions. The importance of strengthening domestic laws and practices was underlined as well as the empowerment of the local population and civil society through education on FoRB and on how to engage with international instruments such as UN mechanisms.

Along with bolstering the actors on the ground, participants agreed that the EU should increase its leverage in talks of human rights by reframing tricky issues. Rather than an upfront discussion on sensitive human rights concerns such as FoRB, dialogues with other countries can be more effective by framing controversial human rights topics within a more universally accepted subject such as the Sustainable Development Goals or under the umbrella of the GSP+. Consequently, when dealing with issues such as blasphemy laws, some participants urged the EU to take a step-by-step approach where periphery issues within the country are targeted before focusing on the central contended issue of blasphemy laws.

Lastly, the participants articulated that the EU should not use watered-down language when addressing violations of FoRB and other human rights. By the same token, the EU should avoid talking about human rights issues using Western arguments and prevent human rights dialogues from being mistakenly seen and discussed as a Western concept. This notion of human rights as an exclusively Western concept must be rejected and instead it must be understood as universal. It must be emphasised that human rights standards have been built by countries with diverse cultures and traditions, including countries in Asia.

Europe and Central Asia:

Addressing propaganda and disinformation campaigns against civil society and the human rights agenda

Participants underlined that propaganda and disinformation are not new phenomena for this region, but that today – while using some of the old tools – they differ from the past. The role of today’s propaganda is not to provide its narrative but to weaken the (Western) narrative on democracy and human rights.

Disinformation is nowadays at the core of the rhetoric of authoritarian leaderships, it is used as a political instrument with the only aim of further consolidating power. The authorities try to delegitimise the rule of law, democracy and human rights by confusing people and by making them rely on their narrative. This kind of narrative needs a clear identification of enemies in order to distract people from the real problems. Hence civil society is presented as non-transparent and having a secret agenda, and minority groups such as refugees and LGBTI people become an obvious target. At the macro level, it is the international system built after World War II that is undermined by disinformation and fake news.

Participants welcomed the work of East Stratcom as a tool to counter disinformation and offer a positive narrative. They discussed how its cooperation with civil society could be improved and how to reach a wider audience than those who already believe in the importance of debunking fake news. They also

underlined that the EU needs to develop more convincing arguments about its own narrative and what it stands for in its relations with partner countries, and promote it more outspokenly on the ground. Others argued that symmetric responses to disinformation will not work; instead the EU should develop targeted programs aimed in particular at agents of change such as the youth.

When discussing ways to counter disinformation, participants highlighted the importance to create open environments for media and bring back alternative sources of information. Talking about ‘Western’ and liberal values is counterproductive; instead the accent should be put on the fact that governments voluntarily commit to those values by signing existing conventions and treaties. In this context, international organisations should be empowered and their mandates should be strengthened in order to remain the main platform for discussion.

Participants tried to determine how the EU could do better in its approach to disinformation. They first noted that EU’s weak reaction when independent media or NGOs are closed down in partner countries. A key step is to set a higher price on human rights violations; in that context NGOs need to inform EU delegations on the ground at an early stage when civil society is under attack. Funding to civil society also plays a major role: it should be increased and made more flexible. In parallel to that the EU should get tougher with governments sponsoring disinformation and prevent them from accessing their resources in Europe as well as using targeted individual sanctions against responsible government officials and ministers, following the example of the Magnitsky act.

Finally, participants discussed the potential of the private sector as an ally in the fight against disinformation and the shrinking space for civil society. The example of George Soros – feared by so many authoritarian regimes – should serve as inspiration for other successful businessmen to start supporting independent media. Today media needs help to increase audience engagement, conduct investigatory reporting, perform fact-checking and improve media literacy in order to educate the wider public.

Middle East and North Africa:

The false dilemma between human rights and security

The Middle-East and North Africa region (MENA) is characterised by a continued repression of social movements and a political unrest caused by inequality and the generalised violation of economic and social rights. Governments have left the root causes of this uproar totally unaddressed. Instead, they have focused on security threats and have built a stability narrative using these threats as a justification for the shrinking of the civil society space and the silencing of dissent voices.

Participant have found that the approach adopted by the EU and its member states in response to this context has mostly been short-sighted and partially focusing on certain conflicts and issues at a time. Rather than devising a long-term preventive approach, the EU has mostly sought to mitigate open conflicts once they have exploded. At the same time, MENA governments have been empowered to implement their own long-term agenda of repression. Some countries have thus managed to present themselves as indispensable actors for regional stability while actually fuelling conflicts domestically and externally to maintain power.

Participants have considered that the EU and its member states have not engaged enough with the civil society and the human rights community in the region. Support to core human rights organisations lacks consistency and regularity, and the reaction to a generalised human rights crackdown in the region is timid. This has led to an accentuation of the unequal stand between governments and the civil society, in particular human rights organisations, in their respective relations with the EU.

The political and economic relations between the EU and MENA governments are crossed by several dilemmas which acutely affect the situation of the human rights community:

- Engagement vs. conditionality: EU conditionality in relations with MENA states has not worked, either because it has not been used consistently or because it has not been sophisticated enough. In most instances, the EU prioritises soft power over a genuine conditionality policy;
- Public vs. private diplomacy: Although both can be combined for more efficiency, participants called on the EU to be more vocal when violations occur and stand more firmly by CSOs;
- Preventive vs. reactive responses: The EU tends to apply a ‘wait and see’ policy which prevents it from acting efficiently at the right moment. Therefore, an early warning/early action mechanism could be useful to push the EU and member states to innovate in their responses to early signs. The human rights role of EU Ambassadors should also be more institutionalised.
- Support to independent NGOs vs. working with ‘GONGOs’: In many instances, the EU supports independent human rights organisations while developing contacts with GONGOs. These may do relevant work outside the core of human rights protection. However, the EU should make sure that it does not support GONGOs through its human rights instrument, at the expense of genuine grass-root human rights CSOs – whose work is already complicated by complex application rules.

Participants recommended to the EU that it properly monitors its budget support to MENA authorities while evaluating strategically the long-term impact of such support on the human rights situation in the countries of the region. The EU should step-up its support to CSOs, to empower them to offer a response to mounting repression by authoritarian regimes. EU Delegations should have a reinforced role in terms of human rights promotion and better involve the human rights community in all consultations.

Participants also insisted on the need for better strategic follow-up. When an EU Delegation acts to address a human rights violation in a country, it should keep the civil society informed on the long run about the consequences of such actions. The EU should prioritise public diplomacy concerning individual cases when the relevant CSOs and human rights defenders advise it to do so. Participants also considered that the EU should better communicate about its actions in the area of human rights and aim to fill the gap between speeches and realities on the ground.

